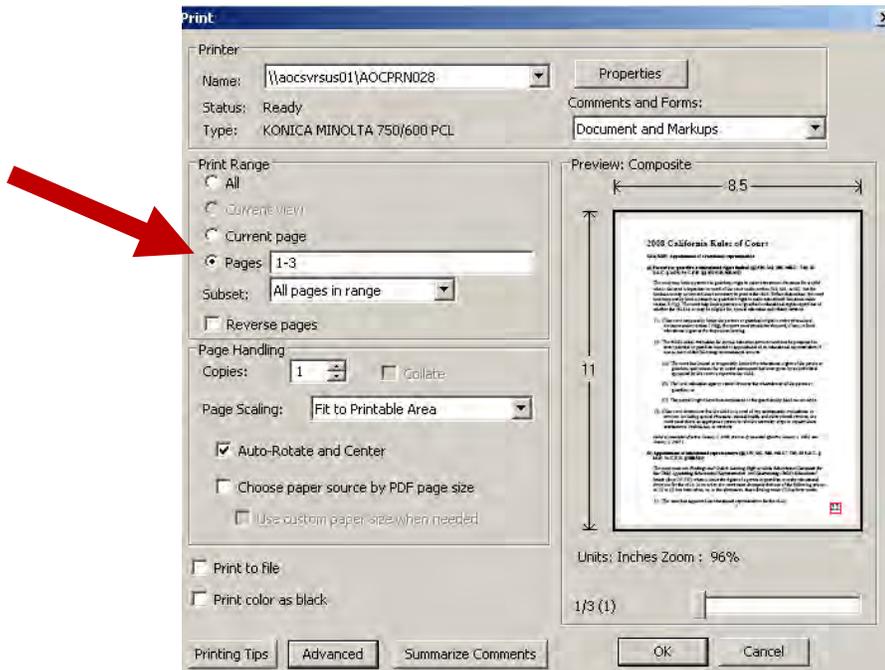


Dear Colleague:

Enclosed are Beyond the Bench 2010 handouts, PowerPoint slides, articles, and other resources made available by faculty.

In keeping with the efforts of going “green”, we encourage you to read from the electronic document rather than print hundreds of pages.

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Thank you.

Beyond the Bench conference staff

FRIDAY – JUNE 4, 2010

8:00 am – 12:00 pm

education credit:

BBS

MCLE

STC (certification:

3483-055363)

target audience:

attorneys

CASAs

probation officers

social workers

Effecting Educational Outcomes in Juvenile Court Through Increased Awareness and Collaboration

The panel of experts will be prepared to answer questions and provide feedback about how best to navigate the educational law system while incorporating the requirements of recent legislation and rules of court. The panel will also provide a forum for addressing how effective collaboration and improved awareness amongst juvenile court stakeholders can lead to more successful outcomes for youth, while identifying the educational rights afforded to youth. Participants will also gain insight into options and opportunities for higher education available to older youth and the importance of incorporating long-term educational goals into case plans and independent living plans.

Learning Objectives:

- Identify the relationship between successful educational outcomes and transition from the juvenile justice system.
- Identify the role and responsibilities of the educational rights holder and ensure that every child appearing before the juvenile court has someone holding educational rights.
- Incorporate the requirements of recent legislation and rules of court into daily practice.
- Promote a cultural shift within their communities that improves awareness, and learn tools for effective collaboration amongst agencies and others who do not typically work within the juvenile justice system.
- Develop case plans and independent living plans that successfully incorporate educational opportunities available to older youth.

Faculty:

- **Hon. Ana España**
Judge, Superior Court of San Diego County
- **Hon. Tamara Mosbarger**
Judge, Superior Court of Butte County
- **Jesse Hahnel**
Attorney and Skadden Fellow, National Center for Youth Law
- **Steve Ashman**
Executive Director, CASA of Stanislaus County
- **David Ruiz**
Probation Services Manager, Fresno County Probation
- **Jacqueline Wong**
School Health Education Consultant, Foster Youth Services Program

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Administrative Office of the Courts, Center for Families, Children & the Courts

Career Development and Employment Preparation

A Policy Framework for California's Foster Youth



Prepared for the Foster Youth
Career Development and Employment Summit

January 8-9, 2008 • Sacramento, California



**Foster Youth
Career Development and Employment Summit
Sacramento, California
January, 2008**

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Foster Youth Career Development and Employment Summit Sacramento, California January, 2008

Overview

The Summit

The Foster Youth Career Development and Employment Summit is the first statewide convening of foster youth, former foster youth, caretakers, community-based organizations, employers and professionals from child welfare, workforce development, education, and probation. The Summit addresses the critical issues relating to employment and career development for the nearly 85,000 young people in foster care in California.

This gathering is an extension of recent innovative work at the national, state, and local levels demonstrating the positive results of a streamlined, cross-disciplinary approach across government sectors. It also builds on the importance of public/private partnerships in preparing foster youth for success in living wage, career entry-level employment. The Summit brings policy makers together with a statewide network of county-based, cross-disciplinary teams working to improve quality employment and career development practices for foster youth in California.

The two-day summit is focused on providing solutions and policy recommendations aimed at achieving the following four outcomes:

- *Prioritize career development and employment for every foster youth*
- *Connect youth to education and workforce development programs*
- *Support emancipating and emancipated youth in their transition to adulthood*
- *Provide work experience and job opportunities that lead to economic success*

The Challenge

While career development, training and employment is key to every child's development and preparation for adulthood, it is especially critical for children in foster care who must navigate multiple systems during and after care - often without the benefit of a permanent relationship with an adult, family, or community to support them on that journey. While studies show that youth outside of the foster care system receive support from their families until the age of twenty-five, foster youth 'age out' of the foster care system at eighteen and are often left to face this transition on their own, in the face of daunting odds. According to a recent study conducted by the Pew Charitable Trust¹, of the more than 24,000 youth who leave foster care each year without a permanent family:

- **One in four is incarcerated** within the first two years

¹ Pew Commission on Children in Foster Care (2004). *Fostering the Future: Safety, permanence and well-being for children in foster care*. Washington: Author. Available at: <http://pewfostercare.org/research/docs/FinalReport.pdf>

- **One in five becomes homeless** at some time after the age of 18
- **Only 58% complete high school** (compared to 87% in the general population)
- **Only 3% earn college degrees** (compared to 28% in the general population)

Employment and economic outcomes for foster youth are equally troubling. A recent study by researchers at Chapin Hall Center for Children at the University of Chicago² show that former foster youth lag far behind the average American youth in employment and economic success.

The study found that:

- **Only 51.5% of former foster youth were employed at age 21** compared to 63.9 % of non-foster youth;
- **26.5% of the former foster youth did not have enough money to pay their rent** - compared to only 8.6 % of non-foster youth;
- **8.3% of the former foster youth were evicted from their place of residence** compared to only 1.4% of non-foster youth.

Similar results were found in a University of Chicago 2002 study³ of foster youth employment outcomes in three states, including California. Researchers found that youth aging out of foster care had very low levels of employment and earnings.

- **Youth aging out of foster care are underemployed.** No more than 45 percent of the aging out youth have earnings in any of the three states during any one of the 13 quarters of the study. This is also the case for reunified youth. A slightly larger proportion of low-income youth has earnings, but never more than 50 percent.
- **About 23 percent of youth in California had no earnings** during the entire 13-quarter period.
- **Youth who do work begin to do so early.** In all three states, youth were more likely to earn income for the first time during the four quarters prior to and the quarter of their eighteenth birthday than in the 2 years following. For youth who exited foster care by aging out, half in California had earnings prior to their eighteenth birthday.
- **Youth aging out of foster care progress more slowly in the labor market than other youth.**
- **In California, if youth did not work prior to exit, there was only slightly more than a 50-50 chance that they would begin employment after exit.** In Illinois, youth who did not have earnings prior to their eighteenth birthday had less than a 50 percent chance of beginning to work by the age of 20.
- **Youth aging out of foster care have mean earnings below the poverty level.** Youth aging out of foster care earn significantly less than youth in any of the comparison groups both prior to and after their eighteenth birthday. Average quarterly earnings do grow significantly

² Courtney, M.E. & Dworsky, A. (2005). *Midwest evaluation of the adult functioning of former foster youth: Outcomes at age 19*. Chicago: Chapin Hall Center for Children.

³ George, R., et al. (2002). *Employment Outcomes for Youth Aging Out of Foster Care*. Chicago, IL: University of Chicago, Chapin Hall Center for Children. Available at: <http://aspe.hhs.gov/hsp/fostercare-agingout02/>

from the 4 quarters prior to the eighteenth birthdays to the 8 quarters after it. In each state, the average earnings increases roughly \$500 per quarter. However, even with these increases, these youth average less than \$6,000 per year in wages, which is substantially below the 1997 poverty level of \$7,890 for a single individual.

The Solutions

The Summit Policy Papers address these issues in four key focus areas, identified as critical to ensuring that foster youth are better prepared to become successful and contributing adults:

Policy Focus Area One

Prioritize Career Development and Employment for Every Foster Youth

Goal: *Ensure that all the systems that support foster youth, and the caregivers with whom they live, prioritize and support a continuum of career development opportunities for foster youth over time.*

Ensuring the safety of the young people in their care has, for many years, been the primary focus of the courts, government agencies, professionals, and other caregivers that are responsible for foster youth in the child welfare and probation systems. More recently, child welfare practice has evolved to include promoting the overall well-being of the youth, providing for permanency, and preparing them for their future. Education and success in school, usually indicated by a high school diploma, has become a focus for the adults charged with caring for foster youth as well. With the exception of a few model initiatives and some entrepreneurial Independent Living Skills programs, there has traditionally been little focus on workplace exposure and career development activities for foster youth prior to emancipation, leaving many youth inexperienced and unprepared for life as working young adults. Unemployment is a significant contributor to the high rates of homelessness and poverty among emancipated foster youth and needs to be addressed early in a child's experience while in care. The system needs to focus attention on the transition to adulthood for all youth beginning as early as the age of twelve to ensure that all those who emancipate from care are prepared for the transition to adulthood.

Policy Focus Area Two

Systematically Connect Foster Youth to Education and Workforce Development Programs

Goal: *Through collaboration, coordination, and integration of existing education and workforce systems, resources will be leveraged so that all foster youth will have priority access to, and the ability to make informed choices about mature, established, career development programs and initiatives.*

California offers a wide range of career development and employment preparation opportunities to its young people – through our public schools, community colleges, out-of-school time initiatives, community-based training programs, workforce development, apprenticeship, and employer-sponsored training. Unfortunately, most foster youth are not routinely being counseled and supported to take full advantage of these opportunities. In order to improve employment outcomes for foster youth it is critical to leverage and access what's in place for any young person in the state and make sure that it is available to all foster youth as well.

Policy Focus Area Three

Support Emancipating and Emancipated Youth in Their Transition to Adulthood

Goal: Create a new investment to create a performance-based, cross-system service delivery continuum able to meet the individual needs of each transitioning foster youth and achieve the three fundamental goals of permanence, education, and employment:

Despite California's best efforts to improve the readiness of foster youth for the transition to adulthood, far too many youth still leave care unprepared for life on their own – without the skills, preparation, and supported transitional opportunities that will enable them to find and maintain stable employment, continue their education, and experience permanent connections to adults, peers, and their communities. Achieving the goals of permanence, education, and employment requires time, connections, and resources beyond the age of 18 for most young adults. At the same time as the movement to improve the systems that serve foster youth and reduce the number of youth who emancipate out of care are being intensified, new approaches to support and provide services to transitioning foster youth in their communities must also be put in place. Emancipated foster youth, along with other populations of transitioning youth, need a stable set of focused and developmentally appropriate services and opportunities to succeed as young adults, along with supportive families and communities to nurture their success.

Policy Focus Area Four

Provide Work Experience and Job Opportunities that Lead to Economic Success

Goal: Encourage public and private employers to hire current and former foster youth and provide opportunities to ensure that all foster youth are exposed to a series of workplace opportunities and experiences, including meaningful employment, prior to their transition from care.

Youth need early access to a continuum of opportunities that gradually introduce the concepts of employer expectations, workplace culture, and the skills necessary to be successful in the workplace. Employer supports should include information about the various ways in which they can be involved in providing work-based learning experiences for youth such as informational interviews, job shadowing, career mentoring and internships. The goal is to encourage public and private employers to hire current and former foster youth and provide opportunities to ensure that all foster youth are exposed to a series of workplace opportunities and experiences, including meaningful employment, prior to their transition from care.

Conclusion

Early career development and employment opportunities are essential to ensuring successful transition to adulthood for foster youth. A recent study of alumni of foster care by Casey Family Programs found that “youth with extensive employment experience are over four times more likely to graduate [from high school] than youth with no employment experience.”

While significant attention has been given to youth aging out of foster care since the passage of the 1999 Foster Care Independence Act, much more must be done to effectively prepare youth for employment. While the act provides fiscal incentives to states to provide enhanced services to foster youth, the provision of career development and employment preparation opportunities

are often missed due to systemic issues and other obstacles, as described in the policy papers prepared for the Summit.

Our commitment to better serve this population of young people must have a greater focus on long term planning and preparation for self-sufficiency. The time for action is now. The recommendations in each focus area and prioritized at the summit provide the framework for practical, achievable actions that will result in better outcomes for foster youth, and secure their place as productive adults in California's future.

About the Summit

The Foster Youth Career Development and Employment Summit is sponsored by Casey Family Programs and facilitated by New Ways to Work, in partnership with the Child and Family Policy Institute of California. The Policy Papers developed for The Summit were written by New Ways to Work, with significant advice and input from youth, caregivers, and hundreds of child welfare, workforce development, and education professionals. The papers build on the issues and solutions identified through the 2006 Foster Youth Employment Forums, the California NGA Policy Academy on Transitioning Foster Youth, the California Youth Connection's recommendations regarding employment preparation, Casey Family Program's work at the state-wide systems-building and county levels, New Ways to Work's national convening on Disconnected and Disconnecting Youth, the Youth Transition Action Team initiative, and other California initiatives and programs focused on the employment and career development elements of foster youth transition.

Prioritize Career Development and Employment for Every Foster Youth

1. The Issue

Ensuring the safety of the young people in their care has, for many years, been the primary focus of the courts, government agencies, professionals, and other caregivers that are responsible for foster youth in the child welfare and probation systems. More recently, child welfare practice has evolved to include promoting the overall well-being of the youth, providing for permanency, and preparing them for their future. Education and success in school, usually indicated by a high school diploma, has become a focus for the adults charged with caring for foster youth as well. With the exception of a few model initiatives and some entrepreneurial Independent Living Skills programs, there has traditionally been little focus on workplace exposure and career development activities for foster youth prior to emancipation, leaving many youth inexperienced and unprepared for life as working young adults. Unemployment is a significant contributor to the high rates of homelessness and poverty among emancipated foster youth and needs to be addressed early in a child's experience while in care. The system needs to focus attention on the transition to adulthood for all youth beginning as early as the age of twelve to ensure that all those who emancipate from care are prepared for the transition to adulthood.

2. The Goal

In order for foster youth to make appropriate career choices and achieve success in both employment and financial security, it is essential that career exploration and employment be supported as a critical part of development and preparation for adulthood for all youth in care, beginning early upon placement in foster care. Effective career development and employment preparation engages a young person early and often – in a sequence of experiences that provide for awareness and workplace exposures, exploration in fields of interests, and formal preparation for career areas of choice. The goal is to ensure that all the systems that support foster youth, and the caregivers with whom they live, prioritize and support a continuum of career development opportunities for foster youth over time.

3. The Situation

Adolescents who live in foster care have the same need as all adolescents to develop career aspirations, and experience the workplace as part of their development. Like all young people, they need support and guidance in this process, as well as opportunities to explore and prepare for life as a successful working adult. Foster youth, and the systems that govern their lives, face some special challenges in meeting these developmental needs. Historically, many youth in foster care have faced constant changes in their living arrangements, which have resulted in disruptions in their education, home, school, and community life. These disruptions have a negative impact on the development of life skills and the ability to meet educational goals. Too few foster youth finish high school. Their 50% completion rate is lower than the 70% on-time graduation rate with a high school diploma for all youth. The findings of the Casey Family Programs Alumni Study show that “among the risk factors

facing youth in foster care, low educational achievement may have the most adverse effect on long-term adjustment.” This same study found that “*youth with extensive employment experience are over four times more likely to graduate than youth with no experience.*”⁴ Given the many and varied issues facing foster youth, it is important that multiple strategies be in place to help them achieve educational success at the highest levels possible, which will in turn assist them developing a successful and sustaining career. Whether or not they have college goals and aspirations, it is often difficult for foster youth to graduate from high school with the full college preparation coursework needed to take advantage of all the opportunities available to them. Many foster youth are funneled into getting their GED, while other options, such as charter schools, partnership academies, alternative education, adult education, and community college can often offer a stronger foundation and more opportunities for the future.

Reforms in California’s child welfare system are beginning to address the need for greater stability in foster placements and school assignment, as well as the need for each young person to develop permanent connections with caring adults. To date, there has been less focus on addressing the specific need for career awareness, exploration, and preparation opportunities for every foster youth, including the need for employment experience prior to leaving care. The Child Welfare system itself has begun to recognize the need for career development and workplace experience for youth in care, but child welfare professionals need support, guidance, and assistance in designing and implementing approaches to provide these opportunities for the youth they serve.

There are other barriers that inhibit a young person’s ability to prepare for and experience the workplace prior to emancipation. Despite recent legislation that makes it possible for foster youth to get a driver’s license, by the age of 18 only a third of California foster youth have done so. In many cases, this creates a barrier to successful job placement and retention. Employment is often viewed by some as a privilege to be earned rather than an expectation for each youth in care. Others perceive employment as being in conflict with educational success or other transition goals and activities. Even for youth assisted by caregivers and/or professionals to find jobs during high school, the jobs in which they work are generally not connected to a long-term career plan, education or training activities, or part of a sequence of developmental activities intentionally delivered over time. Furthermore, caregivers are free to use attendance at the job as an incentive for good behavior – a privilege that can be taken away as punishment for any behavioral infraction – delivering a message inconsistent with the expectations of any workplace regarding employee behavior. These situations often work together to either prevent or disrupt employment preparation and experience for youth before they leave care.

⁴ Pecora, Peter J., Jason Williams, Ronald C. Kessler, Chris Down, Kirk O’Bien, Eva Hiripi, and Sara Morello. Assessing the effects of foster care: Early results from the Casey National Alumni Study. Casey Family Programs. <http://www.casey.org>

4. The Challenges

- 1. System priorities do not universally encourage a focus on career development and employment outcomes for foster youth.** Along with the existing priorities of safety, permanence, and well-being, the foster care system needs to prioritize education, career development, and employment as key measures of success for youth in care. The research is clear about the importance of education and employment to adult success, but there is currently no systematic way of assessing a youth's needs and interests, providing meaningful preparation activities for them, or holding the system accountable for timely attention to these issues.
- 2. Caregivers and youth don't always understand the importance of career preparation and employment experiences, and have not been made aware of the supports and opportunities available in their community.** Caregivers do not always understand that they can provide the foundation for critical job readiness skills and career exploration through everyday experiences and expectations. Youth often do not fully understand the importance of employment as part of their developmental experience as a young adult.
- 3. The parts of the system that do focus on preparation for and experience in the workplace, most often begin that focus as youth are nearing emancipation, too late to support a continuum of developmental experiences for youth.** Multiple career-related opportunities exist for youth in high school settings, but often the decision point to attend a particular school with special offerings occurs at the transition from middle school – long before caseworkers and/or care givers are focused on transition issues. Similarly, those programs within the system begin working with youth at sixteen – too late to offer a full range of opportunities and experiences to ensure effective preparation for the future.
- 4. The instability of foster youth placements, in home as well as school, is a major challenge for youth and creates barriers of many kinds.** Lack of continuity in school affects academic achievement, the ability to gather enough credits to graduate, building relationships with school counselors and other advisers who might assist with access to specialized programs or career planning, and peer and other relationships that can provide information about opportunities. A Casey Family Programs study found that more than thirty percent of youth in foster care had eight or more placements with foster families or group homes. Sixty-five percent experienced seven or more school changes from elementary through high school.⁵
- 5. The systems responsible for the care and support don't always share a common understanding of adolescent development.** Although research and information about quality practices are becoming more available in the fields of adolescent development, resiliency, and pathways to successful adulthood, many caregivers and professionals who come in contact with youth in the child welfare and probation systems do not have ready

⁵ Erbes, Karissa MSW, 2007, *Southern Area Consortium of Human Services Emancipating Foster Youth Literature Review*, Southern Area Consortium of Human Services and San Diego State University.

access to the very information that would assist them in supporting the development of the youth in their charge.

- 6. Caregivers and youth cite transportation to programs and jobs as a barrier to facilitating participation.** Although foster youth are eligible to get driver's licenses, the manner in which this option is implemented varies widely across the state. For example, local policy on car insurance for foster youth differs. Some counties use ILP funds to help pay for insurance, some do not. In some instances, group homes do not allow youth to drive or take public transportation to work because of liability and mental health concerns.
- 7. Liability concerns often restrict the activities made available to foster youth.** Traveling alone on public transportation to and from work, or in some cases working, visiting workplaces, or attending career focused classes or programs in non-school hours is sometimes restricted or prohibited by caregivers because of liability concerns. The "prudent parent" standard needs consistent definition and implementation to allow youth to engage in employment preparation and experience while in care.
- 8. Youth do not have ready access to documents necessary for employment and career development activities.** All youth need certain documents in order to be employed or to access specialized programs that are designed to prepare them for the world of work. When a public system has taken jurisdiction as the parent of a young person, it is the system's responsibility to ensure that their papers are in order so that they have full access to opportunities for which they are otherwise eligible. Currently, many foster youth have difficulty furnishing to employers their social security card, birth certificate, or immigration papers.

5. The Opportunities

A number of conditions are in place that makes it timely to address this issue in California, including the following.

1. Current efforts focused on improving outcomes across the state offer opportunities in a growing culture of reform and improvement in the child welfare field, including the Breakthrough Series Collaborative focused on reform and redesign of ILP in the state.
2. There is an increase in general public awareness of the needs of and challenges facing foster youth.
3. In many areas, cities and counties are collaborating to improve employment opportunities and outcomes for foster youth without state guidance or support.
4. Public and private child welfare providers have increased their collaborative work as well as understanding that support from and connection to other systems is essential to effectively prepare youth for the future.
5. SB 81 (amended by AB 191) the Juvenile Justice Realignment Provisions passed in 2007 and to be implemented in 2008 will result in non-violent juvenile offenders being retained in their counties of residence, rather than being sent into the State system. This may increase the need for increased resources for foster care probation placements at the county level.

6. A new three-state study which includes California specific data on emancipation and employment outcomes is expected within the next 30-60 days, which will provide needed data on the status of emancipated youth in California.

6. The Suggested Solutions

1. Support culture shifts and refocus mandates in the Child Welfare and Probation systems to support employment outcomes for foster youth.

- a. In addition to the federal outcome priorities for all foster youth of safety, permanence, and well-being; education, employment, and permanence should be prioritized and measured for those youth approaching emancipation (those aged fourteen and up). All funding sources and outcome measurements for youth in this age range should prioritize and support positive results in education (including career development), employment, and permanence. At the practice level, there should be clarity on roles and expectations so that Child Welfare and Probation staff, as well as the caregivers with who foster youth live, know that their interactions with youth should be leading to these outcomes. Caregiver training should emphasize that this relationship makes them important teachers, advisors, and mentors in the lives of the youth they serve.
- b. Job descriptions, training, and expectations for Child Welfare and Probation need to include the duties of ensuring and facilitating foster youth access to available opportunities to explore careers, build skills, and experience the workplace. High quality career development and pre-employment preparation can be accessed through a number of avenues for these youth. Awareness of, and access to, career development and preparation activities in the K-12 system, WIA programs, and other public settings must be included in training for foster youth, their care providers, and other professionals serving them.
- c. The state should mandate certain aspects of the system so that implementation is uniform across the state. Training and information should be made available to all caregivers and staff; and the prudent parent standard should be implemented using the same definitions across the state. In addition, a focus on transition issues including career development and employment preparation needs to begin early in a young person's life no matter where they are placed, and continue through their experience in care.
- d. As research and information about quality practices become available on adolescent development, resiliency, and pathways to successful adulthood, these topics must also become part of the expected skills and training for all caregivers. Particular attention should be given to providing caretakers the tools needed to assist youth in overcoming the developmental impacts of the trauma and disruptions that they may have experienced.
- e. All foster youth should have all necessary documents (birth certificate, immigration papers, and social security cards) by age 15. Each caseworker should be responsible for ensuring that youth have these documents and can access them as needed.

- 2. Align transition planning across systems, and include career development and employment outcomes in their plans.**
 - a. The transition services plans of all foster youth should include career development activities, such as internships in their area of career interest and meaningful employment experiences prior to emancipation.
 - b. Transition plans should be coordinated across all of the systems that touch a youth's life.
 - c. The process of developing a transition service plan should be youth driven and empower a young person to make informed decisions about their life.
- 3. Reshape the Independent Living Program to better support the transition to employment.**
 - a. The eligibility age for both Chaffee Act and state ILP services should be lowered to age 12. While some local programs do begin earlier, youth must be in foster care on their 16th birthday to be eligible for ILP. If the state-supported age of eligibility is lowered to 12 the necessary resources must also be provided to extend these opportunities to more youth.
 - b. Independent Living Services Programs should be evaluated for their efficacy and funding should be connected to defined outcomes, including career development and employment preparation.
- 4. Build connections to other systems that provide career development and employment preparation opportunities.**
 - a. Each county should create a collaborative and comprehensive plan to use Medi-cal, Mental Health Services Act, and other funds to meet the mental and behavioral health needs of youth through age 24, who are either in care or who have lived in care.
 - b. Use of existing career development resources such as the free and low cost resources of the California Career Resource Network (CalCRN, a California state agency created to develop career exploration resources) should be encouraged. Anyone working with youth should be aware of this agency and promote use of its resources as broadly as possible.
 - c. CASA (Court Appointed Special Advocates) should be expanded to include trained volunteers to work specifically with older youth to support career development and employment preparation priorities.
 - d. Information and data sharing issues across systems must be addressed.

7. Examples of Innovation and Success

San Diego County Joint RFP between County ILP and Youth WIA System

In 2004, the San Diego Youth Transition Action Team (YTAT) and the San Diego Independent Living Services workgroup joined to become the YTAT/Tiger Team after discovering that there were roughly 15 different groups serving adolescent foster youth in San Diego County. The team became concerned about inefficient use of funding and difficulty accessing services that may be caused by duplication among disconnected

providers. An opportunity to utilize funding from both the San Diego Workforce Partnership and county Child Welfare Services came when the procurement cycle for both ILP and WIA programs ended at nearly the same time. The end of this cycle meant that San Diego's Independent Living Program and the Workforce Partnership would both have to issue new RFPs for their respective programs. They seized the opportunity to craft an RFP for a jointly funded Independent Living Skills and youth workforce, education, and training program. To meet the needs of both funders, the program was awarded in Fall 2007 to one service provider through two separate contracts.

Placer County: Kaleidoscope of Employment for Youth Success (K.E.Y.S)

K.E.Y.S. is a collaborative contract among the Placer County Office of Education, Foster Youth Services, the Department of Rehabilitation, and PRIDE Industries. K.E.Y.S. helps address some of the issues facing foster youth in Placer County by providing specialized employment services for youth ages 16 to 19. K.E.Y.S. helps youth develop job skills and job retention through comprehensive employment assessments, job-specific tours, search techniques, resume development, interviewing techniques, paid work experiences, job placement, money management, and peer support.

Shasta County Independent Living Program

Shasta County ILP has restructured their program in order to ensure that each and every foster youth in Shasta County who accesses their services gets connected to the pre- and post-emancipation support that they need. Beginning in 2005, the Youth and Family Programs Agency has contracted with Shasta County to run the ILP for youth ages 16 to 21. Youth and Family Programs has created an ILP that combines experiential learning with a relationship-based approach; each youth is assigned a permanent caseworker. In each young person's initial transition plan, the ILP staff establish a support network as they help each youth develop short- and long-term goals. An active support system includes the provision of employment skills as well as other critical life skills. Opportunities exist for youth to participate in paid work experience programs and receive preparation for employment from the Smart Center, the area's One Stop Center. The interactive program provides youth the tools to not only survive, but to become successful at living independently.

For more information, see the Shasta County Promising Practice online at www.newwaystowork.org/initiatives/ytat/promisingpractices/ShastaILP.pdf.

Fresno County Foster Bridge Youth Program

The Fresno County Foster Bridge Youth Program is delivered by a collaborative group of partners including the Fresno County Independent Living Program, the Fresno County Workforce Investment Board, Arbor Education and Training, Fresno City College, and the Walter S. Johnson Foundation. The Foster Bridge Program has created two separate tracks, one for older and one for younger foster youth. The program is designed to help foster care youth ages 18-21 make the transition into college and/or vocational training opportunities more manageable. Services available to an older foster youth are financial assistance, college and vocational training, career planning, assessments, assistance with enrollment at Fresno City College, childcare assistance, transportation assistance, peer support, college preparation, and Fresno City College faculty support. Students enrolling in this program participate in English, Math, and Guidance Studies classes.

The program also serves younger youth through two separate, age appropriate, basic skills opportunities. Fourteen to 16 year olds are provided opportunities to grapple with the issues that surround independent living such as housing, financial education, choices and consequences, education, career development, and employment. Students 17 years and up establish their own unique curriculum of school and community-based activities based on assessment outcomes and the identification of areas that need improvement.

For more information, see the Fresno County Promising Practice online at www.newwaystowork.org/initiatives/ytat/promisingpractices/FresnoFosterBridge.pdf

San Mateo County Adolescent Services

San Mateo County has developed a one stop multi-disciplinary unit for foster youth. Adolescent Services supports current and former foster youth to meet life's challenges and work towards becoming self sufficient, successful adults. Youth are simultaneously prepared for self sufficiency and a permanent relationship with a lifelong committed, caring adult. County staff consists of one ILP social worker, two Employment Services Specialists, six case carrying child welfare social workers, one permanency social worker, a social work supervisor, the Adolescent Services Manager, and contractual services for Transitional Housing and Aftercare. This program offers a continuum of services beginning with the Independent Living Skills program, which is taught on the campus of the College of San Mateo. Classes are taught weekly and transportation is provided. Youth are referred at age 15 ½ by their social worker or probation officer to the regular ILP. An early ILP is also offered for youth 14 to 15 years old. Current and emancipated foster youth ages 15 to 24 are also eligible for WIA Youth Education and Employment Services, offering one-on-one intensive employment and educational services.

Alameda County CASA Group Homes Project

In 2003, Alameda County CASA (Court Appointed Special Advocates) determined that it was imperative to advocate for and address the needs of group home youth and improve emancipation outcomes. Grants from The California Endowment and the Zellerbach Family Foundation funded the conception and implementation of the Group Homes Project. As a result of this project, Alameda became the first county in the nation to formally appoint volunteers to group homes, rather than to individual children. Group home volunteer responsibilities include facilitating referrals to the ILSP program, assisting in the completion of college or vocational school applications, helping youth secure employment preparation services as well as internships and/or employment, monitoring the youth's education plan, assisting youth in achieving permanency, and other services determined by individual needs. By assigning volunteers to group homes, they are able to advocate for all Alameda County youth residing in the group homes, even those not on the CASA waitlist.

Merced County Human Service Agency – Foster Youth Assistance Workers

Merced County witnessed that foster youth were aging out of the system with little to no work experience, in part the result of a communication barrier between a range of available foster youth support services and foster youth themselves. The human services staff recognized the problem and knew they had to create better linkages between youth and services in order to effectively prepare foster youth for the transition to adulthood. The Human Services Agency created two new positions, Extra Help Foster Youth Assistance

Workers, to serve as the link between foster youth and their support services. The Assistance Worker provides support services to participants preparing to transition out of the foster care system. The positions are only offered to former foster youth, who know and understand the needs, challenges, and attitudes of youth who have been touched by the foster care system. The department has a strong belief that to truly understand foster youth, workers need to have experienced the foster care system first hand.

For more information, see the Merced County Promising Practice online at www.newwaystowork.org/initiatives/ytat/promisingpractices/MercedCounty2007.pdf

8. Actions to Improve Youth Outcomes across the State

Legislative/Statutory Remedies

1. Support AB 184 (Bass), a 2 year bill to extend ILP to youth living with non related legal guardians. http://info.sen.ca.gov/pub/07-08/bill/asm/ab_0151-0200/ab_184_cfa_20070323_122405_asm_comm.html
2. Fully fund and implement existing legislation across the state. This includes AB 490, THP+ and all others directly related to transition issues, career development, and/or employment preparation.
3. Consider a Transition Omnibus Bill, bringing together the various pieces of legislation addressing one or more of the related foster youth transition issues.
4. Shift the age of eligibility for Chaffee Act and ILP services to 12 to 24.
5. Consider dedicated funding for foster youth specific career development services.

Policy and Regulatory Changes

1. Assign accountability for providing each youth with the “Guaranteed Preparation Package”, including all needed documents by age 15.⁶
2. Formalize Memorandums of Understanding between child welfare and other state agencies and departments regarding data collection, information sharing, incentives and priority for foster youth, and common outcome measures.
3. Prioritize and require professional and caregiver professional development focused on adolescent development and resiliency, as well as career development and employment preparation with youth input and engagement.
4. Clarify definition and implementation of the “Prudent Parent” standard for caregivers and group homes and ensure that they support career development activities.
5. Incorporate common career development and employment measures into required data sets to ensure accountability across systems.

⁶ Guaranteed Preparation Package by definition in the *Child Welfare Redesign: The Future of California’s Child Welfare Services Final Report, September 2003* includes a healthy sense of cultural and personal identity; a close, positive and lasting relationship with at least one adult; other supportive relationships and community connections; access to physical and mental health services; a high school diploma, equivalency certificate, or GED; income sufficient to meet basic needs; and a safe and stable living situation.

6. Ensure that both ILP Redesign and Residential Based Services Reform efforts include attention to career development and employment preparation for all foster youth.
7. Clarify that career development and employment experiences for youth at the high school level are not in conflict with high academic achievement, earning a high school diploma, or meeting college entrance requirements (including the University of California and California State University “A-G” requirements).
8. Ensure that transition plans developed within CWS and Probation are aligned with all other plans developed for an individual youth and include career development and employment preparation activities.
9. Ensure that youth are actively involved in their own transition planning.
10. Establish outcome priorities for all foster youth that include well-being indicators that focus on education, employment and permanence.

Local Practice

1. Create a timeline of graduated responsibilities for youth ages 12 to 18 that is incorporated into early and continuing transition planning and caregiver training.
2. Provide one-on-one opportunities for youth to impact, and provide feedback on the system and the services it provides, including the activities, experiences, and opportunities provided
3. Shift the thinking of caregivers, providers, and caseworkers to view career development and employment as a right, not a privilege.
4. Clarify who holds the education rights of foster youth, and provide education surrogates for youth in middle school and above. Ensure that these individuals are aware of the career-related educational opportunities available through the local schools.
5. Begin transition planning early (at the age of 12) and provide a range of career development and employment experiences throughout a young person’s life in care.
6. Clarify roles and expectations of child welfare and probation staff, caregivers, and other adults connected to foster youth as to how their interactions with youth should support positive education, employment, and permanence outcomes.
7. Train child welfare and probation staff to better facilitate access to career development and employment opportunities.
8. Create county-based collaboratives that coordinate medi-cal, MHSA, and other funds to meet the mental and behavioral health needs of youth through age 24.
9. Provide access to and information about existing free and low cost career development resources.

Systematically Connect Foster Youth to Education and Workforce Development Programs

1. The Issue

California offers a wide range of career development and employment preparation opportunities to its young people – through our public schools, community colleges, out-of-school time initiatives, community-based training programs, workforce development, apprenticeship, and employer-sponsored training. Unfortunately, most foster youth are not routinely being counseled and supported to take full advantage of these opportunities. In order to improve employment outcomes for foster youth it is critical to leverage and access what's in place for any young person in the state and make sure that it is available to all foster youth as well.

2. The Goal

Foster youth cannot make informed choices if they are not aware of the array of services that are available to them or if those systems and programs don't effectively reach out to and recruit them for program participation. In particular, foster youth should be encouraged and supported to engage in and take advantage of a sequence of career development activities in school and the workplace that lead to readiness for post-secondary education and entry-level, career ladder employment. The goal is that through collaboration, coordination, and integration of existing education and workforce systems, resources will be leveraged so that all foster youth will have priority access to, and the ability to make informed choices about mature, established, career development programs and initiatives.

3. The Situation

California's public education systems offer a wide variety of career focused opportunities through high schools, County Offices of Education and community colleges. Many high schools across the state offer sequenced instruction in the context of a career area through career academies, pathway programs, and other collections of course offerings. Through our high schools and County Offices of Education, formal Career Technical Education options are available through Regional Occupational Programs and Centers, 2+2 and Tech Prep programs that link high school to community colleges, and other state initiatives that focus instruction in an industry context. Work Experience programs are available, and smaller learning communities, small alternative high schools, and a range of educational options also exist, providing smaller, nurturing environments that combine high quality academics within a college and career context. Decisions about enrollment in these schools and programs often happen at the transition from middle school to high school, long before advocates and supporters in the child welfare system and/or Independent Living Programs are focusing attention on the transition from care. This, along with a number of other factors, results in low participation rates in these programs for foster youth, who without strong guidance, effective advocates, timely support, and stable school placements, are unable to take advantage of these opportunities.

In 2004, AB 490 was signed into law to “ensure that foster children are eligible for the same education opportunities as the general student population and that education decisions are

made in the best interest of the child”⁷. It requires “schools, courts, and all other related welfare agencies to work together to ensure that children and youth in foster care receive continuity of education, are placed in the least restrictive education environment, and have equal access to academic and extracurricular activities and resources”. It also established an educational liaison for foster youth and requires schools to enroll foster youth immediately and transfer records quickly when they are moved to a new school placement. While this focus on the educational rights of foster youth is critical, it, by itself, is not enough. Foster youth, caregivers, and others need to be aware of, and ensure access to, a range of school-based activities that can effectively prepare youth for both college and careers.

Workforce development programs, by way of the Workforce Investment Act, support career preparation and training opportunities for youth and young adults through both their youth and adult programs. Delivered through the Workforce Investment Boards, their youth councils, and contracted service providers, these programs have established the target of serving disadvantaged young people, with foster youth identified nationally as a priority population. Yet despite this focus, many program providers cite systems barriers in recruitment, eligibility determination, and participation support that prevent foster youth from enrolling and succeeding in these programs. The workforce system is also able to provide services through the one-stop system to emancipated foster youth, yet many of the centers are identified as not being youth friendly, attuned to the needs and issues facing foster youth, or developmentally appropriate for young adults.

Apprenticeship opportunities abound in California, with over 600 currently active apprenticeship programs in more than 500 occupations identified and supported in the state. Yet without awareness and preparation for these opportunities at an early age, foster youth aren’t taking advantage of the training and employment offered by the apprenticeship system.

There are many reasons that the systems designed to address these issues have not been completely successful in serving foster youth. Fragmented and often absent collaboration among systems results in inconsistent sharing of information across those systems. Information gaps interfere with the referral of foster youth to career development and employment programs and resources. Even in situations where a court order has been issued, dictating that staff across systems communicate and share information with each other, staff at the line-level have not always been informed of this arrangement and may still be hesitant to share pertinent information in their effort to maintain confidentiality. In some cases, conflicting directives and legal interpretations prevent the sharing of information across programs.

Also of note are the following:

One Idaho study based on interviews with youth and professionals, recommends that foster youth “should receive far greater vocational training both during”...and after emancipation regardless of whether they have plans for college or not. Vocational training should be heavily targeted to help them secure service or industrial sector employment...”⁸

⁷ Waugh, Regina. State legislation impacting the education of children and youth in foster care. National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk. <http://www.neglected-delinquent.org>

⁸ Center for Family and Demographic Research. Ohio population news: Aging out of foster care. Bowling Green State University

The Carl D. Perkins Career and Technical Education Improvement Act of 2006 (authorized through FY 2012) requires local plans to indicate “How career guidance and academic counseling will be provided to CTE students, including linkages to future education and training opportunities.”⁹

A study of Casey Family Programs Alumni found that the provision of scholarships for college or job training was a reliable predictor of successful transitions for foster youth.¹⁰

In California, eligibility policies, program administration, funding and services for foster youth vary from county to county. The Southern Area consortium of Human Services concluded that programs for emancipating foster youth “are fragmented and under-funded, fail to provide comprehensive assistance and services, and do not reach a significant number” of current and former foster youth in a meaningful way.¹¹

4. The Challenges

- 1. Existing connections among systems are often inefficient and inconsistent.** Linkages between systems are not formalized and do not include all youth in care. Often there are perceived barriers as a result of confidentiality concerns and conflict between program goals, outcomes, and objectives.
- 2. Competing priorities and outcomes among education, workforce development, and child welfare systems at the state, federal and local levels makes integration of program services difficult.** Service to foster youth specifically has not been prioritized at the highest levels by the education and workforce systems, and as a result program staff have not been instructed to make services to this population a high priority. Advocacy for foster youth at the state and federal levels has been inadequate and inconsistent. Current laws designed to benefit foster youth are met with a shortage of staff and resources to implement them effectively and at times are in conflict with each other.
- 3. Case workers are not always well informed about the education, employment, and career development resources and opportunities that are available to foster youth.** Offerings vary greatly from county to county and information is not centralized nor regularly shared with youth in a consistent and equitable way.
- 4. Transition and individualized learning plans are required by the multiple systems serving young people, in many cases involving the same youth in multiple plan development and implementation processes.** Key players representing different elements of a youth’s transition rarely come together to develop a single, comprehensive youth-centered plan. Each system’s or program’s plan comes with a different set of requirements and elements. Some youth may have as many as ten or more transition

⁹ Association for Career and Technical Education. Summary and analysis of major provisions and changes “Career and Technical Education Improvement Act of 2006”. www.acteonline.org

¹⁰ Harbert, Anita, Donald Dudley, and Karissa Erbes. Southern rea consortium of human services emancipating foster youth literature review. Academy for Professional Excellence San Diego State University School of Social Work

¹¹ Erbes, Karissa MSW, 2007, *Southern Area Consortium of Human Services Emancipating Foster Youth Literature Review*, Southern Area Consortium of Human Services and San Diego State University, page 4.

plans, each with their own case manager, with little or no coordination across plans. In addition, youth involvement in the transition planning process is limited.

5. **The instability of foster youth placements, which affects school placement, is a major issue for youth** and creates barriers of many kinds including inconsistency in career development and employment program participation. Placement stability and permanent relationships for foster youth are being addressed in the child welfare system, albeit unevenly across the state. Often there is no informed advocate or anyone to ensure access to existing career development programs.
6. **The Workforce Investment Act system, while an important resource and partner, has suffered huge reductions in funding.** In addition, the Chafee Foster Care Independence Program funding has decreased by approximately \$3.6 Million between 2000 and 2007, while the number of youth served has nearly doubled in the same time period. Reductions in funding often result in fewer opportunities to partner across systems as programs struggle to sustain services.
7. **The Student Attendance Review Board in each jurisdiction is a vehicle that already exists that could (and in some places does); help connect youth with existing career development and workforce programs.** The drawback is that SARB's don't have resources dedicated to foster youth and only become engaged once there is an attendance problem at school.
8. **Currently some foster youth attend schools that do not offer the full range of educational and career development options available though most public school districts.** Some foster youth attend high school in isolated settings – often at group homes – which lack the capacity to provide robust career development options to their students.
9. **Responsibility for addressing the safety, permanence, and well being of older foster youth and providing them transition supports and services is spread among many team members and agencies.** No one person is responsible for listening to the youth and then knowing, tracking, and managing all of the aspects of a youth's case and services or ensuring that foster youth are able to access all the programs for which they're eligible.
10. **Adolescents, foster youth included, often don't understand the importance of participating in career development programs** that lead to better employment outcomes and often say "I just need a job".
11. **Some WIA providers are wary of serving foster youth** because they believe these youth are not likely to complete program activities and reach their identified outcomes, which is a risk to the program meeting its performance objectives.
12. **When youth emancipate from care, many of the services available to them are offered through adult systems.** These systems provide a host of new processes, procedures, and adults for youth to navigate, and the adult systems themselves are not geared to effectively serve adolescents.

5. The Opportunities

1. More and more professionals from child welfare, education, workforce, and other systems are talking about and experimenting with cross-system, multidisciplinary partnerships. These efforts have resulted in some cross-system training and information sharing, and have produced a number of promising program and system models that are improving outcomes for transitioning foster youth.
2. Cross-system partnership practitioners are looking for ways to share information among programs through existing data systems or are looking for new tools to facilitate data sharing.
3. The New Vision for Youth under the Workforce Investment Act system released by the Department of Labor in 2004 encourages jurisdictions to focus on the neediest youth including foster youth. This has created an increased focus within the youth workforce system on developing partnerships with child welfare agencies and resolving historical barriers to serving foster youth.
4. There has been a recent focus in education on expanding Career Technical Education as well as programs that create bridges to college and career.
5. There is a growing recognition among child welfare and probation professionals that transition planning, career development, and employment preparation must begin as early as the age of 12, and that services should be available post-emancipation, to the age of 24.
6. The newly seated California Child Welfare Council is in a position to address issues of aligning and sharing data regarding youth outcomes across systems.

6. The Suggested Solutions

- 1. Encourage, support, and facilitate cross-system connections.**
 - a. Form and/or maintain an active Youth Transition Action Team or other collaborative body focused on the needs of transitional foster youth in each county or consortium of counties.
 - b. Cultivate and engage state leadership that convenes the multiple systems that address transition-age youth issues and prioritizes services in all state systems to foster youth.
 - c. Build and invest in the capacity of existing systems to address transition age youth issues.
- 2. Provide easy and consistent access to information, services, and referrals.**
 - a. Develop truly youth-friendly one-stops as part of California's Workforce system. One-stop certification process should include specific language around what "youth friendly" means. Involve youth in this process so that one-stops are comfortable, welcoming places where youth do not feel intimidated and ask for assistance.
 - b. Launch and support youth one-stops, coalescing services, supports, and opportunities in a youth-only setting – focused on providing a safe and welcoming environment, with developmentally appropriate and culturally sensitive approaches to engaging and serving young people.

- c. Include peer counseling staff and others who are knowledgeable about what youth-appropriate resources exist and how they can be accessed at local one-stops.
 - d. Develop the concept of the “virtual front door” to enable youth to initially access information about the services and programs available to them through web-based systems. Use technology as a tool for capturing youth interests and providing information.
 - e. Expand career guidance counseling in our schools. Ensure that foster youth are accessing counseling services and that counselors are trained and aware of the particular needs of the foster youth population.
 - f. Find ways to enhance existing programs that exist within communities to provide accessible services to youth. Engage school districts in finding creative ways to provide access to services on school campuses both during and after school hours perhaps through use of school career centers or job clubs.
- 3. Develop a single, comprehensive plan for each youth, and align case management across systems.**
- a. Develop a single (or linked) transition plan across all the agencies where a particular youth is engaged (child welfare, special education, academies, and workforce). Ensure that all information about the opportunities available to the youth is known as the plan is developed. Review these plans on a recurring basis with youth and all systems represented so that the plan can grow and change with the needs of the youth. Consider the use of technology in creating a single place where the youth’s transition plan can reside electronically so that all appropriate parties can have access to it when needed. Each youth should have a single, unified transition plan that is youth driven and coordinated across programs with a designated point person and limited number of case managers who are working together to support the implementation of the plan.
 - b. Appoint an advocate that assists youth in navigating multiple systems within counties and across counties.
 - c. Ensure that all transition plans are unified, youth-driven, and reviewed by a group of key people and the youth on a regular, scheduled basis so that the plan can grow and evolve along with the youth’s needs and interests.
- 4. Refocus training, information dissemination, and professional development across agencies, programs, and departments.**
- a. Provide on-going cross-training that addresses transitional youth issues for all staff of child welfare agencies, workforce development boards, education partners, and service providers, including training on how to utilize Chafee vouchers to support education and training activities.
 - b. Conduct special outreach to foster youth and their caregivers regarding options such as Regional Occupational Programs, Career Technical Education, career academies, and other career related instruction opportunities in our schools. Provide support to them to ensure successful engagement in and completion of these programs. Improve connections to school districts and apprenticeship programs.
 - c. Network with civic and faith-based organizations (Rotary, Kiwanis, churches) to

encourage their members to provide career development opportunities such as job shadowing, internships, career mentoring, and other opportunities.

- d. Provide cross-training on cultural, LGBTQ, and disability issues.

7. Examples of Innovation and Success

Los Angeles County Youth Transition Action Team

When the City of Los Angeles and City of Long Beach Workforce Investment Boards released a study in 2004 on their cities' out-of-school and out-of-work youth, it served as a tipping point for city-county collaboration on supporting youth. In May 2005, the City of Los Angeles Workforce Investment Board presented the study's findings to the wider community, including elected officials, leaders of community-based organizations, and business and other local leaders. Beginning in February of 2006, the City's Community Development Department took the lead in spearheading the Los Angeles Youth Transition Action Team (YTAT). They knew that in order to be successful, they would need the county on board, so the city invited representatives from the county to co-convene the YTAT. This has provided the city and county with an opportunity to understand who the stakeholders are, what each system provides, and which youth each system serves. Currently, the Los Angeles YTAT includes representatives from City of Los Angeles' Community Development Department, Youth Opportunity System, Workforce Development System, and Youth Council; Department of Children and Family Services, Emancipation Services; Los Angeles County Probation; the Los Angeles Unified School District; the Education Coordination Council; and the LA County Human Services and Family Development. Since early 2006, city and county agencies across systems have been working together through their YTAT to pilot and develop programs and implement policy changes to support youth employment.

Orange County Court-Ordered Cross-System Information Sharing

Orange County serves 2,800 foster and dependent youth. For workforce development agencies, there is an increased focus on serving foster youth through Workforce Investment Act funded programs. Leaders of both Orange County's Social Service Agency (SSA) and workforce development in Orange County have made serving foster youth a high priority. The Workforce Board and Social Services Agency have worked together to secure a miscellaneous court order that allows five agencies to share information in the county. The court order permits them to share "all relevant information and recordings including, but not limited to, Transitional Independent Living Plans, Vocational Assessments, WIA contract progress reports, and outcome reports among the members of multidisciplinary services teams."

The County of Orange Social Services Agency has developed a contract with the Orange County Department of Education Foster Youth Services (FYS) to provide educational data by semester on enrollment, coursework completed, grades, reading and math competencies, completion of California High School Exit Exam elements, and credits earned towards graduation. Through an additional collaboration with the County of Sacramento FYS, all of the AB 490 Foster Care Liaisons in the 28 School Districts in Orange County are linked to a secure socket web-based database, which allows rapid transmittal of transcripts and other data essential for enrollment of foster youth when they change placements. This data and the use of the Transitional Independent Living Plan (TILP) also facilitate expedited enrollment of foster youth in services by the three Workforce Investment Boards within the county, and

participation in a Department of Labor Employment Training and Work Experience program for foster youth entitled the Career Adventure Project (CAP).

For more information, see the Orange County Promising Practice at:

www.newwaystowork.org/initiatives/ytat/promisingpractices/OrangeCtyCourtOrder.pdf

Alameda County Project HOPE

Project HOPE is a youth employment program established by the Alameda County Workforce Investment Board (ACWIB) and the Alameda County Department of Children and Family Services to empower current and former foster youth to become self-sufficient through career exploration, educational planning, and leadership development. The ACWIB prepares aging-out and emancipated foster youth for adulthood and the labor market through a county-wide partnership with the child welfare system known as Project HOPE: Helping Our Young People with Education and Employment. Through interagency collaboration between the County's workforce development system and the child welfare system, Project HOPE offers transitioning and former foster youth an array of employment and educational preparation services made available by the Workforce Investment Act. By connecting foster youth to WIA youth funded programs, Project HOPE makes it possible for youth to participate in academic enhancement and/or job preparation activities.

For more information see the Alameda County Promising Practice online at

www.newwaystowork.org/initiatives/ytat/promisingpractices/alamedaprojecthope.pdf

Glenn County Youth Employment Services Program (Y.E.S.)

The Glenn County Y.E.S. Program (Youth Employment Services) is a semester-based, after-school program which includes a classroom component (teaching pre-employment and work maturity skills) followed by a "real-life" paid work experience with a local employer. The classroom portion is an ROP course which affords students academic credit. The paid work experience (typically 100 hours) follows only upon successful completion of the classroom portion of the program. Special accommodations (priority enrollment and late entry) are afforded to foster youth. Funding for the limited number of slots within YES represents a collaborative effort from multiple Glenn County agencies, including the Human Resources Agency, the County Office of Education, Probation, and the Health Services Department. This collaborative pools their resources to fund slots for the paid work experiences, as well as shared staffing (ROP instructor and classroom aides) and shared case-management responsibilities.

For more information, see the Glenn County Promising Practice online at:

www.newwaystowork.org/initiatives/ytat/promisingpractices/GLENNYES.pdf.

Kern County Project Success

Project Success is a partnership between the Kern High School District Career Resource Department and the Kern County Workforce Investment Board. The program provides foster youth the opportunity to obtain five credits towards high school graduation through an 8th period class in Career Development. In response to youth requests to receive earlier exposure to work experience opportunities, the District's Career Resource Center (CRC) staff decided to apply a portion of their existing in-school Workforce Investment Act (WIA) grant to provide work preparation classes, one-on-one counseling, and paid work experience for foster youth who were enrolled in school. Called Project Success, this cluster of services is evaluated using the WIA criteria: improving basic skills, gaining

employment, earning certificates or diplomas, and/or enrollment in continued education or training.

For more information see the Kern County Promising Practice online at www.newwaystowork.org/initiatives/ytat/promisingpractices/KernCountyProjectSuccess.pdf.

Contra Costa County Foster Youth Services Program

The Contra Costa County Office of Education convenes countywide foster youth service providers meetings in order to better address educational and employment outcomes for group home youth. One strategy involves having Workforce Investment Act counselors work closely with the Independent Living Skills program to further support high school completion, post-secondary educational opportunities, and career preparation. The WIA counselors are located at school districts and at One-Stops throughout the county. Strategic planning took place through a Foster Youth Services Advisory group that developed the co-location plan and provides oversight. The Advisory Group meets quarterly.

For more information see the Contra Costa County Promising Practice online at www.newwaystowork.org/initiatives/ytat/promisingpractices/ContraCostaFYServices.pdf.

Sacramento County Casey Great Start – Youth Friendly One-Stop

The Casey Great Start Young Adult Program provides employment focused self-sufficiency transitional services to transition-aged foster youth, foster care alumni, and group home youth. The Young Adult Program is a collaborative program, with the sole purpose of helping foster youth make a successful transition from the foster care system to an independent, self-sufficient, adult life. Casey Great Start builds self-esteem and counsels and coaches youth to enter post-secondary training and employment. Each youth is assigned to one of two CGS Youth Specialist case managers. Because many youth need help with all of their basic needs, the Youth Specialists are available to assist youth with everything from job training and interview tips to apartment hunting and life skills assessments. If a Youth Specialist does not offer services to address a specific youth's needs, he or she will assist the youth in finding and collaborating with other programs to address those needs, while continuing to manage the case.

For more information, see the Sacramento County Promising Practice at www.newwaystowork.org/initiatives/ytat/promisingpractices/SacramentoCaseyGreatStart.pdf

Humboldt County Youth Employment Opportunity Program Peer Counselors

The job market in Eureka, the county seat, is the focus of workforce development services in Humboldt County and serves as the locations for One-Stop Center. Seven partners are co-located in the One-Stop, and it has proven to be a very effective model for employers and for adult job seekers. Youth, however, were not finding the Eureka One-Stop to be friendly, and the self-service model wasn't effective in meeting their needs. To address the issue, the Humboldt County Department of Health and Human Services, Social Services Branch, made a significant change to make the Eureka One-Stop more youth friendly. In response to a suggestion from young people themselves, the partners decided to have Youth Employment Opportunity Program (YEOP) youth counselors automatically meet with any youth who come to the center and help them get connected to services. As a result, youth accessing WIA services has increased significantly (over 50%). In addition, access to the One-Stop center is now a piece of ILS staff training as a result of this paradigm shift. ILS staff and youth take

tours of the center and conduct classes on site.

For more information, see the Humboldt County Promising Practice online at www.newwaystowork.org/initiatives/ytat/promisingpractices/HumboldtPeerCounselors.pdf

Glenn County “BustNOut” Foster Youth-Friendly Website

Glenn County Human Resources Agency staff pooled and leveraged resources from counties across their region to develop a cross-county website to help foster youth find a local One-Stop center as an effective way to make information and services more readily accessible to youth transitioning from foster care. The result of the regional effort was a foster youth-friendly website called BustNOut.com. On-line since 2004, the site features information about services and opportunities from each of the participating counties. Employment information is showcased for each county as well as agency contact information to assist with health and safety issues. Former foster youth who have successfully made the transition to adulthood offer advice through a regular column, and a message board is provided to facilitate timely communication. Discussion forums are also provide peer support, engaging foster youth, foster youth alumni, and former foster youth (youth who returned to their families before emancipating).

For more information, see the Glenn County Promising Practice at www.newwaystowork.org/initiatives/ytat/promisingpractices/GLENNBustNOut.pdf

Tulare County Youth Force Cross-Agency Meetings

In 2002, the Tulare County Workforce Investment Department (TCWID) and Workforce Investment Act Youth Council created *Youth Force* to facilitate cross-agency communication and collaboration. *Youth Force* conducts quarterly cross-agency, staff development sessions: informal meetings that are open to all provider staff. Typically, front-line staff attend the meetings and are free to ask questions and speak openly if they need help or have a troubling client that requires additional services. Case workers and job developers share job orders, providing details and offering to set up the interview for anyone with a qualified candidate. Bringing partners and potential partners into to these informal meetings has allowed for open communication about how to better work together. A focus of the conversations has been to improve linkages between workforce providers and foster care agencies, including the Independent Living Skills program providers. The *Youth Force* meetings have provided an opportunity for staff from a variety of programs and agencies to discuss how to link services without duplication. Foster youth who are involved in both WIA and ILP programs have attended *Youth Force* meetings to share their thoughts and experiences in both systems.

For more information, see the Tulare County YCidea at www.newwaystowork.org/initiatives/yci/separateycideas/Ch2CoordinatingYouthServices/Service%20Providers%20Connect%20to%20Improve%20Placement%20Rates.pdf.

San Mateo County Fostering the Future

Fostering the Future (FTF) is a collaboration of nonprofits, governmental agencies, and the Silicon Valley Community Foundation’s Center for Venture Philanthropy. Launched in 2005 after two years of extensive planning, FTF has implemented a model of delivering transition support to youth aged 11 to 25 who are in foster or kinship care or who have emancipated from child welfare. The model is based on the asset team approach, which offers three distinct support services. These support services include Asset Coaches to help youth create goals and access opportunities, a Housing Advocate that works directly with those seeking

transitional housing as well as preparing youth to be able to locate and retain housing on their own, and a Legal Advocate to work with youth, caregivers, social workers, and school personnel on educational rights and other issues. In addition to providing direct services to young people, the program also seeks to address local systems change to improve outcomes for the young people it serves. Another important component of the FTF program is a Youth Consulting Council (YCC) that meets monthly to plan group activities and advise the program.

For more information, see the Fostering the Future promising practice at:

<http://www.newwaystowork.org/initiatives/ytat/promisingpractices/SanMateoFosteringTheFuture.pdf>

8. Actions to Improve Youth Outcomes across the State

Legislative Policies/Statutory Remedies

1. Encourage the State Interagency Team or other body to implement a strategy based on the Federal Youth Coordination Act that includes addressing common outcomes across systems with compatible, streamlined data collection systems and coordinated case planning.
2. Develop state legislation that establishes coordination bodies in counties to facilitate collaboration and coordination between child welfare, workforce development, education, consumers, caretakers, and other system partners.
3. Fund all current policy mandates.
4. Expand AB 490 (Steinberg) to include the need to address transition issues.
http://www.youthlaw.org/fileadmin/ncyl/youthlaw/events_trainings/ab490/AB490_Summary.pdf
5. Create legislation to mandate a common transition plan across all agencies, departments, and programs that work with transitioning youth.
6. Develop legislation that creates a navigator position within ILP, modeled after the current disability navigators, in each county that links foster youth to systems and services in their county and provides assistance and consistency when they relocate.

Policy and Regulatory Changes

1. Encourage the Child Welfare Council to create common outcomes across systems working with transitioning youth and define ways to allow for the sharing of data and information about common program participants.
2. Include youth-friendly guidelines in the issuance of one-stop certification guidelines.
3. Create pilot projects to develop and implement a youth-led, common transition plan.
4. Encourage the California Workforce Investment Board to continue Youth Councils if they are no longer mandated under federal legislation and encourage local Youth Councils to focus on youth transition issues.
5. Require early targeted outreach to foster youth and their caregivers regarding education based career development opportunities.

Local Practice

1. Expand access to existing programs focused on providing career development and employment opportunities.
2. Enforce current policy mandates.
3. Identify and require cross system representation at all transition meetings.
4. Ensure that adult advocates connect foster youth to and support them in career development and employment opportunities in schools.
5. Develop a campaign that creates a logo or some other indicator that designates an establishment is a foster youth friendly place.
6. Build on the work of local Youth Councils to prioritize services to foster youth and develop coordinated systems that prepare youth for transition.
7. Provide ongoing cross-training that addresses transitional youth issues for all staff of child welfare agencies, workforce development boards, educational partners and service providers.
8. Create partnerships with civic and faith-based organizations to create career development opportunities.
9. Form local coordinating bodies to facilitate collaboration and coordination between child welfare, workforce, education, consumers, caretakers and other system partners.
10. Provide easy and consistent access to youth appropriate career development and employment information and services.
11. Use technology to facilitate coordination and provide information about career development opportunities, training, and programs.
12. Train career guidance counselors and others who are advising youth about the particular needs of foster youth.

Support Emancipating and Emancipated Youth in Their Transition to Adulthood

1. The Issue

Despite California's best efforts to improve the readiness of foster youth for the transition to adulthood, far too many youth still leave care unprepared for life on their own – without the skills, preparation, and supported transitional opportunities that will enable them to find and maintain stable employment, continue their education, and experience permanent connections to adults, peers, and their communities. Achieving the goals of permanence, education, and employment requires time, connections, and resources beyond the age of 18 for most young adults. At the same time as the movement to improve the systems that serve foster youth and reduce the number of youth who emancipate out of care are being intensified, new approaches to support and provide services to transitioning foster youth in their communities must also be put in place. Emancipated foster youth, along with other populations of transitioning youth, need a stable set of focused and developmentally appropriate services and opportunities to succeed as young adults, along with supportive families and communities to nurture their success.

2. The Goal

California must target resources and provide systematic supports to increase the ability of foster youth who are emancipating, or who have already emancipated from foster care, to achieve their goals and successfully make the transition to adulthood. The goal is to create a new investment to create a performance-based, cross-system service delivery continuum able to meet the individual needs of each transitioning foster youth and achieve the following three fundamental goals:

Permanence – every youth has lifelong connections with family, peers, supportive adults, and services;

Education – every youth receives a quality education, earns a high school diploma, and is provided support in pursuing and succeeding in post-secondary education and training;

Employment – every youth has work experience and training opportunities that prepare them for (and place them in) living wage employment and careers.

3. The Situation

The US Census Bureau tells us that about half of young adults between the ages of 18 and 24 in the United States live at home with their parents. For young people who have been removed from their families by the court and live in foster care, that level of support and stability is seldom available after their 18th birthday. Only Vermont, Illinois, and the District of Columbia currently provide continuing foster care support after the age of 18, and that is wholly supported with state and local dollars as federal funding is not currently available to extend care and/or services past that age. Eighteen states, including California, provide Medicaid eligibility up to the age of 21 to youth who have emancipated from foster care, addressing at least the need for continuing medical coverage for emancipated youth. In

California, if youth are likely to earn a high school diploma or GED by age 19, they can stay in care between their 18th and 19th birthdays until that goal is achieved. It is also possible for a California county to use county resources to extend care for foster youth under certain circumstances (if they are still in school) until age 21, but only a minimal patchwork of state and federal funds are available to meet the needs of these young adults, which means that counties must bear the expense of extended care. This is done at the discretion of the court, and is usually reserved for individual cases with unusual circumstances. Few counties are able to offer this option because of the added costs that must be borne locally.

According to the Pew Charitable Trusts' report "Time For Reform: Aging Out and On Their Own," of the more than 24,000 youth who leave foster care each year without a permanent family, one in four is incarcerated within the first two years, one in five becomes homeless at some time after the age of 18; only 58% complete high school (compared to 87% in the general population); and only 3% earn college degrees (compared to 28% in the general population). These are just some of the statistics that make it clear that the developmental needs of these young people have not been met by the system(s) that have assumed parental control over them.

About 65% of foster youth emancipate from care without a place to live.¹² One study found that youth have difficulty finding housing because of a "lack of employment history, a credit history, or a co-signor."¹³ Instead of ending up on the street, more than a third of the youth who age out of foster care go back to live with their biological family, even where the circumstances that precipitated their entry into foster care have not been resolved.¹⁴ Many others are homeless as they do not have families, communities, or adult supporters, or have been disconnected from them as a result of their foster care experiences.

"The lack of a 'safety net' for these former foster youth – now young adults – means that they truly struggle to 'make ends meet', often ultimately becoming a more burdensome and larger cost to society than if a much smaller, up-front investment had simply been made to better prepare and advise them during transition and the years preceding it."¹⁵

The cost to society is significant. For example, according to a May 12, 2006 Select Committee Hearing of the California Legislature, more than 70% of all State Penitentiary inmates has spent time in the foster care system.

Research by the Workforce Strategy Center found that, "there is a need for the development of a long-term and comprehensive college and career program and policy strategy for foster care youth." Additionally, researchers concluded that, "there is a significant resource base

¹² Delgado, Melanie, Robbert Fellmeth, Thomas R. Packard, Karen Prosek, and Elisa Weichel. Expanding transitional services for emancipated foster youth: An investment in California's tomorrow. Children's Advocacy Institute University of San Diego School of Law. www.cachildlaw.org

¹³ Scarcella, Cynthia Andrews, Roseana Bess, Erica Hecht Zielewski, and Rob Green. The cost of protecting vulnerable children V. The Urban Institute. <http://www.urban.org/publications/311314.html>

¹⁴ Krinsky, M. (June 28, 2005). Kids Without Family Need Extra Leg-Up Into Adulthood. *Los Angeles Daily Journal*, Forum Column.

¹⁵ Erbes, Karissa MSW, 2007, Southern Area Consortium of Human Services Emancipating Foster Youth Literature Review, Southern Area Consortium of Human Services and San Diego State University,

available for support of foster care programs and programs to connect foster care youth to college and career.”¹⁶

Foster youth are not the only population facing the difficulty of transition from youth to adulthood. A recent study conducted in Long Beach and Los Angeles by Northwestern University identified that one in five youth and young adults ages 16-24 were both out of work and out of school.

4. The Challenges

- 1. There are multiple service delivery systems (such as transitional housing, mental health, workforce development, community colleges, independent living) that provide various services that young adults need, but they are offered in very different venues, have differing eligibility criteria, and information about them is scattered.** In most cases, youth are expected to navigate this maze of service and support opportunities in the adult system without a guide.
- 2. There is no single place for a young person to go to learn about and access the range of services, support, and opportunities that may be available to them.** While some communities have developed transitional youth centers, they are varied in their approaches, have access to only some of the available services, are marginally funded, and struggle to sustain operations.
- 3. California’s adult systems are not focused on the specific needs of young people.** They are not geared to apply developmentally appropriate approaches to working with youth and young adults and the systems themselves are fractured and not well connected to each other. When services are available at all, emancipated youth face a new world of regulations, eligibility requirements, expectations, and fragmented service strategies. They must also develop relationships with an entirely new group of caseworkers, counselors, and service providers – not necessarily trained or attuned to the developmental needs of youth as a group, or the specific needs and circumstances facing emancipated foster youth.
- 4. Training in youth and adolescent development is seldom a part of required training** for those who work with these youth, so developmental needs may not be identified or addressed. In addition, many foster youth face the special challenges of unresolved trauma and other developmental hindrances that place them at a disadvantage in transitioning to life on their own. As a result, foster youth often lack the capacity to be effective advocates for themselves as they emancipate, or to fully utilize the supports that are available.
- 5. Among the barriers to comprehensive services is the fact the various programs have differing age criteria.** Some specialized programs offer services for youth beginning at the age of 18 and continuing until they are 21, 24, or 30.

¹⁶ Workforce Strategy Center. Promising practices: School to career and postsecondary education for foster care youth. <http://www.workforcestrategy.org/publications/promisingpractices2.pdf> page 2

- 6. The Chafee Foster Care Independence Program offers limited funds for education, housing, and career training.** Actual funding levels have decreased by approximately \$3.6 Million between 2000 and 2007, while the number of youth served has nearly doubled in the same time period.

5. The Opportunities

A number of conditions are in place that make it timely to address this issue in California, including the following:

1. There is a heightened awareness of foster youth transition issues in the state and in the nation.
2. Strong and innovative pilot programs providing consolidated and coordinated services and opportunities to transitioning youth are working in communities across the state.
3. Efforts to ensure permanent connections to caring adults for all youth as they leave care are taking hold across the state.
4. New legislation requiring that high schools keep students enrolled until they are 22 years old if they do not pass the California High School Exit Exam, will become effective in January 2008.
5. Senator Barbara Boxer has proposed S. 1512, The Foster Care Continuing Opportunities Act, which would provide federal matching funds to help states provide essential foster-care services such as food, housing, and legal help to youth to age 21.
6. Senator Hillary Clinton has introduced legislation to provide individual development accounts to youth ‘aging out’ of foster care. The Focusing Investments and Resources for a Safe Transition (FIRST) Act provides foster youth financial support for critical independent living needs as they set out to develop self-sufficient, goal-oriented lives beyond the child welfare system. Senators Jay Rockefeller and Mary Landrieu are original cosponsors of the legislation.

6. The Suggested Solutions

- 1. Provide easy and consistent access to information, services, and referrals**
 - a. Form and support comprehensive, youth-driven “opportunity” centers that hire and mentor youth, and provide access to career development and employment opportunities, life skills, behavioral health services, emancipation preparation, and a place to connect to a community of peers. These centers should leverage the best that is available in the community for youth, and may expand on already existing opportunities, such as youth one-stops.
 - b. Develop and implement coordinated information services and resource guides for youth.

2. Expand targeted services to transitioning foster youth

- a. Develop and implement a voucher program targeted to foster youth and building on the concept of Individual Training Accounts in the workforce system. Vouchers could be made available to pay for services identified in a unified Transitional Plan.
- b. Implement expanded THP+ programs in every county of the state.
- c. Extend eligibility for foster care benefits and services to at least age 21, and preferably to age 25.
- d. Extend targeted support in permanency, education, housing, mental health, career development, and employment to age 25, and design a system to connect these supports to each other and to ensure access for the young adults.

3. Provide effective transition support for every youth in and emancipated from care

- a. Ensure that Transition Planning Conferences are held for every youth in care beginning at age 15, and require all counties to include connections to important adults (permanency) and critical employment services in their plans.
- b. Provide coordinated services and cross-agency youth development and resiliency training, planning, and coordination to ensure that every adult interaction is focused on helping to guide youth in their transition to adulthood.
- c. Develop a system that stores critical youth data and information in an electronic file - all in one place. Further develop the concept of a “smart card” that would include this information on an electronic card that each youth can carry with them.

7. Examples of Innovation and Success

San Francisco Larkin Street Youth Services – Avenues to Independence

Larkin Street Youth Services provides a full spectrum of the services needed to help San Francisco’s most vulnerable youth move beyond life on the street. Larkin Street serves homeless and runaway youth, ages 12 to 24 (80% are age 18 to 24). They offer a range of housing options – from emergency shelter to permanent supportive housing – in addition to essential wraparound services including education, technology and employment training; healthcare, including mental health, substance abuse and HIV services; and case management.

Larkin Street Youth Services provides a path to self-sufficiency for youth aged 18 to 24 through Avenues to Independence (ATI). ATI assists young adults as they step from adolescence to adulthood by offering comprehensive services along with stable long-term housing. From schooling and immediate work opportunities to long-term career training, Larkin Street works with each youth to ensure that they develop the skills and access the resources that will keep them off the streets for good.

Napa County V.O.I.C.E.S. Youth-Led and Youth-Run Emancipation Center

The Voice Our Independent Choices for Emancipation Support (V.O.I.C.E.S.) Emancipation Center of Napa County opened in 2005, and became - as far as the leaders know - the first-ever youth-led emancipation center in the United States. The center provides a place for youth to gather and get connected to a range of services. V.O.I.C.E.S. provides emancipating foster youth a comprehensive array of individual support services, opportunities for leadership and community development, and structured initiatives that require a commitment over time and are focused on meeting a specific set of needs.

For more information, see the Napa County Promising Practice at www.newwaystowork.org/initiatives/ytat/promisingpractices/NapaVOICES.pdf

San Diego Youth Employment Services (YES) Transition Network

In 2000, a set of key partners - Casey Family Programs (Casey), the San Diego Workforce Partnership (SDWP), and ACCESS, Inc. - developed the Youth Empowerment Services (YES) Program. The YES Program, now called the YES Transition Network, provides services that address the unmet needs of many emancipating foster youth, especially in the areas of remedial education, housing, work readiness skills, and connections to employment opportunities.

The YES Transition Network serves current and former foster youth as well as other at-risk youth from ages 13 through 24. YES has a strong and active employment services component, but staff recognize the fact that youth cannot successfully deal with employment and career issues until they have addressed other life challenges as well. To that end, they work with youth on a continuum of services and activities that blend employment with the other transition issues they must handle.

For more information see the San Diego County Promising Practice online at www.newwaystowork.org/initiatives/ytat/promisingpractices/SanDiegoYes.pdf.

Alameda County Pivotal Point Youth Services

Pivotal Point is a non-profit organization designed to promote self-sufficiency among high risk, underserved youth age 16 to 24. Through intensive employment training, vocational skills development, entrepreneurship training, case management, and other comprehensive supportive services, Pivotal Point helps youth successfully make the transition to productive, prosperous adulthood. Their programs focus on providing young people with services, referrals, and resources needed to obtain self-sufficiency and stability to ensure progress toward their life goals.

For more information, see Pivotal Point's website at www.ppys.org.

San Francisco Transitional Youth Taskforce Proposes Transitional Youth Centers

In March 2006, San Francisco Mayor Gavin Newsom, in partnership with the San Francisco Youth Commission, created the Mayor's Transitional Youth Task Force (TYTF). He asked leaders of City departments, representatives of community-based organizations, and young people to come together to develop recommendations on how the City could improve outcomes for San Francisco's most vulnerable transitional youth, defined as those ages 16 through 24 who are disconnected from education, employment, and social support systems.

In October 2007, the Task Force released a report reflecting the group's work in its first year --*Disconnected Youth in San Francisco: A Roadmap to Improve the Life Chances of San Francisco's Most Vulnerable Young Adults*. Among the recommendations in the report is a proposal for the development of four comprehensive, neighborhood-based, multi-service centers to provide high quality services for disconnected transitional age youth.

For more information about the San Francisco TYTF and to read the report, go to www.dcyf.org/Content.aspx?id=1566¬e=1572&ekmense1=14_submenu_26_link_2

Kern County ACT – Adolescent Career Transition

Kern County's ACT program is designed to assist youth who are emancipating from the foster care system achieve self-sufficiency. Paid work experience of up to 500 hours is coupled with life skills courses to assist youth with the transition to adulthood. Referrals to this program are made through the Department of Human Services Independent Living Program staff who work with Career Resource Development staff at the school district to ensure the success of the young adults. Monthly workshops are conducted around topics of interest as determined by participants to further assist their transition to adulthood. Monthly incentives are available to eligible participants providing further external motivation for success.

For more information see the Kern County Promising Practice online at www.newwaystowork.org/initiatives/ytat/promisingpractices/KernCountyACT.pdf

Mendocino County Transition-Aged Youth Resource Center

In 2006, Redwood Children's Services in Mendocino County received a grant from the S.H. Cowell Foundation to develop a plan for a youth resource center. The Arbor on Main came together due to the united collaboration of youth stakeholders and public and private entities all currently serving the 15-24 year old population. The Arbor is a youth driven and designed project that will provide needs assessment, planning, service integration, and a wide range of programs for all community young people. The Youth Resource Center combines the philosophies of youth development programs with the structure and functions previously associated with family resource centers. This site-based facility will help prepare young people to meet the challenges of adolescence and adulthood through a coordinated, long-term, progressive series of youth development experiences that enhance life skills and develop social, emotional, physical, and cognitive competencies which enable the youth to fully participate in the workforce and their community.

The Youth Resource Center facility and outreach programs will provide supports and services to transitioning youth in the Ukiah Valley that focus on such things as workforce preparation and practice, social, emotional and health assistance, housing information and assistance, skill building, peer mentoring, youth development workshops, referrals and assistance in making community connections, as well as assistance in obtaining access to entrepreneurial and vocational opportunities. The partners in the project include agencies and organizations in child welfare, social services, workforce investment, county office of education, parks and recreation, and several community-based organizations and schools.

8. Actions to Improve Youth Outcomes across the State

Legislative/Statutory Remedies

1. Establish and fund Comprehensive Youth Opportunity Centers for transitional youth, with flexibility for communities to leverage and expand existing less comprehensive centers or build “virtual centers.”
2. Establish a Youth Transitions taskforce in every county to eliminate cross-system barriers to universal transition plans, and limit numbers of case workers involved with an individual youth. Coordinate the development of transition plans across systems that are youth centered, youth led, and designed, that increase resources and emphasize locating permanent people to support youth in their transition.
3. Establish a voucher system, similar to Individual Training Accounts, tied to a youth’s transition services plan.
4. Extend the timeline of eligibility for flexible foster care services, to include “family finding,” to age 25.
5. At a minimum, allow foster youth to remain in care until they complete high school (or to age 25).
6. Allocate funding for training caregivers and families in youth and adolescent development and to support their readiness to help youth plan for youth transition to adulthood.
7. Expand eligibility and resources for supportive services and independent living programs to ages 12-25.
8. Establish a cross-agency data system that serves as an electronic file to store critical youth data and information in one place.

Policy and Regulatory Changes

1. Ensure that access to housing through THP+ is available to every emancipated foster youth and that the conditions for initial eligibility and continued support are consistent with and support the goals of permanence, education, and employment.
2. Establish priority targets for current and former foster youth at all levels in adult systems and incentivize targeting developmentally appropriate services to youth and young adults in transition.
3. Increase affordable residential opportunities on or near community college campuses.
4. Provide free tuition and support for emancipated foster youth in California’s public higher education systems.
5. Include criteria of what it takes to be “youth –friendly” in the certification process of local one-stop centers under WIA. Explore the application of current one-stop resources and approaches to support youth one-stops or opportunity centers.
6. Ensure that Transition Planning Conferences are held for every youth in care beginning at age 15, and require all counties to include connections to important adults (permanency) and critical career development and employment services in their plans.

Local Practice

7. Local housing agencies should provide priority for section 8 vouchers to former foster youth.
8. Local Youth Councils should ensure that existing one-stops are youth-friendly, and explore the development of youth one-stops or youth opportunity centers.
9. Youth development training provided to those in youth-serving systems should be made available to those in the adult system that work with youth and young adults. The adult systems should examine how services are delivered to young adults and consider new, developmentally appropriate approaches to ensure the effectiveness of those services.
10. Provide cross-agency youth development and resiliency training, planning, and coordination to ensure that every adult interaction with foster youth is focused on guiding them in their transition to adulthood.
11. Develop and implement coordinated information services and resource guides for youth.

Provide Work Experience and Job Opportunities that Lead to Economic Success

1. The Issue

It is difficult enough for young people with the support of a stable family, broad community connections, and educational success to find their way from their first job to stable employment, and from there to a growing and engaging career. Often adolescents find their first job through family or community connections. Foster youth, who have been removed from their family, community, and school, do not have the same level of support as most young people, and have even a tougher time securing employment, succeeding at their first job, and establishing a solid work history that leads to economic and personal success and stability. Public and private sector employers, if given the right encouragement, incentives, and support, can play a role in providing early employment opportunities and career pathway opportunities to foster youth.

In order for foster youth to be truly prepared for economic self-sufficiency, they need access to opportunities that allow for relevant learning and varied experiences in the workplace. Employers should be recruited and supported to not only provide career track employment opportunities for youth, but also to play the role of career mentor in providing real-world, hands-on information that prepares youth to successfully obtain and maintain employment.

2. The Goal

Youth need early access to a continuum of opportunities that gradually introduce the concepts of employer expectations, workplace culture, and the skills necessary to be successful in the workplace. Employer supports should include information about the various ways in which they can be involved in providing work-based learning experiences for youth such as informational interviews, job shadowing, career mentoring and internships. The goal is to encourage public and private employers to hire current and former foster youth and provide opportunities to ensure that all foster youth are exposed to a series of workplace opportunities and experiences, including meaningful employment, prior to their transition from care.

3. The Situation

If employed at all, former foster youth earn significantly lower wages than other young people. According to a Casey Family Programs study, one-third have incomes averaging \$6,000, well below the poverty level, which is \$7,890 for a single individual. Without full-time employment, 25% of foster youth find themselves homeless after emancipation and end up in more expensive systems of care.¹⁷ Unemployment among foster youth is a critical problem, preventing them from obtaining housing and the normal supports of adulthood, contributing to a cycle of poverty and their dependence on public systems as adults. Currently, employment preparation and work experience are not emphasized enough during

¹⁷ Erbes, Karissa MSW, 2007, *Southern Area Consortium of Human Services Emancipating Foster Youth Literature Review*, Southern Area Consortium of Human Services and San Diego State University, page 6.

transition planning. They must be stressed early in adolescence and become expectations for youth prior to leaving care as a crucial element in successful transitions to adulthood and economic success.

4. The Challenges

1. A job-only focus can lead to dead end employment. Meaningful developmental opportunities in the workplace that provide stable entry-level employment leading to a career pathway, is needed to ensure success and stability for foster youth. A narrow focus on obtaining employment does not address the fact that these youth often lack the life skills, soft skills, and job readiness preparation that will help them to stay employed and reach for the economic success that in the long run dictates their self-sufficiency.
2. Employers are wary of “system” youth and have false perceptions about their backgrounds, needs, and potential. Employers tend to perceive that youth coming with a label (whether foster youth, at-risk, economically disadvantaged, or associated with a specific program) are problematic and potentially non-productive in the workplace.
3. Outreach to employers that specifically focuses on hiring foster youth often creates a stigma that discourages employers from offering employment opportunities.
4. Perceived and real union issues and personnel policies often impede the hiring of youth, particularly in our public systems, where civil service hiring and promotion practices may limit the ability of public agencies and programs to hire from a target population.

5. Opportunities

1. The California EDGE Campaign highlights the challenges and opportunities California faces in developing and maintaining a qualified workforce that will meet industry demands in light of growing globalization and increases in retirements. It outlines specific policy recommendations that include providing all Californians access to high quality postsecondary education and skills training, providing working adults with opportunities to move up the skill ladder, and linking workforce programs and institutions to create pathways to high wage jobs.
2. Industry pipeline initiatives exist in the adult workforce system and in communities around the state. Pipeline initiatives tied to high-wage, high growth industries are facilitated by workforce development areas throughout California. These initiatives offer a great opportunity for youth providers, schools, and others focused on preparing youth for economic success to connect to and build on in order to prepare youth to be successful.
3. Labor organizations continue to be interested in their future membership, and express that they are in desperate need of forming partnerships that help identify, recruit, and prepare youth for careers in the trades.
4. There is a trend in counties to develop public sector internships and/or employment opportunities specifically targeted to foster youth and other youth that are consumers of county services.

5. There is a move in some local areas to develop campaigns to hire youth and young adults, particularly through summer jobs programs.

6. The Suggested Solutions

1. Design and implement initiatives to provide access to private sector employment.

- a. Develop and fund a private/public sector employment initiative with a subsidized youth employment component - perhaps modeled after on-the-job training initiatives where the employer receives a subsidy for the training period for successful candidates.
- b. Create and implement a “hire a youth” campaign, with appropriate infra-structure through the Workforce Investment Act system and in conjunction with the California Chamber of Commerce and other state wide business associations.
- c. Provide targeted access to union apprenticeship programs and develop pre-apprenticeship activities in programs serving emancipating and emancipated foster youth in connection with the California EDGE Campaign.
- d. Encourage all employers (state, county, local government, and private) to establish hiring and internship programs for former foster youth as part of a broader strategy focused on all transitional youth.
- e. Align foster youth employment opportunities to connect to high wage, high growth industries and local pipeline initiatives.

2. Provide pathways to public sector employment.

- a. Encourage county departments to offer and support internships for current and former foster youth at age 16 and 17 by launching a state-supported public sector sequence of opportunities similar to the former Job Training Partnership Act (JTPA) Summer Youth Employment and Training Program (SYETP). This program provided; work experience, training, summer employment, internships, a case manager, stipends, subsidized pay, academic credit, and certificate programs.
- b. Encourage social service departments to offer internal career pathway opportunities, and job placement assistance to former foster youth seeking a career in child welfare.
- c. Adjust civil service regulations to allow departments to hire and retain qualified program participants (clients) in permanent career-track positions. Allow for a percentage of targeted participants who have been engaged in an internship or temporary positions in a department or agency to be hired without the same testing and “list” requirements of the civil service system.

3. Support youth success in the workplace.

- a. Develop a structured system for both youth and employers that ensures supports are in place to deal with issues that come up inside as well as outside the workplace that impede the ability of foster youth to be successful. This should include supports for employers who hire foster youth, the provision of on-site support for early developmental experiences, and the encouragement of career mentors or advisors for every foster youth.

- b. Provide cross-training for educators and workforce professionals, as well as caregivers and guardians to ensure they fully understand the needs of foster youth and are more aware of appropriate opportunities and resources to support their success in the workplace. Employers and staff working with youth need training and support in understanding the challenges inherent in working with this population, which include matching youth with experiences that are developmentally appropriate as well as skill-level appropriate. On-going support should be provided to facilitate strong employer relationships.

5. Recognize and celebrate employers who provide employment opportunities.

- a. Implement an award model similar to the Secretary of Labor's New Freedom Initiative Award that annually recognizes non-profits, small businesses, corporations, and individuals that have demonstrated exemplary and innovative efforts in furthering the employment and workplace environment for people with disabilities, a goal of President Bush's New Freedom Initiative.

7. Examples of Innovation and Success

Tulare County Youth Transitions Program

In 2006 the Tulare County Health and Human Services Department, along with the Department of Probation and a local provider, Community Services and Employment Training, began the Youth Transitions Program. This award-winning program provides both employment and leadership opportunities for vulnerable youth. This partnership has worked to open Extra Help positions in Tulare Works (in the department of Health and Human Services), and create a new job title, "Trainee," specifically designed for youth participating in the Youth Transitions Program. The Youth Transitions Program serves all WIA eligible youth with an emphasis on foster youth. The program serves about 35 youth continuously, some of whom go on to interview and attain permanent positions with the county. Others find permanent positions with local businesses after completing the program. Youth may keep their Trainee positions for up to 2 years for over 1500 hours each year.

For more information see the Tulare County Promising Practice
www.newwaystowork.org/initiatives/ytat/promisingpractices/TulareYouthTransition.pdf.

Los Angeles Summer Jobs Program

In 2007, the City of Los Angeles Community Development Department and partners within their Youth Transition Action Team connected 200 ILP-eligible foster and probation youth to their Summer Youth Employment program "Hire LA" by strengthening their cross-system connections. The successful pilot has led to increased expansion for 2008, including expanding the program to include a job shadowing and work internship month.

Santa Clara Emancipated Foster Youth Employment Program

In Santa Clara County, the Emancipated Foster Youth Employment Program provides entry-level job opportunities to emancipated foster youth ages 17 ¾ to 24 years old that emancipated from Santa Clara County. Prior to the development of this program, the county had limited job opportunities for qualified emancipated foster youth, and the existing job opportunities were only available within the Social Services Agency. In early 2006, three county departments came together to develop a pilot employment program for youth to

receive training for temporary, paid assignments. The program allows eligible youth the opportunity to be considered for entry-level County jobs through a special application process. Youth are hired as temporary employees with full health benefits. After a three month period of successful job performance, they are eligible for recommendation by their supervisor to become a permanent employee. At that time, they are required to take the employment test for their job classification. If they pass the test, they then become a permanent County employee. The program has recently been expanded to include 21 entry-level classifications, representing more than 500 alternately staffed entry-level positions county wide.

Mendocino County Office of Education Foster Youth Services

The Foster Youth Services Coordinator, through the Mendocino County Office of Education, uses Foster Youth Services resources funded through the California Department of Education to administer a small scale program for foster youth based on the Workability model. This program targets foster youth who do not have an IEP (required for all special education students), matching them with employment opportunities that align with their career interests. The program works with foster youth over age 16, with older students having priority. The number of students served varies year to year based on a variety of factors including how long students remain in their foster home placements and/or their jobs. Youth wages are subsidized for 10 hours per week at minimum wage for up to 180 hours and workers compensation costs are covered so there is no cost to the employer. As in the Workability model, the hope is that youth will be hired as a regular employee at the end of their training period or that additional hours will be added to the subsidized work by the employer. This program has seen many successes and has developed a number of positive employer partnerships.

Humboldt County STEP-UP Program

The Humboldt County STEP-UP program operates during the summertime and offers short term work experience and skill development opportunities for youth. It consists of three primary elements; business sponsored internships at non profit organizations and in public agencies, short term subsidized work experience opportunities, and the Digital Pathways Project. The Digital Pathways Project offers industry specific technical training in video editing and production on state-of-the-art equipment.

The STEP-UP program partners with local businesses to offer work experience opportunities in two ways, through sponsored internships and through subsidized summer employment. Businesses have the option of sponsoring a youth by contributing 1,500 dollars to support a sponsored internship. Sponsored youth work in various non profit and public agencies for around 150 hours. The majority of youth participants, however, work directly for private employers and the county uses Workforce Investment Act funds to help pay their wages. Humboldt County pays Workers Compensation Insurance for these youth out of the General Fund.

San Francisco Workforce Solutions

In San Francisco, WDD/Workforce Solutions has developed a comprehensive strategy of addressing the needs of employers and matching those needs with the best services their local One-Stops have to offer. Over the last few years, they have developed and sustained partnerships with major corporate employers to provide jobs for youth in their programs and have specifically targeted foster youth for these opportunities. Successful employer connections include Safeway, Steve and Berry's, and SkyWest Airlines.

8. Actions to Improve Youth Outcomes across the State

Legislative Policies/Statutory Remedies

1. Create legislation and appropriation for a public system-based internship program.
2. Shift eligibility to allow emancipated foster youth to be immediately eligible for Cal Works transition child care services.
3. Create legislation and appropriation for a subsidized on-the-job training program in partnership with the private sector, ILP, and Workforce Investment Boards modeled after OJT in the workforce system. Include support for staff to support supervisors and youth.
4. Create an award model similar to the *Secretary of Labor's New Freedom Initiative Award* that gives recognition for exemplary and innovative efforts in furthering the employment opportunities of foster youth.

Policy and Regulatory

1. Encourage the State Youth Vision Team and the California Workforce Investment Board to develop a statewide "Hire-a-Youth" campaign in conjunction with the California Chamber of Commerce.
2. Adjust civil service regulations to allow for a percentage of targeted participants who have been engaged in internship or temporary positions in a department or agency to be hired without the same testing and "list" requirements of the civil service system.
3. Encourage apprenticeship programs to target the recruitment of emancipating or emancipated foster youth.

Local Practice

1. Remove adult status requirement for eligibility to apply for county positions or create a student or trainee classification.
2. Create open dialogue about how to leverage recruitment and outreach to employers.
3. Develop mechanisms to provide support for youth in retaining employment and supervisors that hire them.
4. Align employer engagement strategies to economic development initiatives such as the California EDGE Campaign and industry pipeline initiatives.
5. Create supports for employers who hire foster youth.
6. Encourage local county departments to create public system internship opportunities for current and former foster youth.

7. Provide training for education and workforce development professionals, as well as caregivers and guardians regarding the needs of foster youth and to raise awareness about appropriate opportunities and resources.
8. Launch local summer and year round youth employment initiatives and include foster youth as a priority for placement.

Foster Youth Career Development and Employment Summit

Glossary

2+2 Programs	A four-year program of technical training is begun in the last two years of high school and continued through two years of community college.
A-G Requirements	The intent of the "a-g" Subject Requirement is to ensure that students can participate fully in the first-year program at the University in a wide variety of fields of study. The requirements are written deliberately for the benefit of all students expecting to enter the University of California /California State University, and not for preparation for specific majors. Faculty consider the Subject Requirement to be effective preparation, on many levels, for undergraduate work in California's public university systems.
Age Out	Refers to youth who exit the child welfare system simply because they reach the age of 18, and not because they are returned home to their families or adopted.
Apprenticeship	Apprenticeship is a system of learning while earning, and "learning by doing." It combines training on the job with related and supplemental instruction at school. Each program operates under apprenticeship training standards agreed to by labor and/or management in accordance with State and Federal laws, under which a person works with a skilled worker and gains on the job skills and "know-how" and in turn earns a portable certification of their skills.
Breakthrough Series Collaborative (BSC)	A methodology adapted from the health care field; it originated with the Institute for Healthcare Improvement (IHI) and the Associates in Process Improvement (API) in 1995.
CalCRN	California Career Resource Network - an interagency, state-level network created to support career guidance and academic counseling programs to promote improved career and education decisions.
Care Provider	The person or institution responsible for providing foster care as defined in regulation.

Career Academies	Career Academies have become a widely used high school reform initiative that aims to keep students engaged in school and prepare them for successful transitions to post-secondary education and employment. Typically serving between 150 and 200 high school students from grade 9 or 10 through grade 12, Career Academies are organized as small learning communities, combine academic and technical curricula around a career theme, and establish partnerships with local employers to provide work-based learning opportunities.
Career Development	The process of helping young people acquire basic skills, explore career opportunities, and gain experience within the workforce to prepare them for a career and successful employment.
Career Mentoring	A career exploration activity in which the student is matched one-to-one with an adult professional in a chosen field of interest to explore a career and related issues. Career mentoring relationships should be at least six months in duration and include structured activities as well as career and education-related activities.
Career Pathway	Career Pathways are broad groupings of careers that share similar characteristics and whose employment requirements call for many common interests, strengths and competencies. Often refers to a linked series of courses within a high school setting.
Career Technical Education (CTE)	A program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers.
Caregivers	Refers to anyone providing care to youth in foster care including kinship care, foster families and group homes.
Case manager	A professional who serves as a point of contact for a youth in care. This person seeks out and coordinates resources, monitors progress, and communicates with the person, family, and other professionals.
Case Workers	A caseworker, often referred to as a Social Worker, is a person who is employed by a government agency or a private organization to take on an individual's case and provide them advocacy, information, or other services.

Chafee Act	The Foster Care Independence Act of 1999 established the John H. Chafee Foster Care Independence Program. This program incorporates and expands the former Independent Living Program (ILP) and expands services for after care youth ages 18-21 who have exited care at age 18 or after, but have not reached age 21.
Child Welfare Services (CWS)	Used to describe a set of government and private services designed to protect children and encourage family stability. These typically include investigation of alleged child abuse (including child sexual abuse and neglect ("child protective services")), foster care, adoption services, and services aimed at supporting at-risk families so they can remain intact ("prevention services" or "family preservation services"). CWS is also used to describe the state-level and county level public agencies responsible for the oversight and delivery of foster care services in their jurisdiction.
Court Appointed Special Advocate (CASA)	Trained community volunteers who speak for the best interests of abused and neglected children in court
Education and Training Voucher (ETV) program	A change to the Chafee program that provides for additional resources to make vouchers available for youth to receive post-secondary education and training.
Emancipation	Describes the moment in time when children age out of the Child Welfare System. This is usually at the age of 18 or when they finish high school, whichever is later. When children are emancipated they are no longer wards of the court and social services no longer has to provide for them.
Extended care	The extension of foster care beyond age 18.
Extended services	The extension of foster care services, but not necessarily foster care itself beyond age 18.
Foster Care	<p>The provision of 24-hour care and supervision to a child who has been placed by a child placing agency, including county child welfare services and probation departments, in one of the following types of foster homes:</p> <ul style="list-style-type: none"> • A licensed foster family home. • A licensed small family home. • A family home certified by a licensed foster family agency for its exclusive use. • An approved foster family home. • A licensed group home for children. <p>A home, pursuant to a court order or voluntary placement agreement.</p>

Foster youth	Young people in foster care under child welfare supervision or probation supervision
Foster Youth Services (FYS)	A state-funded program that provide support services to foster children who suffer the traumatic effects of displacement from family and schools and multiple placements in foster care. FYS programs have the ability and authority to ensure that health and school records are obtained to establish appropriate placements and coordinate instruction, counseling, tutoring, mentoring, vocational training, emancipation services, training for independent living, and other related services. FYS programs increase the stability of placements for foster children and youth. These services are designed to improve the children's educational performance and personal achievement.
General Educational Development (GED)	A certificate awarded to a person who successfully passes exams measuring their educational level. The GED certificate is equivalent to a high school diploma.
Group Home	The term “group home” is used in California to cover wide array of programs of different size and structure providing various combinations of care, supervision, and services to meet the needs of diverse groups of children. Unlike many states, California does not distinguish between campus-based residential treatment programs and community-based group homes, or between group homes serving varying populations such as pregnant and parenting teens, juvenile offenders, emotionally disturbed children and transition-aged youth. “Group home,” as used in Community Care Licensing (CCL) regulations refers to a residential facility of any capacity that provides 24-hour non-medical care and supervision to children in a structured environment with the services provided at least in part by staff employed by the licensee.
Guidance Counselors	Professionals who guide elementary, middle, and high school students, both academically and socially, through their school years.
ILP Redesign	The effort to redesign ILP to focus on attaining education, employment, and permanence outcomes by providing real opportunities for experience and learning.

Independent Living Skills Program (ILP/ILSP)	Provides training, services, and programs to assist current and former foster youth achieve self-sufficiency prior to and after leaving the foster care system. Some of the services provided through ILP include daily living skills, money management, decision making, building self-esteem, financial assistance with college or vocational schools, educational resources, housing (transitional housing), and employment.
Individual Education Plan (IEP)	Required in schools for children who have disabilities.
Internship	A highly structured, time limited, career preparation activity that occurs at the worksite. Internships may be paid or unpaid, depending on whether the student is performing productive work for the employer. Internships are designed to give students hands-on experience, providing them with a deeper understanding of the occupation or industry.
Job Shadowing	A career exploration activity, conducted at the workplace, designed to help students explore a field of interest while developing research skills and building occupational knowledge.
Kinship Care	The full-time nurturing of a child by someone related to the child by family ties or by prior relationship connection.
One Stop	Facility supported by the Workforce Investment Act offering comprehensive services and resources for employment training and career development under one roof.
Permanence	Both a process and a result that includes involvement of the youth as a participant or leader in finding a permanent connection with at least one committed adult who provides: <ul style="list-style-type: none"> • A safe, stable and secure parenting relationship • Love • Unconditional commitment • Lifelong support in the context of reunification, a legal adoption, or guardianship, where possible, and in which the youth has the opportunity to maintain contacts with important persons including brothers & sisters
Pipeline initiatives	Initiatives that address preparing workers for a specific industry or career to address current or projected workforce shortages. Initiatives are often aimed at the adult workforce, but some programs connect to career preparation activities focused at the high school level.

Reasonable and Prudent Parent Standard	The standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests.
Regional Occupational Programs (ROP)	Career and workforce preparation for high school students and adults, preparation for advanced training, and the upgrading of existing skills.
Residential Based Services Reform (RBS)	Designed to insure that group home placement is used judiciously, appropriately and effectively in order to obtain specific, affirmative outcomes that cannot be reached using services provided while a child or youth lives in a family setting in the community.
Social Worker	Child, family, and school social workers provide social services and assistance to improve the social and psychological functioning of children and their families and to maximize the well-being of families and the academic functioning of children.
Soft skills	Non-technical, intangible, personality-specific skills such as written and verbal communication, interpersonal skills, teamwork, problem-solving, time management, analytical and adaptability. These skills are viewed as transferable skills that can be applied to any job.
Systems	Refers to state, governmental, or other organizations that work with or provide public services.
Tech Prep	A planned sequence of courses designed as career pathways in vocational and technical fields.
Transition Plan	A plan that focuses on the development of independent living skills, including securing housing, developing a financial plan, obtaining and maintaining employment, continuing education, and creating social networks and connections.
Transitional Housing Placement Program (THPP)	The THPP is a community care licensed placement opportunity for youth in foster care. The goal of THPP is to help participants emancipate successfully by providing a safe environment for youth to practice the skills learned in ILP. Participants may live alone, with departmental approval, or with roommates in apartments and single-family dwellings with regular support and supervision provided by THPP agency staff, county social workers, and ILP coordinators.

Transitioning youth	Typically refers to youth that are in the process of transitioning from one stage of life to another (i.e.: transitioning from adolescents to adulthood.)
Work experience	A career preparation activity in which students are at a worksite doing real work for pay. They are held to the same expectations as all employees. These experiences range from regular, paid employment to subsidized employment and learning-rich work experience.
Workforce Investment Act (WIA)	The federal Workforce Investment Act (WIA) offers a comprehensive range of workforce development activities through statewide and local organizations. Available workforce development activities provided in local communities can benefit job seekers, laid off workers, youth, incumbent workers, new entrants to the workforce, veterans, persons with disabilities, and employers. The purpose of these activities is to promote an increase in the employment, job retention, earnings, and occupational skills improvement by participants. This, in turn, improves the quality of the workforce, reduces welfare dependency, and improves the productivity and competitiveness of the nation. California will receive approximately \$454 million from the federal government this year to provide services for adults, laid-off workers, and youth.
Youth friendly	A term that refers to how services and programs are structured to attract, retain, and serve youth in a respectful and engaging manner.
Youth Transition Action Team (YTAT)	An initiative of New Ways to Work that focuses on bringing together the resources of the workforce, education, and child welfare systems to better prepare adolescents who are current or former foster youth to achieve economic, educational, and employment success as they transition into the adult world.

Foster Youth Career Development and Employment Summit

Policy Paper Development Process and Workgroup Members

The Foster Youth Career Development and Employment Summit is sponsored by Casey Family Programs and facilitated by New Ways to Work, in partnership with the Child and Family Policy Institute of California.

Policy Paper Development

The Policy Papers developed for The Foster Youth Career Development and Employment Summit were written by New Ways to Work, with significant advice and input from youth, caregivers, and hundreds of child welfare, workforce development, and education professionals. The papers build on the issues and solutions identified through the 2006 Foster Youth Employment Forums, the California NGA Policy Academy on Transitioning Foster Youth, the California Youth Connection's recommendations regarding employment preparation, Casey Family Program's work at the state-wide systems-building and county levels, New Ways to Work's national convening on Disconnected and Disconnecting Youth, the Youth Transition Action Team initiative, and other California initiatives and programs focused on the employment and career development elements of foster youth transition.

Workgroups were formed in each of four defined policy areas and guided the development of each paper. A planning committee provided oversight and final review of each paper, as well as providing assistance with the planning of the summit.

Each Policy Paper outlines the issues, goals, current situation, opportunities for change, suggested solutions, examples of innovation at the local level, and specific policy recommendations at the legislative, regulatory, and local practice levels.

The papers address the following four policy focus areas:

- Prioritize career development and employment for every foster youth
- Connect youth to education and workforce development programs
- Support emancipating and emancipated youth in their transition to adulthood
- Provide work experience and job opportunities that lead to economic success

Though the summit activities, participants will reflect on each paper, and provide priority recommendations in each of the four policy areas. The recommendations will be presented to members of the Select Committee on Foster Care and other key legislators, and published in a report following the Summit.

People

We wish to thank the following individuals who volunteered their time, energy, and wisdom over the last several months in order to ensure the success of this summit.

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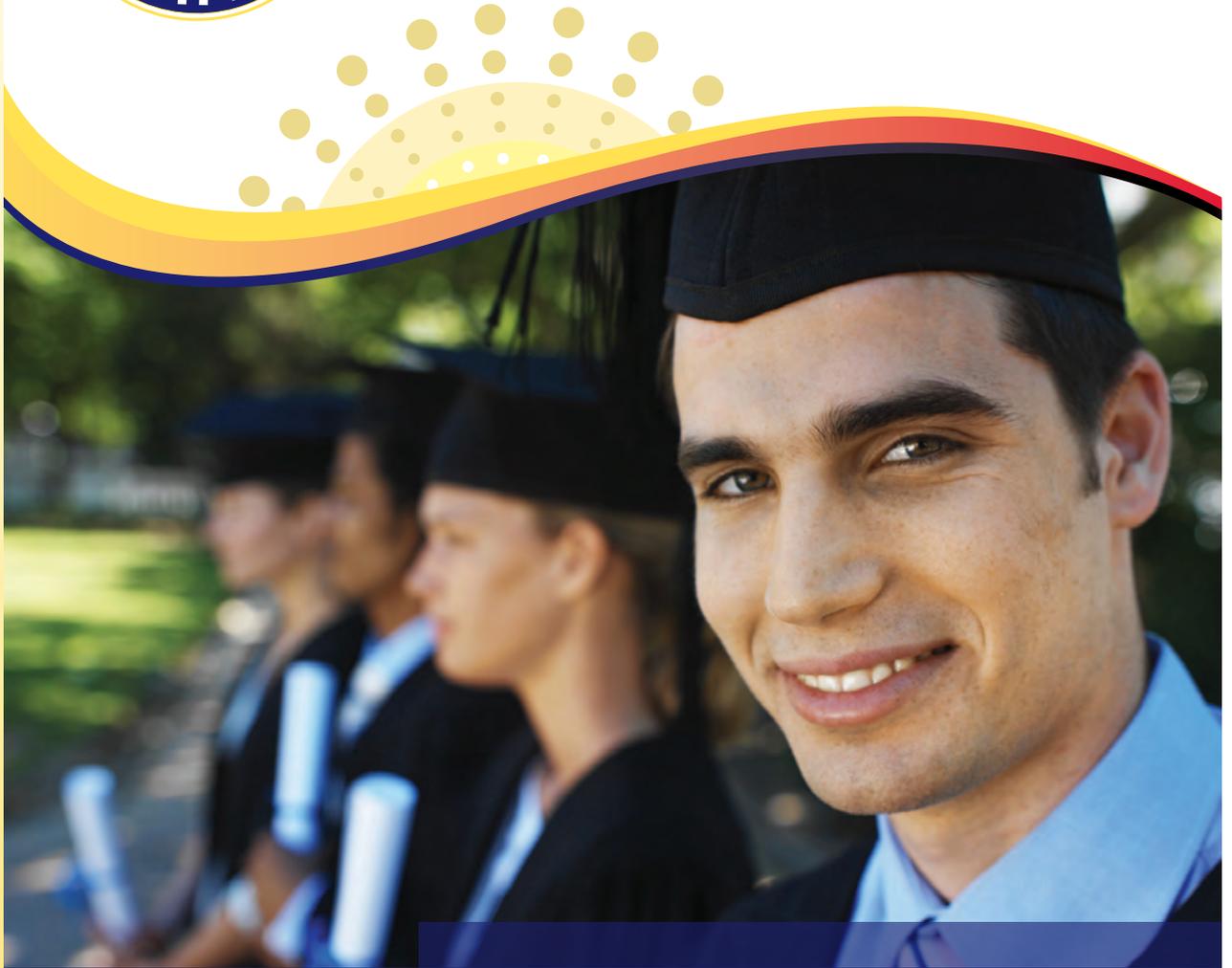
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CALIFORNIA COLLEGE PATHWAYS

Helping California's Foster Youth Access Higher Education
and Reach Their Educational Goals



FOSTER YOUTH

EDUCATIONAL PLANNING GUIDE



CALIFORNIA COLLEGE PATHWAYS

Foster Youth Educational Planning Guide

FOSTER YOUTH EDUCATIONAL PLANNING GUIDE

This list is a compilation of programs and resources that can assist foster youth and their caregivers prepare to enter higher education. This guide was designed as an optional tool with recommendations that may be beneficial to foster youth and their caregivers during the transition into college.

GET ORGANIZED:

- Start a binder to place all information related to college.
- Keep copies of test scores and/or write down dates of tests taken.
- Save your log in name and passwords for online registration, etc.

6TH & 7TH GRADE

- Talk to your school counselor about courses that will prepare you for college and create an academic plan to take college preparatory courses.
- Have guardians attend the education planning night at the middle school where local high school counselors present their programs and schedules.
- Obtain the College Preparatory (a-g) course list at www.csumentor.edu or www.ucop.edu.
- Complete a college prep English course.
- Take mathematics, such as pre-Algebra.
- Participate in career awareness activities.
- Take a career interest and aptitude assessment.

8TH GRADE

- Using the College Preparatory (a-g) course list and a list of Career Technical Education course lists for high schools in your area, develop a tentative schedule of specific courses for all four years.
- Take Pre-Algebra or Algebra I.
- Take a language other than English.
- Take EXPLORE Test for ACT.
- Begin your Student Planner at www.csumentor.edu or at www.californiacolleges.edu.



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Foster Youth Educational Planning Guide

- Participate in career awareness and career exploration activities.
- Update your career interest and aptitude assessment.
- Find out about career-related programs at high schools in your area, visit those that interest you, and apply to attend if it makes sense.

9TH GRADE

- Attend an orientation session at your new school.
- Meet with your high school counselor.
- Take the required college preparatory coursework also known as “a-g”.
 - Take required courses to meet the college admission standards: Algebra I or Geometry, college prep English, and a foreign language.
 - Take elective courses that meet the college admission standards: history, English, mathematics, science, visual and performing arts, and a foreign language.
- Optional: Take the EXPLORE Test from ACT (American College Test).
- Create a file to keep copies of report cards, record of honors and awards, and list of extracurricular activities, clubs or sports involvement at school, volunteer work, community service, and paid employment.
- Begin or update your Student Planner at www.csumentor.edu or www.californiacolleges.edu. The planner has information on courses and grades required for college admission.
- Participate in career awareness and career exploration activities.
- Update your career interest and aptitude assessment.
- Find out about career-related programs at your high school and sign up for those that interest you.
- Participate in a community project.



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10TH GRADE

- Talk with your guardians about your educational choices and review your course load. Make sure you are satisfying high school graduation and college entrance requirements.
- Take Geometry or Algebra II.
- Take college prep English.
- Visit college campuses and attend college fairs.
- October: Register for the PSAT (Preliminary Scholastic Aptitude Test), a practice exam for the SAT. Ask your counselor for a fee waiver code when registering online for the PSAT.
- Take the PLAN test from ACT (American College Test). Ask your counselor about a fee waiver.
- If you are interested in attending a selective college, register for the AP (Advance Placement) test, honors, and advanced courses for 11th grade, if available.
- Take part in enrichment programs and summer workshops and camps in subjects like music, science, engineering, writing, filmmaking, and others.
- Participate in career awareness, career exploration and career preparation activities.
- Update your career interest and aptitude assessment.
- Find out about career-related and occupational programs at your high school and sign up for those that interest you.
- Participate in a community project.
- Explore educational requirements of careers that interest you.
- Prepare for and participate in a summer internship.





CALIFORNIA COLLEGE PATHWAYS

Foster Youth Educational Planning Guide

11TH GRADE

- Review with your school counselor the classes you need to take for college admissions, including Algebra II or advanced mathematics and English with emphasis on writing and critical reading.
- Review with your counselor your academic record and strengthen any weakness or problem areas.
- Take the CSU's Early Assessment Program (EAP) at www.calstate.edu/eap to determine if you are ready for college-level mathematics and English/language arts courses.
- Enroll in honors, AP and advanced courses if possible.
- Students taking Advanced Placement (AP) classes: Register to take the AP exam in the spring. You can earn college credit for AP courses if you score well on the test(s). Ask your counselor about a fee waiver.
- Register for the ACT or the SAT two month before the exam. If you take the exam in the spring or summer, you will get the results in time to see if you need to retake it in the fall. Some CSU campuses require you to take the ACT or SAT by October of your senior year. Acquire fee waiver code from the high school counseling office.
- Attend college fairs and college planning sessions with your guardian.
- Attend financial aid information sessions at your high school, Independent Living Program or local colleges.
- Select courses for your senior year that strengthen your academic record and ensure that you meet the a-g requirements.
- Check your transcript at the end of the year to make sure it is correct.
- Use spring break or summer vacation to tour college campuses. Have questions prepared in advance and take notes on your visits.
- Explore careers by taking a summer job or job shadowing in your field of interest.
- Participate in career awareness, career exploration and career preparation activities.
- Update your career interest and aptitude assessment.
- Participate in a community project.
- Explore educational requirements of careers that interest you.
- Identify educational goals and schools consistent with your career interests.
- Prepare for and participate in a summer internship or work experience.



CALIFORNIA COLLEGE PATHWAYS

Foster Youth Educational Planning Guide

12TH GRADE | FALL SEMESTER

- Review courses with your school counselor to make sure you are meeting high school graduation and entrance requirements for the colleges that interest you.
- Take English and other courses required for college admission. Advanced math courses such as Trigonometry or Analytic Geometry/Calculus are also recommended.
- Early September: Register for the October ACT (American College Test) or SAT (Scholastic Assessment Test).
- Early November: Register for the December ACT or SAT if you are retaking the exam.
- Identify three individuals who can write a strong recommendation letter for you and get the letters by November 15th.
- Finish your personal essay for college admission. Include information about your foster care experience in your personal statement. The personal essay will be used to complete the EOP application, UC application and scholarship applications.
- Search for scholarship money using the scholarship search function at www.californiacolleges.edu.
- Attend ILP workshops, college fairs, college planning sessions, and financial aid information sessions.
- Visit college campuses that are a good match with your credentials and career interests.
- Narrow your choices of colleges. Many students select three to five schools to apply to – their “dream” school, their “safety” school, and two to three other choices.
- Get a common email address for yourself that is strictly for college application information.
- October-November: Apply for CSU (www.csumentor.edu) and/or UC (www.universityofcalifornia.edu/admissions). If you regularly updated your “Student Planner”, your course information will be automatically transferred to your application. Application deadline is November 30, unless otherwise noted.
- Don’t forget to press the submit button on your college application and ALWAYS print out copies of applications submitted online.
- Double check your transcript to make sure all the information is correct.
- Have your transcripts sent to requesting colleges. You might have to request more than one.
- Apply for on campus housing for each college campus that you are applying to and place your name on the waitlist, if needed. Some colleges call their campus housing “dorms”, while others call them “residence halls”.



CALIFORNIA COLLEGE PATHWAYS

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- Check with your social worker or caregivers about the payments and deposits for college. Some colleges require an upfront deposit for on-campus housing and only accept checks or credit cards.
- Apply for the Educational Opportunity Program (EOP), www.csumentor.edu/planning/eop.
- Apply for scholarships and campus support programs like the Guardian Scholars and Renaissance Scholars. Visit www.cacollegepathways.org for a complete list of programs.

12TH GRADE | SPRING SEMESTER

- January-March: Apply for financial aid and complete the FAFSA (Free Application for Federal Student Aid) at www.fafsa.ed.gov by March 2.
- Get a FAFSA PIN (Personal Identification Number) at www.fafsa.ed.gov.
- Check to see that your school sent your Cal Grant GPA Verification form.
- March-May: If you are planning to attend a CSU, register for the CSU's placement exam (unless you are exempt), which is required prior to enrollment in the CSU.
- If you are planning to attend a community college, take any placement tests required by the school you will attend.
- Late Spring: Students taking Advanced Placement (AP) classes should take the AP exams. You can earn early college credit for AP courses if you score well on the test(s). Have the scores sent to the schools where you are applying.
- Pay a nonrefundable deposit for freshmen tuition to the college you plan to attend, if required, to hold your spot.
- Apply online for the Chafee Grant at www.chafee.csac.ca.gov. Grants are for eligible foster youth ages 16-21 for up to \$5000 to assist with job training and college tuition.
- Ask your school counselor to send your final high school transcript to the college you will attend.
- Obtain a copy of your ward of the court letter from your social worker.



CALIFORNIA COLLEGE PATHWAYS

Foster Youth Educational Planning Guide

WHAT ARE THE “a-g” REQUIREMENTS?

The California State University and the University of California requires the college preparatory pattern of classes referred to as the “a-g” courses for admission.

- English: 4 years of college preparatory English composition and literature (take one each year)
- Math: 3 years (4 years are recommended), including Algebra I, Geometry, Algebra II, or higher mathematics (take one each year)
- History and Social Science: 2 years, including 1 year of U.S. history (or 1 semester of U.S. history and 1 semester of civics or American government) and 1 year of social science
- Laboratory Science: 2 years with a lab class
- Language (other than English): 2 years of the same language (American Sign Language is applicable)
- Visual and Performing Arts: 1 year of dance, drama or theater, music, or visual arts
- College Preparatory Elective: 1 year of any college preparatory subject

Note: More than 4,000 high school career/technical classes are accepted as fulfilling one of the a-g course requirements. See “a-g course lists” at www.ucop.edu/doorways, to find out which ones qualify.

MAKING THE GRADE

- If your grade point average or GPA in college preparatory courses taken in 10th through 12th grades is 3.0 or above, you automatically meet the minimum eligibility requirements for the CSU, UC and some private colleges. Visit www.californiacolleges.edu.
- If your GPA is between 2.0 and 3.0, your eligibility also depends on your ACT or SAT results in combination with your GPA.

TESTS YOU NEED TO TAKE

- California High School Exit Examination (CAHSEE)
- The PSAT (Preliminary Scholastic Assessment Test) and PLAN are optional practice tests designed to prepare for the mandatory college admissions tests— SAT (Scholastic Assessment Test), ACT (American College Test) and others.
- Early Assessment Program (EAP) is an academic preparation program to help 11th grade students meet college readiness standards in English and mathematics before admission to a CSU campus.



CALIFORNIA COLLEGE PATHWAYS

Foster Youth Educational Planning Guide

APPLICATION CHECKLIST

- Allow for sufficient time to complete online application forms and paper application forms.
- Keep a record of your user ID and password for the online application.
- Identify yourself as a foster youth by marking yes on the question asking if you are a “orphan or ward of the court or foster youth” on the UC, CSU and Community College admissions application, EOP application and the FAFSA.
- FAFSA: Question 55 – 60 is where you will need to answer whether you are a orphan, ward of the court, an emancipated minor or an unaccompanied youth who is homeless or at risk of homelessness.
- Use the same legal name on all applications.
- Have an official copy of your high school transcripts on hand. You will need them to enter your courses and grades in the online application.
- Have your SAT or ACT results on hand to submit with the application.
- Check for a fee waiver and submit it with your application.
- Keep a copy of all records that you send.
- Make a note of the people you speak with on a campus.
- Keep a copy of your Social Security number in a safe place.

ADMITTED STUDENT CHECKLIST

- Activate your campus account if your campus requires it. Your campus account will help you track online student updates, missing documents, deadlines and appointments.
- Open and read carefully all mail and emails from your admitted school. Make sure your address and email is always current. Most communication from your school will come via email.
- Keep a copy of all correspondence.
- Return your “Intent to Register Form” and deposit (\$50-\$100) to the campus by the posted deadline.
- CSU: Take the ELM (Entry Level Mathematics) and/or EPT (English Placement Test) placement tests unless you were exempt via SAT, ACT, EAP, or AP. Contact your campus testing office.
- Submit final official transcripts to colleges that request it.
- Submit the application for student housing. Please note that students should submit housing applications during the admissions application time period. Submit lease agreements and/or deposits. If you are on financial aid, ask about waiving the deposit for low income students.



CALIFORNIA COLLEGE PATHWAYS

Foster Youth Educational Planning Guide

- Follow up with financial aid at www.fafsa.ed.gov by the priority deadline of March 2. Make sure the SAR (Student Aid Report) forms are complete and submitted to the campus. The SAR will indicate any Expected Family Contribution (EFC). For most former foster youth the EFC is zero.
- Meet immunization requirements. Contact the Student Health Center for campus-specific requirements.
- Register and pay for new student orientation.
- Attend the EOP orientation.
- Register for summer programs such as Summer Bridge through EOP.
- Meet with your EOP advisor to create an educational plan and select classes.
- Register for classes online.
- Submit final official transcripts from your high school.

RESOURCES AND PROGRAMS THAT HELP FOSTER YOUTH GET READY FOR AND SUCCEED IN COLLEGE

Advancement Via Individual Determination (AVID)

- Designed to increase school-wide learning and performance.
- Students are enrolled in an AVID elective class, take advanced classes with curriculum and tutorial support, and focus on qualifying for four-year college and university admission.
- AVID programs are available in many middle and high schools in California.

California CareerZone

- The California CareerZone is a FREE web based career exploration system that provides easy to use self-assessments tools. Students can learn about themselves and how they might match-up with 900 O*Net occupations that detail the job definition, interests, tasks, skills, and more. Approximately 300 of the occupations have videos showing a typical day in the life of someone in that occupation. Website: www.CACareerZone.com.

California Chafee Grant Program (www.chafee.csac.ca.gov)

- Gives up to \$5000 to eligible former foster youth to use for career and technical training or college courses at California Community Colleges, California State Universities and University of California campuses, etc.
- Children who exit foster care from relative guardianship or adopted after age 16 are also eligible.



CALIFORNIA COLLEGE PATHWAYS

Foster Youth Educational Planning Guide

- Students must enroll in at least half time as defined by the school.
- Complete a FAFSA and financial aid application at that school.

Gain Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

- Is a middle school model for creating a college-going culture.
- Program services support the adults who influence a student's education, specifically their teachers, administrators, counselors, and caregivers.

Mathematics, Engineering, Science Achievement (MESA)

- Offers academic enrichment service for educational disadvantaged students so that they excel in math and science, go on to college, and attain degrees in math-based fields.
- MESA provides individualized academic plans, academic excellence workshops in math and science, study skills training, SAT and PSAT preparation, hands-on math and science competition, career and college exploration, interaction with industry representatives, and caregiver involvement.

PUENTE

- Is a national program to increase the number of students who enroll in colleges and universities, earn college degrees, and return to the community as mentors and leaders for future generations.
- PUENTE trains school and college faculty to provide rigorous instructions, focused academic counseling, and mentoring by members of the community.

Upward Bound

- Serves high school students from low-income families, families in which neither parent holds a Bachelors Degree, and low-income, first-generation military veterans and foster youth who are preparing to enter postsecondary education.
- The goal of Upward Bound is to increase the rates at which participants enroll in, and graduate from, colleges and universities.
- The program offers instruction in math, laboratory science, composition, literature, and languages other than English.



CALIFORNIA COLLEGE PATHWAYS

FOSTER YOUTH EDUCATIONAL PLANNING GUIDE

401 Golden Shore, Long Beach, CA 90802

(562) 951-4734

Educating Foster Youth: Best Practices and Board Considerations

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

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

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

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

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

The major provisions of AB 490 include the following:

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

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

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

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

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

Best practice

Immediate enrollment

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

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

Best practice

Timely transfer of records

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

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

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

Best practice

Protection for partial credits

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

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

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

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

Right to Make Educational Decisions

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

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

Best practice

Educational surrogacy program

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

Partnerships to Support Foster Youth

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

Best practice

Partnerships

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

Considerations for Board Members

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

Setting direction for the community’s schools

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

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

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

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

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

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

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

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

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

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

Providing support

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

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

Ensuring accountability to the public

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

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

Acting as community leaders

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

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

Contact Information

For further information, please contact:
Marguerite Noteware
Research Consultant
Phone: (916) 371-4691
E-mail: mnoteware@csba.org

Resources

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

CSBA Sample Policies and Administrative Regulations

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

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

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

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

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

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



California Foster Youth Education Task Force

California Foster Care Education Law Fact Sheets

Third Edition, October 2008



Member Organizations

Alameda County Foster Youth Alliance	Children’s Law Center of Los Angeles
American Bar Association, Center on Children and the Law	Columbia College
California Administrative Office of the Courts, Center for Families, Children & the Courts	County Welfare Director’s Association of California
California Alliance of Child and Family Services	Family Matters Foundation
California CASA Association	Honoring Emancipated Youth
California Child Welfare Co-Investment Partnership	Law Foundation of Silicon Valley
California Community Colleges Chancellor’s Office	Learning Rights Law Center
California Department of Education	Los Angeles County Department of Children and Family Services
California Department of Social Services	Los Angeles County Education Coordinating Council
California Foster Youth Services	Los Angeles Unified School District Foster Care Unit
California School Boards Association	Mental Health Advocacy Services, Inc.
California State University, Los Angeles	National Center For Youth Law
California State University, San Marcos	New Ways to Work
California Workforce Investment Board	Office of the Chancellor, The California State University
California Youth Connection	Orangewood Children’s Public Counsel Law Center
Casey Family Programs	Protection & Advocacy, Inc.
Child & Family Policy Institute of California	Sacramento Child Advocates, Inc.
Child Guidance Foster Family Agency	Stuart Foundation
	Youth Law Center

Citations and Abbreviation Key

Abbreviations included in citations or referenced throughout the fact sheets

AB	Assembly Bill
CCR	California Code of Regulations
CFR	Code of Federal Regulations
EC	California Education Code
GC	California Government Code
IEP	Individualized Education Plan
WIC	Child Welfare & Institutions Code
USC	United States Code

For electronic copies of this publication and for other resources, please visit www.casey.org and www.clcla.org

The California Foster Youth Education Task Force thanks the individuals listed below for their time and effort in writing and revising this publication:

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Patty Armani, Betsy DeGarmoe, Karie Lew, Craig Liu, Marymichael Miatovich, Ann Quirk, Robert Taniguchi, Leecia Welch—October, 2008

produced courtesy of Casey Family Programs

Introduction

Effective January 1, 2004, Assembly Bill 490 (Steinberg) created new duties and rights related to the education of dependents and wards in foster care.

Guiding Principles

Everyone shares the duty to promote the educational progress of children in out of home placements.

Educators, school personnel, social workers, probation officers, caretakers, advocates, and juvenile court officers must work together to serve the educational needs of children in foster care.

Foster youth must have access to the same academic resources, services, and extra-curricular and enrichment activities available to all students. All educational decisions must be in their best interests. *EC §§ 48850(a), 48853(g); WIC §§ 361(a), 726(b).*

Educational matters must be considered at every court hearing. Social workers and probation officers have many education-related reporting requirements. *See CRC 5.651(c) for a detailed list of requirements.*

School Stability**Role of the Placing Agency**

When making an out-of-home placement, the placing agency must consider both the placement's proximity to the child's current school and the impact the placement will have on the child's educational stability. *WIC § 16501.1(c).*

Within 24 hours of determining that a proposed placement or placement change would result in a change of school, the social worker or probation officer must notify the court, child's attorney, and educational representative or surrogate parent. *CRC 5.651(e)(1)(A).*

If a child who is changing schools has an Individualized Education Program (IEP), the social worker or probation officer must give written notice of the impending change to the current local educational agency and the receiving Special Education Local Plan Area at least 10 days in advance. *CRC 5.651(e)(1)(B).*

Role of the Court

The child's attorney must discuss any proposed school change with the child and the child's educational rights-holder, as appropriate, and may request a hearing on the proposed change by filing form JV-539 within 2 court days of receiving notice. *CRC 5.651(e)(2)(A).*

The child's educational rights-holder may also file form JV-539 to request a hearing on a proposed school change. *CRC 5.651(e)(2)(B).*

If there is a hearing request, the social worker or probation officer must provide a report on the proposed change within 2 court days, and the hearing must be held within 7 calendar days. Pending the result of the hearing, the child has a right to remain in his or her current school. *CRC 5.651(e)(2)-(4).*

Role of the School District

If a child's residential placement changes, the school district must allow the child to remain in his/her "school of origin" (usually the child's current school) for the rest of the school year. The district's foster youth liaison may recommend that this right be waived after consulting with the child and his/her educational rights-holder and providing them with a written explanation. If a dispute arises, the child has the right to remain in the school of origin until the dispute is resolved. *EC § 48853.5(d).*

School District Liaison

Each school district and county office of education must designate an educational liaison for foster youth, whose duties are:

- To ensure proper educational placement, school enrollment, and checkout from school,
- To assist with the transfer of grades, credits, and records when there is a school change, and
- To request or provide school records within 2 business days when there is a change of school. *EC § 48853.5(b), (d)(4)(C).*

Local Public Schools Preferred

Foster children must attend programs operated by the local educational agency unless:

- The child remains in the school of origin,
- The child has an IEP requiring a different educational placement, or
- The child's educational rights-holder determines that it is in the child's best interest to attend a different educational program. *EC § 48853(a).*

Before any decision is made to place a child in a juvenile court school, community school, or other alternative educational setting, the child's educational rights-holder must first consider placement in the regular public school. *EC § 48853(b).*

Immediate Enrollment

If a child changes schools, he/she has the right to be enrolled in the new school immediately, even if there are outstanding fees, fines, textbooks, or other items or money due to a school or if the student

does not have the clothing or records normally required for enrollment. *EC § 48853.5(d)(4)(B).*

**Timely Transfer of Records
Placing Agency's Duties**

As soon as the social worker or probation officer becomes aware of the need to transfer a child to a new school, he/she must notify the school district of the child's last expected day of attendance and request that the child be transferred out. *EC § 49069.5(c).*

Social workers and probation officers may access the child's school records—without needing parental consent or a court order—to help with school transfer and enrollment, compile the child's health and education summary, and conduct educational case management. *EC § 49076(a)(11).*

New School District's Duty

Within 2 business days of receiving a request for enrollment, the foster youth liaison for the new school must contact the school last attended by the child to obtain all academic and other records. *EC § 48853.5(d)(4)(C).*

Old School District's Duties

Within 2 business days of receiving a transfer request, the current school district must transfer the child out and deliver the student's school records to the next school. The records must include a determination of seat time, full or partial credits earned, current classes and grades, immunization records, and, if applicable, special education or Section 504 records. *EC § 49069.5(d)-(e).*

All records must be provided to the new school regardless of any outstanding fees, fines, textbooks, or other items or money owed to the school last attended. *EC § 48853.5(d)(4)(C).*

Grade and Credit Protections

A child's grades may not be lowered due to absences caused by a change in placement, a court appearance, or a court-ordered activity. *EC § 49069.5(g)-(h).*

Local educational agencies must award all students (not just foster youth) with credit for full or partial coursework satisfactorily completed at a public school, juvenile court school, or non-public, non-sectarian school or agency. *EC § 48645.5.*

The California Foster Youth Education Task Force is a coalition of more than 35 organizations dedicated to improving educational outcomes for foster youth. For more information, please contact Erin Saberi, Casey Family Programs, at 916.503.2950 or esaberi@casey.org.

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Introduction

Parents have the right to make educational decisions for their children unless their child is in a legal guardianship, their child has been freed for adoption (parental rights terminated), or the juvenile court has limited their educational rights. *WIC* §§ 361, 726; *GC* § 7579.5; *EC* § 56055; *34 CFR* §300.30.

The social worker or probation officer must confirm and indicate in every court report who is the current educational rights holder for the child. *CRC* 5.650

Why Does This Matter?

Important decisions often are not made in a timely manner, if at all, when it is unclear who has the right to make educational decisions for a youth. For example:

- **Special Education Evaluation**

School districts generally cannot start evaluating a student for disabilities that make him/her eligible for special education until the adult with educational rights signs a proposed assessment plan.

- **Individualized Education Program (IEP)**

A student's IEP cannot be implemented without the approval and signature of the adult who holds educational rights.

- **School Placement**

The educational rights-holder has a role in deciding whether the youth will remain in his/her "school of origin" after a residential placement change. *EC* § 48853.5(d).

A foster youth's educational rights-holder may determine it is in the youth's best interest to attend an educational program other than one operated by the local educational agency. *EC* § 48853(a).

Considerations for the Court

Educational matters, including who has the authority to make educational decisions for a foster youth and whether someone else should be appointed, must be considered at every court hearing. *CRC* 5.651(b).

All findings and orders about educational decision-making must be documented in court form JV-535. *CRC* 5.650(b).

Appointing Educational Representatives

The court can limit the right of a parent or guardian to make educational decisions for a child if it is necessary to protect the child. Any limitations must be specified in a court order. *WIC* §§ 361(a), 726(b); *CRC* 5.650(a).

Prior to disposition, the court can temporarily limit the parents' educational rights.

This limitation expires if the petition is dismissed or after a hearing under *WIC* § 361 (Disposition). *WIC* § 319. The court may re-limit educational rights at the Dispositional Hearing or at any subsequent hearing. *WIC* § 361

- **Appointing an Educational Representative**

At the same time the court limits educational rights, it must appoint a "responsible adult" to make educational decisions for the child. *WIC* §§ 361(a), 726(b). (The California Rules of Court refer to this person as an "educational representative." *CRC* 5.502(13), 5.650(b).) The appointment must be made regardless of whether the child has been identified as needing special education or other services.

The educational representative has all of the educational rights normally held by parents. See *CRC* 5.650(e)-(f) for a list of rights and responsibilities. The representative is entitled to receive notice of and participate in hearings related to educational matters and may use court form JV-537 to explain the child's educational needs to the court. *CRC* 5.650(j).

- **Appointing a Surrogate Parent**

If the court is unable to locate a responsible adult for the child, and the child has either been referred to the local educational agency (LEA) for special education or has an IEP, the court shall refer the child to the LEA for appointment of a "surrogate parent" using form JV-535. *WIC* §§ 361(a), 726(b); *GC* §§ 7579.5-6; *CRC* 5.650(b).

The LEA must make reasonable efforts to appoint a surrogate parent within 30 days. *GC* § 7579.5(a). It must select a relative caretaker, foster parent, or CASA if one is willing and able to serve. *GC* § 7579.5(b). Court form JV-536 must be used for communication with the court about appointments and changes. *CRC* 5.650(d).

The surrogate parent makes decisions related to special education evaluation, eligibility, planning, and services. *GC* § 7579.5(c).

- **Court as Educational Decision-Maker**

If the court cannot identify a responsible adult to make educational decisions for the child and the child does not qualify for special education, the court may make educational decisions for the child with the input of any interested person. *WIC* §§ 319(g)(2), 361(a); *CRC* 5.650(b).

Limitations on Appointments

- **Court-Appointed Decision-Makers**

A person who has a conflict of interest cannot be appointed to be the educational representative. This includes social workers, probation officers, the child's attorney and group home staff. A foster parent is not deemed to have a conflict of interest solely because he/she receives compensation. *WIC* §§ 361(a), 726(b).

- **Surrogate Parents**

A surrogate parent may not be employed by the California Department of Education, the LEA, or any other agency involved in the education or care of the child. *GC* § 7579.5(i)-(j); *20 USC* § 1415(b)(2)(A); *34 CFR* § 300.519(d)(2).

Length of Court Appointments

An appointment to make educational decisions lasts until one of the following things occurs:

- The youth reaches 18 years of age, at which time the youth holds his/her own educational rights. *EC* §§ 49061(a), 56041.5. (Exceptions are if the youth chooses not to make her own educational decisions or has been deemed by the court to be incompetent to do so).
- Another adult is appointed to make educational decisions. (An educational representative may resign after giving notice to the court and the child's attorney).
- The right of the parent or guardian to make educational decisions is fully restored.
- A successor guardian or conservator is appointed.
- The child is placed in a planned permanent living arrangement, at which time the foster parent, relative caretaker, or non-relative extended family member has the right to make educational decisions. *EC* § 56055; *WIC* §§ 361(a), 726(b); *CRC* 5.650(e)(2), (g). *Remember: the right to make educational decisions only transfers to the caretaker in a planned permanent living arrangement if education rights were previously limited.*

Hearing to Make New Appointment

If a child needs a new educational representative to be appointed, his/her attorney may request a hearing using court form JV-539. *CRC* 5.650(d)(4), (g)(2).

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The following information pertains to children between the ages of 3 – 22 who are eligible for special education services. The procedures are slightly different for children under age 3 who are eligible for *Early Intervention Services*.

What is Special Education?

Special education is a system of services and supports designed to meet the specific learning needs of a child with disability. *EC § 56031*

Who Receives It?

MYTH: All special education students attend a special education class or special school with other disabled students.

REALITY: Special education services can be provided in an array of individualized educational placements appropriate to the individual student. Not all are extremely restrictive. Where appropriate, they can be provided in the mainstream classroom with additional supports.

What is Provided Under Federal and California Law?

FAPE: *Free, Appropriate, Public, Education.* Refers to the provision of highly individualized special education and related services provided at public expense. *20 USC §1401(9); 34 CFR §300.17; EC §56000; 5 CCR §3001(o)*

Related Services: Any services necessary to help a student benefit from special education program, e.g. transportation, psychological services, physical, speech and occupational therapy, etc. *20 USC §1401(26); 34 CFR §300.34; EC §56363*

LRE: FAPE must be provided in the *Least Restrictive Environment*. Children with disabilities are to receive education to the maximum extent appropriate with nondisabled peers and are not to be removed from regular classes unless, even with supplemental aids and services, education in regular classes cannot be achieved satisfactorily. *20 USC §1412(a)(5)(A); EC §56031*

Child Find: School districts/SELPAS have a duty to actively and systematically identify, locate and assess individuals with exceptional needs who may be entitled to special education services. *20 USC §1412(a)(3); EC §56301(a), 34 CFR §300.111*

Laws Governing Special Education

FEDERAL LAW

IDEA: The Individuals with Disabilities Education Act, found at *20 USC §§ 1400* and the following sections, ensure that all children with disabilities have access to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet unique needs.

IDEA's corresponding federal regulations are found at *34 CFR Part 300*.

Section 504: Sec. 504 of the Rehabilitation Act of 1973 is found at *29 USC §794, 34 CFR §104.1* and the following sections.

SECTION 504 covers a broader group of students than IDEA. All children that qualify under IDEA also qualify for protections under 504, but there are some students who *only* qualify for 504. Usually students with 504 plans are those who do not qualify under IDEA.

Eligibility for 504: Section 504 provides services to students who have a physical or mental impairment that substantially impairs a major life activity (such as learning). *34 CFR §104.3(j)*
Some examples of disabilities that may warrant a 504 plan are asthma, allergies, diabetes, ADD, or ADHD.

Similarities and Differences Between 504 and IDEA: Both require districts to provide disabled students with FAPE.



IDEA requires districts to develop an Individualized Education Program (IEP) While Section 504 requires a plan, it is not called an IEP, and different districts process these plans differently.

California Law parallels IDEA: Found at *Cal. Ed. Code §§ 56000* and following; *State Regulations: 5 CCR §§3000* and the following sections. Each district will have its own Section 504 policy.

Eligibility for Special Education Services under IDEA

Two triggering conditions must be met:

- Child has an impairment adversely affecting his/her educational performance that requires special education.
- Impairment fits into one of the following qualifying categories of disabilities: mental retardation; hearing impairment; speech or language impairment; visual impairment; emotional disturbance; hearing and visual impairment; severe orthopedic impairment; autism; traumatic brain injury; other health impairment; or specific learning disability. *20 USC § 1401(3); EC §56026*

Age: Students may be eligible for special education from birth to age 22. *EC §56026*

Early Intervention Services:

children under age 3; provided through the regional center.

Preschool Services: children between ages 3 – 5; provided through the school district.

Special Education Services: children between the ages of 5-22; provided through school district.

Timelines and Procedures

SST (Student Study Team). An SST is a function of regular education, not special education, and is governed by school district policy, not federal or state law. It is not mandatory to have an SST prior to an IEP or referral for special education assessment. Students struggling in school may be referred to an SST. SST's can be the "first step" towards determining whether a student needs special education services.

Individualized Education Program (IEP)

The meeting and document that sets forth what services a child found to be eligible for special education is to receive. Also the meeting where eligibility is determined. *EC §§56032, 56341*

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Who Attends?

An IEP Team consists of: a parent/ educational representative or surrogate parent, one regular education teacher, an educational agency representative other than the teacher, individual who conducted the assessment, other individuals with expertise or knowledge about the child's needs at the local education agency's or parent's discretion, and the child, when appropriate. *20 USC §1414(d)(1)(b); 34 CFR §300.344; EC §56341*

The IEP Process

Referral for assessment to determine eligibility for special education service starts the process (may be made by parent, teacher, or other provider) but must be in writing to ensure that assessment and meeting timelines will begin. *EC §56029; 5 CCR §3021*

"Proposed assessment plan" must be submitted to the person who holds education rights, within 15 calendar days of receipt of written referral. *EC §56321(a)*. This plan explains what types of assessments will be conducted. Generally a child cannot be assessed without written consent. Exceptions may apply if:

- child is a ward of the court (in limited circumstances)
 - district prevails at a due process hearing
- EC §§ 56321, 56381(f)*

Person who holds education rights has 15 calendar days to provide written consent to proposed assessment. *EC §§ 56321(c), 56043(b)*

The initial IEP team meeting to determine eligibility must be held within 60 calendar days (not school days) of receipt of written consent to assessment, not counting summer vacation or school breaks of 5 days or more. *EC §§ 56344(a), 56043(c)*

At the IEP meeting, a student's eligibility for special education services under IDEA is determined. If a student is found eligible, then an IEP document and plan is developed. The written IEP includes goals and objectives, accommodations, related services, behavioral plans, where necessary (see *fact sheet on behavioral plans*) and, transitional plans for no later than 16 years of age. *20 USC §1414(d); EC §56345.1; 5 CCR §3042(b); EC §56043(g)(1)*

IEP reviewed at least once annually, or more frequently upon request.

20 USC § 1414(d)(4); EC §§ 56343, 56043

Note that the IDEA Reauthorization does permit 15 pilot states to create "long-term" IEPs that are reviewed every three years. California has *not* been identified as a pilot state. *20 USC §1414 (d)(5)*

A complete reevaluation must be done every three years, or more frequently upon request. *20 USC §1414(a)(2)(B); 34 CFR §300.536, EC §§56381, 56043(k)*

Educational Representative or surrogate parent appointed by the court or school district may sign the IEP in lieu of the natural parent if natural parent's educational rights have been limited (see *fact sheet on educational rights*). *WIC 361, 726; GC §§7589.5, 7579.6; 20 USC §1415(b)(2)(A)(i); EC § 56055*

Procedural Rights/Disagreements with Schools

If the person who holds education rights needs time to think over or disagrees with parts of an IEP plan, they should not sign it at the IEP meeting. It is their right to withhold consent. Any parts of the IEP to which the parent or equivalent has not consented may become the basis for a due process fair hearing. *20 USC §1415; EC §56346*

Due Process

If the person who holds education rights disagrees with the services provided under the IEP and thinks they do not provide FAPE, he/she may file for a due process fair hearing. *EC §56502*. Requests are filed with the Office of Administrative Hearings (OAH).

If the person who holds education rights files for a due process hearing, the youth must generally "stay put" (i.e. remain) in his/her current placement until the disagreement is resolved. *20 USC §1415 (j); 34 CFR §300.518; EC §56505(d)*

After filing, the person who holds education rights may attend mediation with the district. During the time of this mediation process, the student is generally entitled to remain in his/her current school placement and an attorney may represent any of the parties to the mediation. *20 USC §1415e; 34 CFR §§300.506, 507(a)(2); EC§56501(b)(1)(2); EC §56503*

The due process hearing should be conducted at a time and place reasonably convenient to the parent and the child. *34 CFR §300.511(d); EC §56505 (b)*

An impartial hearing officer should conduct the hearing. *20 USC §1415(f)(3); 34 CFR §300.508; EC §56505(c)*

Compliance Complaint: Parents/ educational representatives should file a compliance complaint with the State Department of Education when they feel that the school district has violated their duty under a student's IEP or the special education laws. Anyone may file a Compliance Complaint (i.e. individual does not have to hold education rights for the child). *20 USC §1415(b)(6); 34 CFR §300.660-662; 5 CCR §4650; 5 CCR §4600; EC§56500.2*

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Nonpublic Schools

Nonpublic Schools Definition:

NPS: A private, nonpublic, nonsectarian school that enrolls individuals with exceptional needs pursuant to an Individualized Education Program (IEP).

EC §56034

Placement in an NPS

Students may not be placed in an NPS unless they have a valid IEP requiring placement at the NPS, or the person holding educational rights consents. EC §48853 (see Education Rights fact sheet)

A student must have an IEP and be assessed for special education services prior to placement in a NPS. EC §§56342.1, 56320

- The assessments conducted must conform with state and federal law.
- The student may not be assessed for special education services unless the person who holds educational rights has provided consent, *with certain exceptions*. EC §56321

Exceptions:

- The school district has prevailed at a due process hearing. EC §§56321(c), 56506.
- IDEA does not require parental consent for the initial evaluation of a child who is a ward of the state and not living with his/her parents if the LEA cannot find the parent, the parent's rights have been terminated, or a judge has removed the parent's educational decision-making rights and appointed another person to represent the child. 20 USC §1414(a)(1)(d)(iii); EC § 56321.1

Consent for an initial assessment is not consent for placement in an NPS or provision of any other special education services. EC §56321(d)

Least Restrictive Environments (LRE)

Students *must* be placed in the *least restrictive environment* to meet his/her needs. A child shall not be placed in a special class or NPS unless the severity of the disability is such that education in a regular class with the use of supplementary aids and services cannot be achieved satisfactorily. EC § 56040.1

Foster Children (LRE): School Districts/SELPA/County Office of Education shall first consider placement and services through programs operated by public education – regardless of whether the child is placed with a relative, foster parent, or group home/licensed children's institution. Foster youth with special needs may only be placed in a nonpublic school if the district/SELPA does not have a public program that can meet the child's needs. EC §56157(a)

Children Placed in Group Homes / Licensed Children's Institutions (LCI)



A Group Home/Licensed Children's Institution may *not* condition placement at the LCI on attendance at a nonpublic school owned or operated by an agency associated with the LCI. EC §56366.9

A licensed children's institution or nonpublic, nonsectarian school, or agency may *not* require as a condition of placement that educational authority for a child, as defined in Section 48859, be designated to that institution, school, or agency. EC §48854

When a child is placed in a licensed children's institution with an on-grounds nonpublic school, the child may attend the on-grounds school *only* if the SELPA's IEP Team has determined that there is no appropriate public program in the community (i.e. RSP, Special Day class, etc) and the on-grounds program is appropriate and can implement the child's IEP. 2 CCR §60510(b)(2)

Assembly Bill 1858

Assembly Bill 1858 was passed in 2004. AB 1858 requires that an NPS provide access to:

- The same instructional materials used by the district in which the NPS is located. EC §56366.10(b)
- College preparation courses. EC §56366.10(b)(2)
- Extracurricular activities such as art, sports, music, and academic clubs. EC §56366.10(b)(3)
- Career preparation and vocational training. EC §56366.10(b)(4)
- Supplemental assistance, including academic tutoring, psychological counseling, and career and college counseling. EC §56366.10(b)(5)
- Teachers and staff who provide academic instruction and support services with the goal of integrating the students into the least restrictive environment. EC §56366.10(c)

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What Are AB 3632 (AB 2726) Services and How Are They Provided?

AB 3632 (also referred to as 26.5 or AB 2726) services are mental health services provided as part of a youth's Individualized Education Program (IEP) to ensure that the youth benefits from his/her education. AB 3632 services are "related" services (see *special education fact sheet*). *GC §7572*

Common types of services include: individual, group or family psychotherapy; day treatment services; residential placement.

Who Provides AB 3632 Services?

Mental health services are provided through the County Department of Mental Health (DMH). *GC §§7572, 7576*

Eligibility for Mental Health/AB 3632 Services

There are two eligibility requirements that must be met for a youth to receive AB 3632 mental health services:

- The youth must be eligible for special education services. *GC §7576*
- The youth must need mental health services in order to benefit from his/her special education program. *GC §7572*

NOTE: A student does not need to be eligible for special education services through the "emotionally disturbed" Individual's with Disabilities Education Act (IDEA) category in order to receive AB 3632 services. He/she need only be eligible for special education services in *any* category.

However, to receive residential placement AB 3632 services, the youth must be made eligible for special education because of his/her "emotional disturbance." In addition, to receive residential placement, the child must require a 24-hour therapeutic program in order to benefit from his/her educational program. *2 CCR §60100*

Obtaining AB 3632 Services: Referral Process and Timeline**Who Makes the Referral?**

In order to obtain AB 3632 mental health services, a school must make a referral to the county department of mental health (DMH). *2 CCR § 60040*. The school usually makes the referral after the IEP team has met and decided that such a referral is appropriate. However, the school psychologist may make the referral without an IEP team meeting.

Once DMH has received the referral, it must provide the person who holds educational rights with an assessment plan (see *fact sheet on educational rights*). *2 CCR §60045(b)*. DMH cannot conduct the assessment for AB 3632 services until the person



who holds education rights has given written consent to the assessment. *2 CCR §60045*

The person who holds educational rights may request that the school psychologist make the referral to DMH without an IEP meeting. If the school refuses, the person who holds educational rights may request that an IEP meeting be held within 30 days of his/her request. These requests should be in writing. *EC §56343.5*

At the IEP meeting, a request for an AB 3632 DMH assessment may be made and

should appear in writing on the IEP, whether or not the team agrees. *2 CCR §60040*

Generally speaking, the school district must first attempt to meet the child's mental health needs through "appropriate counseling and guidance services, psychological services, parent counseling and training, social work services or behavioral intervention." *GC §7576(b)(5)*

Exception: Where school counseling, parent counseling/training, social work services, and behavioral intervention would clearly be inappropriate and ineffective. In these cases, the IEP Team must document what services were considered and why they were rejected. *2 CCR §60040(b)(4); GC §7576(b)(5)*

How Long Does DMH Have to Complete the Assessment after the Request by the School is Made?

The assessment must be completed and an IEP meeting held to discuss the assessment within 50 days of the DMH receiving the signed assessment plan. *2 CCR §60045(e)*

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Functional Behavioral Assessments (FBA)
And Behavioral Intervention Plans (BIP)**Definitions****Functional Behavioral Assessments (FBA) /
Functional Analysis Assessments (FAA) :**

A functional analysis assessment is an analysis of a student's maladaptive behavior. The assessment must include extensive observation of the student and an in-depth analysis of the student's environment and past history. The goal is to determine what triggers the maladaptive behavior and to learn how to best control the behavior through the use of positive intervention strategies. Prior to conducting a functional analysis assessment, the school district must obtain consent from the person who holds educational rights (see fact sheet on educational rights).

**Who Conducts the Functional Analysis
Assessment?**

State law requires that a functional analysis assessment be "conducted by or under the supervision of a person who has documented training in behavior analysis with an emphasis on positive behavioral interventions." 5 CCR §3052(b)

Behavior Intervention Plan (BIP):

A written document that is developed when the individual exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the individual's Individualized Education Program (IEP). 5 CCR §3001(f)

Positive Interventions

Interventions are to be positive in nature. Behavioral interventions do not include procedures which cause pain or trauma. Behavioral interventions respect the individual's human dignity and personal privacy. Such interventions shall assure the individual's physical freedom, social interaction, and individual choice. 5 CCR §3001(d); 5 CCR §3052 (d)

FBA and BIP Procedures

When must the school district conduct an FBA and develop a Behavioral Intervention Plan?

- When an IEP Team finds that instructional/behavioral approaches specified in the student's IEP have been ineffective [5 CCR § 3052(b)], and/or
- Student exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the student's IEP. 5 CCR §3001(f)
- Behavior that violates a "code of student conduct" (i.e. school rule) is determined

by the IEP to be a manifestation of the child's disability pursuant to 20 USC §1415(k)(1)(E) & (F).

- When a student is removed from his/her current placement as a result of (1) weapon possession; (2) illegal drug possession/use; (3) infliction of serious bodily injury, regardless of whether the behavior was a manifestation of the child's disability, as appropriate so that the behavior does not recur.

20 USC §1415(k)(1)(G)

- When the child is removed from his/her placement for more than 10 school days (i.e. suspension or expulsion) and the behavior is determined not to be related to his/her disability.

20 USC §1415(k)(1)(D)(ii)

If the IEP Team determines that behavior that violates a code of student conduct is a manifestation of the child's disability, and that the child already has a BIP, the IEP Team must review the BIP and modify it, as necessary, to address the behavior.

20 USC §1415(k)(1)(F)

**What Shall a Functional Analysis
Assessment Include?**

California Law requires that those conducting FBA/FAA gather information from three sources:

- Direct observation
- Interviews with significant others
- Review of available data such as other assessments and individual records. 5 CCR §3052

These sources/observations *must* include:

- Systematic observation of the targeted behavior in order to determine frequency, duration, and intensity;
- Observation of events which trigger the behavior, analysis of the consequences of the behavior;
- Ecological analysis of the settings in which the behavior occurs;
- Review of records for medical and health factors which may influence behavior; and a
- Review of the history of the behavior, including the effectiveness of previously used behavioral interventions.

5 CCR §3052(b)(1)

**What Happens if there is a "Behavioral
Emergency?"**

A behavioral emergency is "the demonstration of a serious behavior problem (1) which has not previously been observed

and for which a behavioral plan has not been developed; or (2) for which a previously designed behavior intervention is not effective." 5 CCR §3001(c)

Emergency interventions may only be used to control unpredictable, spontaneous behavior which poses clear and present danger of serious harm to others which cannot be prevented by a less restrictive response. 5 CCR §3052(h)(i). Emergency interventions may not include (1) locked seclusion (unless it is in a facility otherwise licensed or permitted by state law to use locked room); (2) employment of a device or material or objects which simultaneously immobilize all four extremities (except that prone containment may be used as an emergency intervention by staff trained in such procedures), and (3) force that exceeds that which is necessary under the circumstances.

Whenever an emergency intervention is used, the school district *must* (1) notify the parent (and residential care provider if appropriate); (2) forward a Behavioral Emergency Report to the student's file and designated administrator; (3) schedule an IEP meeting within 2 days for any student without a current behavioral intervention plan to determine the necessity for a functional analysis assessment and to determine the necessity for an interim behavioral intervention plan. 5 CCR §3052 (h) (i)

Federal law refers to "Functional Behavioral Assessment"; State law refers to "Functional Analysis Assessment."

See also Cal. Ed Code §48915.5.

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School Discipline

Introduction

If student is in special education or suspected of being eligible for special education services, please see Fact Sheet 8 titled *Special Education Discipline* since additional procedural safeguards may apply.

Suspensions and expulsions are two types of school discipline. Both are regulated by California Education Code §48900 and the following sections.

For both suspensions and expulsions, the school district must have grounds to suspend or recommend a student for expulsion. *Grounds* for suspension or expulsion must contain two elements: an act prohibited by the Ed Code and a connection to school. EC §48900(r)

ACT: EC §§ 48900, 48900.2 – .4 & .7 list *specific prohibited acts*. Students can be suspended or recommended for expulsion for many acts, but *cannot* be suspended or expelled for being tardy or absent from school. EC §48900(v)

Connection to School

The act must be related to school activity. A student can be suspended or expelled for acts that occur while on school grounds, while going to or coming from school, during the lunch period, or during, going to or coming from a school sponsored activity. EC §48900(r)

Disabled students have different rights regarding school discipline. *If you are working with a student who receives or should receive special education, see the fact sheet on school discipline & special education.* EC §48915.5

Suspensions

A suspension is a temporary removal from school.

Suspension Procedures

Suspensions should be preceded by an informal conference. EC §48911(b)

At the conference, the student must be informed of the reason for the disciplinary action and given an opportunity to present his/her story and evidence in his/her defense. EC §48911(b). A student can be suspended without a conference only in an “emergency situation.” EC §48911(c)

If a student is suspended without a conference, both the parent and the student must be notified of the student’s right to a conference. The conference must be held

within 2 school days unless the student waives the right to attend.

EC §48911(c)

At the time of suspension, the school must make a reasonable effort to contact the student’s parents by telephone or in person. In addition, the parent must be notified in writing of the suspension.

EC §48911(d)

While the school can request that a parent attend a conference regarding the student’s behavior before the student returns to school, if the parent fails to attend, the student cannot be penalized for this failure, and the school cannot postpone the student’s return to school. EC §48911(f)

Limits to Suspensions

In general, a student cannot be suspended for more than 5 consecutive school days, or 20 school days total.

EC §§48911(a), 48903(a)

EXCEPTIONS

If the student is recommended for expulsion, and the school holds a meeting with the student’s parents and determines that the student poses an ongoing danger or threat of disrupting the educational process, the student can be suspended while the expulsion is pending, even if this exceeds 5 cumulative school days, or 20 total school days that year.

EC §48911(g)

If the student enrolls in or transfers to a new school, he/she can be suspended for up to 30 days that school year. EC §48903(a)

Suspension can only be used after a school tries other ways to discipline a student. Exception: If the student violated EC §48900(a), (b), (c), (d) or (e), or if the school finds that the student’s presence causes a danger to other students, property, or threatens the instructional process, the school can suspend the student for a first offense, without first using other disciplinary methods. EC §48900.5

Expulsions

An expulsion prohibits a student from attending any school within the district for a year. The school can recommend a student for expulsion, but only the governing school board can actually issue an expulsion.

Expulsion Procedures

A student recommended for expulsion has *due process rights*. They include:

- Before a student can be expelled, the district must conduct a *hearing*. The district governing board may conduct the hearing, or the district can appoint an administrative panel or hearing officer to conduct the hearings. EC §§48918(a), 48918(d)
- The hearing must be held within 30 school days after the school recommended the student for expulsion, unless the student requests that the hearing be postponed. EC §48918(a)
- The student must receive *written notice* of the hearing at least 10 calendar days before the hearing. The notice must include the date and place of the hearing and a statement of specific facts regarding the basis for the expulsion recommendation. EC §48918(b)
- The student has the right to bring a lawyer or other advocate to the hearing. EC §48918(b)(5)
- At the hearing, the student can bring his/her own witnesses and/or ask that the district subpoena witnesses. The student has the right to question the witnesses and *present evidence*.
- In general, the governing board cannot base a decision to expel a student solely on hearsay. EC §48918(f)



Necessary Findings

In most cases, in order to expel a student, the school district must do the following:

- Honor the student’s due process rights by meeting all procedural and time requirements.
- Demonstrate that there are grounds for the expulsion. [Grounds include an act prohibited by EC and a connection to school; see above].
- Demonstrate that either other means of correction are not feasible or have failed to bring about proper conduct, or

(Continued on next page)

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that due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others. *EC §48915(b)*

Zero Tolerance Offenses

In some cases, the secondary findings in *EC §48915(b)* are not required. In these situations, the governing board must expel a student if the district establishes that the student committed one of the following acts + connection to school. *EC §48915(c)*

- possessing, selling, or furnishing a firearm
- brandishing a knife
- selling a controlled substance
- committing or attempting to commit sexual assault
- possession of an explosive

Suspended Expulsions

When the governing board has made the necessary findings to expel a student, the board can decide to suspend enforcement of the expulsion for a period of up to one year. The board can also assign the student to an educational program designed to rehabilitate the student. *EC § 48917(a)*. During this period, the student is on probationary status. *EC §48917(c)*

The board can revoke the suspension or the expulsion if the student commits any of acts prohibited by the EC, or if the student violates any district rules or regulations. *EC §48917(d)*

Terms of Expulsion

Education Program while Suspended

The district must provide an educational program for the student while he/she is expelled. This must be set up at the time the board expels the student. *EC §48916.1*

Readmission Dates

For non-zero tolerance offenses, the expulsion can be no longer than the last day of the semester following the semester when the student was expelled.

The *readmission date* must be set at the time when the pupil is expelled. *EC §48916(a)*

For zero tolerance offenses [listed previously], the term of expulsion will be one calendar year from the date of the expulsion. However, the governing board can decide to set an earlier readmission date on a case-by-case basis. *EC §48916(a)*

Rehabilitation Plans

At the time of the expulsion, the governing board must recommend a plan of rehabilitation for the period of time while the student is expelled. This plan can include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, or community service. *EC §48916(b)*

Readmission

At the end of the expulsion, the student can apply for readmission to the governing board. The board must readmit the student unless they find that either:

- the student has not completed her rehabilitation plan, *or*
- the student continues to pose a danger to campus safety, other students, or district employees. *EC §48916(c)*

Appeals

The student has the right to appeal the board's decision. The student has 30 days to file an appeal with the county board of education. *EC §48919*. The decision of the county board is final. *EC §48924*

Grounds for appeal are limited to the following questions:

- Whether the governing board acted without or in excess of its jurisdiction;
- Whether there was a fair hearing before the governing board;
- Whether there was a prejudicial abuse of discretion at the hearing;
- Whether there is relevant and material evidence, which, in the exercise of reasonable diligence, could not have been produced or was improperly excluded at the hearing. *EC §48922*

The California Foster Youth Education Task Force is a coalition of more than 35 organizations dedicated to improving educational outcomes for foster youth. For more information, please contact Erin Saberi, Casey Family Programs, at 916.503.2950 or esaberi@casey.org.

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Introduction

California special education discipline law incorporates federal law (IDEA) through Cal. Ed Code §48915.5.

Disabled students may be disciplined in the same manner as non-disabled students so long as the method of discipline does not constitute a *change in placement*. “Placement” refers to how and where the disabled student receives services listed in her IEP (see *fact sheet on special education*).

Even if a disabled student meets the legal criteria for expulsion or suspension, he/she is still entitled to receive a free, appropriate public education (FAPE) while suspended or expelled for a period of longer than 10 days per school year.

34 CFR §300.530(b)(2); 34 CFR §300.530

Students not yet found eligible for special education services are eligible for the protections afforded to children with disabilities IF the school district had knowledge that the child might have a disability, *unless* the person who holds education rights refused to allow an evaluation or refused services. 20 USC §1415(k)(5). See *fact sheet on education rights*.

Change in Placement – *manifestation determination meeting required* If discipline constitutes a *change in placement*, the school district must hold an IEP Team Meeting within 10 days of the decision to discipline the youth in order to determine whether the behavior was a manifestation of the child’s disability. 34 CFR §300.530(e)

Which School Disciplinary Punishments Constitute a Change in Placement?

Some suspensions = change in placement

If a student is suspended for more than 10 consecutive school days, the suspension constitutes a change in placement. 20 USC §1415(k)(1); 34 CFR §300.536

Patterns of Suspension

If the student is suspended on separate occasions for more than 10 school days in a given year, and the suspensions

constitute a pattern, then the suspensions are a change in placement. A pattern is shown by considering the length of each suspension, the total amount of time the student is suspended, and the proximity of the suspensions to one another. 34 CFR §300.536

All expulsions = change in placement

No special education student can be expelled unless the district follows the procedures described below.

Manifestation Determination

At the manifest determination meeting, the IEP team will determine whether or not the student’s misconduct was a manifestation of her disability. The team will consider the following two questions:

- Whether the conduct in question was caused by, or had a direct and substantial relationship to the student’s disability, or
- Whether the conduct in question was the direct result of the school district’s failure to implement the student’s IEP. 20 USC § 1415 (k)(1)(E)(i); 34 CFR § 300.530(e)

Appeals

Any appeal of the manifestation determination shall result in an expedited due process hearing which shall occur within 20 days of the request for a hearing. 20 USC §1415(k)(4)(B); 34 CFR §300.532(c)

After the Manifestation Determination Meeting

If the IEP team determines that the student’s behavior was a manifestation of his/her disability, then the student shall return to the placement from which he/she was removed, *unless* the parent or person with education rights agrees to the change in placement, or the student committed a zero tolerance offense. The zero tolerance offenses are:

- Possession of a weapon at school or at a school function;
- Possession/use/sale of illegal drugs at school or at a school function;
- Infliction of a serious bodily injury on another person while at school or at a school function. 20 USC §1415 (k)(1)(G); 34 CFR §300.530(g)

If the student returns to school, then the school district shall conduct a functional behavioral assessment (FBA) and implement a behavior intervention plan (BIP) unless an FBA and BIP had been conducted and developed prior to the manifestation determination. In this case, the BIP shall be modified as necessary. 20 USC §1415(k)(1)(F); 34 CFR §300.530(f) See *fact sheet on FBA/BIP*.

If the IEP Team determines that the behavior was *not* a manifestation of the student’s disability, or the student committed a zero-tolerance offense [as listed previously], then the student can be disciplined like a non-disabled student and placed in an Interim Alternative Educational Setting (IAES). The student, however, must still be provided with FAPE. A student with special needs may be moved to an IAES for not more than 45 school days if:

- The IEP Team determines that behavior was *not* a manifestation of the student’s disability, or
- The student committed a zero tolerance offense [see above]. 20 USC §1415(k)(1)(C) & (G); 34 CFR §§300.530(g), 300.531

The California Foster Youth Education Task Force is a coalition of more than 35 organizations dedicated to improving educational outcomes for foster youth. For more information, please contact Erin Saberi, Casey Family Programs, at 916.503.2950 or esaberi@casey.org.

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Foster Care & Education

Q&A

COURTROOM ADVOCACY FOR THE EDUCATION NEEDS OF CHILDREN IN OUT-OF-HOME CARE

Q: Why should attorneys and judges increase attention and advocacy during court proceeds to the educational needs of children in out-of-home care?

A: Children in foster care, perhaps more than other students, need a solid education to help ensure a successful future. For the almost 800,000 children and youth involved in the foster care system each year, educational success can be a positive counterweight to their experiences of abuse, neglect, separation, and impermanence in their family and living situations. Unfortunately, the educational outcomes of most children in foster care are dismal.

Throughout a child's stay in foster care, education advocacy in the courtroom at each hearing can ensure that children's education needs are being met and that they remain stable and receive the supports they need. Importantly, addressing education needs can also help achieve *permanency* for children in foster care. Youth who are on track educationally, attending school regularly, and not having behavior problems at school can return home more quickly or find permanent family resources than youth who are having multiple school problems.

Q: What does this kind of courtroom advocacy look like?

A: Raising education issues at every hearing is critical to keeping focused on the child's education progress. Some issues that may need to be addressed are as follows:

Education Decisionmaker: The child's education decisionmaker should be identified and documented at every hearing. In most cases, that individual should be the child's parent, but in some cases another individual may be most appropriate. For children in special education, additional considerations apply

(See our Special Education Decisionmaking Series at www.abanet.org/child/education/publications/specialeducation.html).

Education Stability and Continuity: At initial hearings, particular attention needs to be paid to where the child has been attending school and how to keep, or put, the child on track. Judges and attorneys should be asking questions about school stability (can the child remain in their original school) and, when changes must occur, how to make those changes with the least amount of disruption to the child as possible.

General Education Issues: Information needs to be gathered on how the child is doing in school (grades, attendance, behavior, etc.) and if there are any needs or gaps that should be addressed.

Special Education Issues: If the child is receiving, or needs to be receiving, special education services, additional attention needs to be paid to the child's individualized education program (IEP) and whether there has been appropriate review and identification of the child's needs and services.

Q: What are some key practice tips to raising these issues in the courtroom practice?

A: Judges, attorneys, and advocates can play a critical role in ensuring a child's education needs are being addressed in the courtroom. Some examples include:

Child's attorney, guardian ad litem (GAL) or court appointed special advocate (CASA)

- Ensure education is prioritized in the child's case at each and every hearing and meeting.
- Obtain the child's education records.
- Speak with your client about his or her education goals, and advocate for him or her to receive the services and supports necessary to achieve those goals.
- Ensure agency is meeting legal obligations related to education, including case plan requirements around stability and continuity.

Agency Attorney

- Ensure caseworker obtains and includes required education information in case plan, and collaborated with school to ensure education stability and continuity.
- Provide training to agency staff about the need for prioritization of education, and the legal requirements related to education stability.
- Clarify the agencies' policy related to transportation to school, and ensure caseworkers are familiar with the policy and coordinate transportation as necessary.

Parent Attorney

- Include education as part of their advocacy for the parent.
- Ensure parent is kept informed of education issues and continues to make the necessary education decisions.

Judge or judicial officer

- Ask education questions at each and every hearing.
- Require education information on court reports.
- Ask youth to appear in court and inquire about their education experience, goals, strengths and challenges.

Q: What are some of the things a judge can include in the court order to help support the education needs of the child?

A: Court orders can include numerous things that support education needs, including:

- Clarification of who holds education decision making rights for the child (for both general and special education students). For special education students this may include appointment of a surrogate parent when necessary.
- Clarification of who may access a child's education records from the school (e.g., child's attorney, child welfare agency).
- Verification that the child's case plan includes all necessary assurances to ensure school stability and continuity.
- Requirement that a particular party pursue education issue(s) in the school when necessary.
- Plan case reviews at natural times when review of the child's education progress can best be assessed.
- Require that hearings be held after school hours to allow participation of the youth in the hearing not conflict with their attendance at school or school activities.
- Require parties to pursue an evaluation or referral for special education, or for young children age birth to three, refer for a screening.

Q: Are there any publications or resources where I can learn more about how to advocate in the courtroom?

A: There are a number of materials to help advocates learn more about the educational needs of children in out-of-home care. Two publications of critical importance for courtroom education advocacy are:

- *Blueprint for Change: Education Success for Children in Foster Care*, written by the Legal Center for Foster Care and Education. This publication is designed to serve as a framework for advocates seeking to promote positive education outcomes for children in foster care. There are 8 Goals for youth, with corresponding Benchmarks that indicate progress. Finally, following each Goal, there are National, State, and Local Examples of policies, programs, or laws that promote the Goals and Benchmarks. The *Blueprint* is available for download at <http://www.abanet.org/child/education/publications/blueprint.html> or you can order a free copy at: www.casey.org
- *Asking the Right Questions II: Judicial Checklists to Meet the Educational Needs of Children and Youth in Foster Care*, written by the National Council of Juvenile and Family Court Judges and Casey Family Programs. This updated version of the checklist is a useful tool for juvenile and family court judges who are assessing the effectiveness of current educational placements of the children who come before their courts, tracking their performance, and in making a positive future impact on their educational outcomes. The publication includes laminated checklists for judges' desk books. It is available to order or download at: <http://www.casey.org/Resources/Publications/AskingQuestions.htm>.

Q: Are their any trainings available around courtroom education advocacy for children in care?

A: The Legal Center for Foster Care and Education developed and presented a full-day curriculum around courtroom education advocacy for children in care. We are in the process of developing a replicable curriculum that can be modified to the jurisdiction, audience, and time available. This session is designed for judges, children's attorneys and GALs, child welfare agency attorneys, parents' attorneys, and anyone else interested in learning more about courtroom education advocacy for children in out-of-home care. It includes an overview of the laws related to the education needs of children in care and issues including special education, young children, adolescents, education stability and continuity, and involving youth in their education planning and cases. Additionally, it includes a mock courtroom activity, designed to improve participants' advocacy skills around education issues. The mock courtroom activity incorporates the lessons of the morning session, and highlights the critical role advocates and judges can play in ensuring a child's education needs are being met. If you are interested in training on courtroom education advocacy or have other technical assistance requests, please contact cceducation@abanet.org.



FOR IMMEDIATE RELEASE
October 27, 2009

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California Foster Youth Missing Out on Financial Aid

Berkeley, CA – In California and nationally, very few former foster youth make it to or through college, and cost is a major obstacle. A new report shows that despite federal and state programs and policies intended to help them afford college, surprisingly few California foster youth who apply for student aid receive all the grants they should.

Together, federal Pell Grants, state Cal Grants, and jointly funded Chafee Grants can add up to almost \$12,000 for a foster youth at a California community college, \$16,000 at a California State University, and more than \$20,000 at a University of California campus. Of identifiable California foster youth who filled out a FAFSA (Free Application for Federal Student Aid) in 2008-09, 84 percent were eligible for a Pell Grant, 17 percent were offered a Cal Grant, and just nine percent received a Chafee Grant, which is specifically for foster youth. Only four percent of these very low-income students received all three grants.

The report, [*Hopes & Hurdles: California Foster Youth and College Financial Aid*](#), examines the reasons behind this trend, from a lack of awareness about financial aid options to barriers within the aid programs themselves that pose particular challenges for foster youth. “The financial aid system isn’t working for foster youth,” said Debbie Cochrane, the report’s lead author and program director at the Institute for College Access & Success. “These students have beaten the odds to go to college, but not being able to get the grants they need puts their future in jeopardy.”

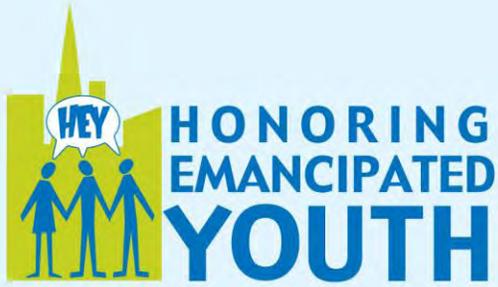
Early deadlines and GPA requirements make it harder for foster youth to get Cal Grants. Due to instability in their home and academic lives, these students are less likely to make college plans and apply for financial aid by the program’s March 2 deadline. In addition, many have attended multiple high schools, which must quickly cooperate to calculate a student’s GPA. Funding for Chafee Grants is so limited that fewer than half of the eligible applicants receive one. Also, Chafee Grants often arrive so late in the semester that students may have already fallen behind in classes or dropped out because they could not afford to buy books or pay their rent.

“Life in the child welfare system creates serious hurdles for foster youth who want to go to college, and problems with the way essential programs like Cal Grants and Chafee Grants operate can put higher education even farther out of reach,” said Cochrane.

The report recommends guaranteeing Cal Grants for foster youth; increasing cooperation between counties, the California Department of Social Services, and the California Student Aid Commission; extending foster care supports to age 21; and improving the funding and administration of Chafee Grants.

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An independent, nonprofit organization, the Institute for College Access & Success works to make higher education more available and affordable for people of all backgrounds. For more about our programs and initiatives, including the Project on Student Debt, see <http://ticas.org>



HEY Guide: Youth Empowerment

A Step-by-Step Guide for Developing a Youth Board

ADDRESS 221 Main Street, Suite 300, San Francisco, CA 94105 • **PHONE** 415-808.4435 • **WEB** www.heyf.org

The mission of Honoring Emancipated Youth (HEY) is to strengthen and connect San Francisco's systems of support so that Bay Area youth emancipating, or "aging out" of the foster care system can enjoy a healthy transition to adulthood.

HEY identifies and raises awareness around challenges affecting local transitional aged foster youth by bringing together a diversity of expert voices and experiences, including those of former foster youth, service providers, and other supporters, in finding solutions.

This HEY Guide is designed to support agencies and staff who would like to engage and empower young people as they transition into adulthood and leadership roles. The model, practices and tools presented in this step-by-step Guide will provide a framework to support the growth and empowerment of youth and staff while preparing the agency culture for youth leadership.

HEY's Empowerment Advocacy Model was developed to promote and support non-traditional youth leaders. HEY defines non-traditional leaders as youth who did not have exposure to a leadership position during early adolescence. While they may have participated in some leadership activities, they never acted in a defined leadership role. HEY was inspired to develop this model to support our youth team comprised of current and former foster youth who were interested in lending their voice to create change. HEY found that while these youth had experienced plenty of life experiences, many did not have opportunities to participate in traditional youth leadership activities growing up. The effects of their lack of exposure to leadership positions made them less willing to step into traditional leadership roles. This model supports young people's growth over time by training, empowering and supporting them to become advocates and leaders. While this model is focused on developing youth through youth boards, the theories, models and activities described can be used to support all youth.

As a result of HEY's work, supporters of foster youth gain access to a community dedicated to improving the lives of foster youth. Through our work with emancipated foster youth we have collected a series of best practices proven to be successful while working with non-traditional leaders. We introduce our collection of best practice theories, methods and a tool in this Guide to demonstrate how HEY empowers young people.

To learn more about HEY and the other tools and products we provide for supporters of former foster youth and other transitional age youth in the Bay Area, please visit our website at www.heysf.org.

HEY is especially proud of the community support we have received throughout the process of creating this guide. Thank you to Sara Razavi, Kordnie J. Lee, Kate Kalstein, Shavonte' Keaton, Claudia Mendez, Aryeetey Welbeck, Nicole Hudley, Dana Mandolesi, Chio Saetern, Erika White, Steven Adams, Lincka Anderson, Dylan Ruggles, Lanette Scott, Felicia Martinez, Ann Ridge, Robert Beach, Israel Toro, Kathleen Casela, Serenity Enriquez, Rocheall Pierre, Claudia Rodriguez, Denise Brown, Linda Campbell, Paula Young, Capt. Melvin Jolly, Ozone House, Jason Wyman and Nicole Avant.

Signed, by Leslie Brown M.P.A.

Program Coordinator, Honoring Emancipated Youth (HEY)

LEADING ASSUMPTIONS AND GUIDING PRINCIPALS

Primary Assumption: If you are reading this, you believe or are learning to believe in the power of youth voice.

HEY sees the reader of this Guide as interested in learning more about models to best engage youth and young adults.

GUIDING PRINCIPALS

We believe in the POWER of youth.

We believe EVERYONE has the capacity to lead.

We believe that youth CAN create change.

We believe that one way to make a difference in society is by empowering youth.

We believe that youth voice should be encouraged and respected.

We believe that youth are strong advocates for other youth.

We believe that youth deserve opportunities to act as leaders.

We believe that youth deserve the chance to grow and have a future.

We believe that the best way to empower youth is to work with them.

We believe youth input is powerful and needed.

We believe that advocacy for youth should be done with the support and input of youth.

We believe that youth and adults may have different, but equally valuable expertise.

We believe that youth are experts regarding their own experiences.

We believe that given the right space, tools, and training; all youth can excel.

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STEP 1: TRANSITIONING AGENCIES FROM YOUTH-SERVING TO YOUTH-LED

In order to empower and support non-traditional leaders, interested agencies should work to transition from youth-serving to youth-led. Youth-serving agencies provide services, programs and adult centered guidance for young people as they navigate individual programs and agencies. The focus of youth-serving agencies is to ensure that individual youth are successful in one particular service or program. The present structures of youth serving agencies create environments focused on individual achievement and program success. This means that youth in these programs may leave without being equipped with training and skills that will assist them transition into healthy adulthood.

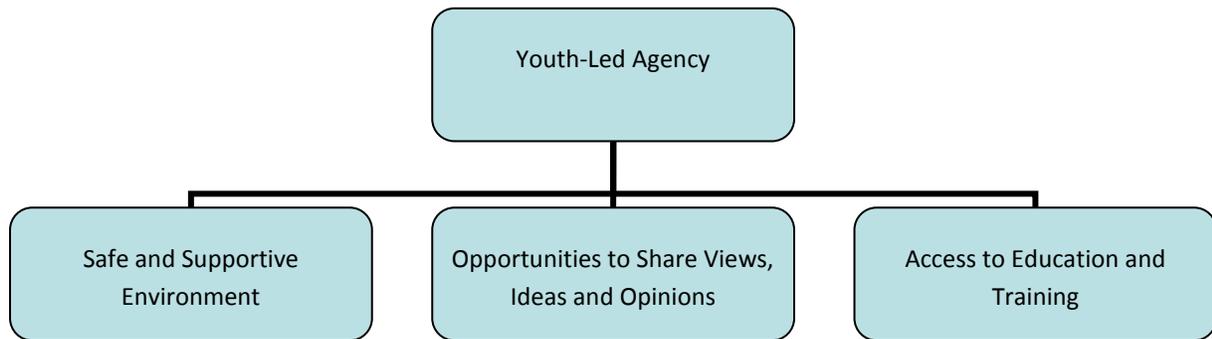
To ensure that youth gain transferable skills that prepare them for adulthood, agencies should transition from youth-serving to youth-led. Youth-led agencies provide opportunities for youth to explore leadership and adult centered activities through training, coaching and professional development. The focus of youth-led agencies is to empower young people through the use of strategic efforts that work to build the capacities of both the individual and agency.

YOUTH-SERVING AGENCIES	YOUTH-LED AGENCIES
<p>Youth act as receivers of programs, services, tools and resources</p> <p>Youth showcased as “Success Story” to describe program benefits</p> <p>Youth receive pre-packaged issues and topics</p> <p>Youth do not receive formal education or training about advocacy movements and systemic change</p>	<p>Youth act as developers, facilitators and evaluators of programs and services</p> <p>Youth act as agency representatives and can speak to the benefits of the agency’s programs and describe its impact on the community</p> <p>Youth have opportunities to research multiple issues and select final projects</p> <p>Youth receive strategic education and training about advocacy and its impact on larger systemic issues and social systems</p>

To assist agencies to transition from youth-serving to youth-led they must begin to empower youth. Youth empowerment recognizes that youth may be oppressed and marginalize and that they often lose power and control over their own lives on the basis their age, culture, disabilities, economic status, gender, or sexual orientation. According to McWhirter “to empower a youth connotes a re-attainment or restoration of power and control.” ‘Empowerment is the process by which people, organizations, or groups who are powerless (a) become aware of the power dynamics at work in their life context, (b) develop the skills and capacity for gaining some reasonable control over their lives, (c) exercise this control without infringing upon the rights of others, and (d) support the empowerment of others in their community.’ⁱ

BENEFITS

The benefits of youth-led agencies are that they continuously work to develop strategies that provide opportunities for youth to share power and influence practice. Youth-led agencies employ/appoint youth into leadership positions where they develop, evaluate and guide the policies and programs that support youth in programming. This means that youth-led agencies gain expert knowledge of systems, services and practices that are created *for youth by youth*.



BENEFITS FOR YOUTH	BENEFITS FOR ADULTS
<ul style="list-style-type: none"> Develop Active Voice Participate in Leadership Opportunities Gain Increased Self Esteem and Self Image Have Opportunity to Build Stronger Networks with Peers and Adults Greater Understanding of Organization/Program 	<ul style="list-style-type: none"> Gain from Genuine Youth Voice Experience Increased Level of Youth Ownership and Participation Access to Consistent Youth Review of Organization/Program Stronger Youth/Adult Partnerships Greater Understanding of Youth Needs

BARRIERS

Transitioning power to youth is one of the largest barriers that agencies face when transitioning from youth-serving to youth-led. This barrier is deeply rooted in a traditional organizational culture that does not share equal power between youth and adults. “Power can be described as the ability to influence and make decisions that impact the lives of self and others. Power is not a bad thing in and of itself, but it can be used in ways that benefit some people and hinder others. It is so built into the fabric of our lives that it can be hard to see. Who has influence can be based on structural factors that are often “invisible,” hidden, or unseen.”ⁱⁱ Power can also be expressed in subtle or informal ways that create barriers within the transition process. Therefore in order for agencies to be successful while transitioning from youth-serving to youth-led, they must be mindful of the agency’s power structures. The following sections will highlight best practices on how to address these barriers and will provide concrete strategies on how build the capacity of your agency while working to become youth led.

BARRIERS FOR YOUTH	BARRIERS FOR ADULTS
Feelings of powerlessness (Adult Activity) Never trained on leadership concepts roles (I don’t get the lingo/concept) Accustomed to adult lead programming (Always Planned for Me)	Lack of trust (They don’t Understand) No experience working with youth leaders (We don’t have time) Fear of youth in power (Lack of Control, I worked hard to get here I don’t want any confusion)

STEP 2: IDENTIFYING VISION, MISSION AND BENEFITS FOR YOUTH BOARD

To begin the transition process in shifting from youth serving to youth-led, agencies should develop and articulate a clear vision and mission for their youth board. The youth board will be used to introduce genuine youth voice into the culture of the agency. Therefore, this step requires that a team begin by reviewing the vision of the agency. The youth board's vision should mirror the vision of the larger agency. If the agency has not developed a vision statement, the youth board should adopt a vision statement that describes what society would look like after the work of your team/agency has been completed. In addition, the agency should develop a mission statement for the youth board which describes how the work will impact the vision and support the mission of the agency. The mission will be used to guide the work and activities of the youth board as well as develop a strong connection to the overall work of the agency.

Youth-led agencies are successful because youth and adults work together to achieve the vision and mission. These agencies require a partnership to provide benefits for the youth as well as the agency. The benefits for youth should include leadership opportunities, professional development, coaching and mentoring, peer support, and civic engagement. The benefits for agencies include genuine youth voice, access to trained and developed youth leaders and opportunities to assist youth to transition into healthy adulthood, among other opportunities. Further conversations about how to ensure each of these benefits will assist agencies to determine the staff, financial and overall internal capacity needed to support the youth board.

GUIDING QUESTIONS

1. Developing a Vision – What would the world look like if the issue/barrier was resolved?
2. Developing a Mission – What role is this team going to play in achieving the vision? Describe the root cause/s the agency/youth board was developed to address.
3. Weighing the Benefits – Develop a list of the benefits for the agency and a list of the benefits for the youth. Determining Benefits of Youth Board:
 - What is the benefit of the youth board for the youth?
 - What is the benefit of the youth board for the agency/program?
 - What type of work will they do?
 - Is the function of the youth board determined by a funder or any other governing body?
 - How will youth board work/recommendations be disseminated throughout the agency and community?

STEP 3: DETERMINING THE FOUNDATION: PARTICIPATION & STRUCTURE

PARTICIPATION

Youth boards vary greatly amongst agencies for a myriad of reasons, many of which are based on readiness and capacity. Awareness of readiness and capacity allow agencies to determine the participation for youth boards. Hart developed a model called 'Hart's Ladder' as a way for agencies to access and determine the level of youth participation/leadership. The model has eight levels of participation. The bottom three rungs describe youth involvement that is not true participation/leadership whereas the top five rungs describe true participation/leadership.^{xi} The closer agencies move toward true-participation/leadership the more they will inspire and encourage a youth-led agency. In contrast, if agencies remain closer to non-true participation then they will remain a youth-serving agency. Please take a moment to review Hart's Ladder below.

True Participation

- 8) Young people-initiated, shared decisions with adults. This happens when projects or programs are initiated by young people and decision-making is shared between young people and adults. These projects empower young people while at the same time enabling them to access and learn from the life experience and expertise of adults. This rung of the ladder can be embodied by **youth/adult partnerships**.
- 7) Young people-initiated and directed. This step is when young people initiate and direct a project or program. Adults are involved only in a supportive role. This rung of the ladder can be embodied by **youth-led activism**.
- 6) Adult-initiated, shared decisions with young people. Occurs when projects or programs are initiated by adults but the decision-making is shared with the young people. This rung of the ladder can be embodied by **participatory action research**.
- 5) Consulted and informed. This happens when young people give advice on projects or programs designed and run by adults. The young people are informed about how their input will be used and the outcomes of the decisions made by adults. This rung of the ladder can be embodied by **youth advisory councils**.
- 4) Assigned but informed. This is where young people are assigned a specific role and informed about how and why they are being involved. This rung of the ladder can be embodied by **community youth boards**.ⁱⁱⁱ

Not True Participation

- 3) Tokenism. When young people appear to be given a voice, but in fact have little or no choice about what they do or how they participate. This rung of the ladder reflects **adulthood**.
- 2) Decoration. Happens when young people are used to help or "bolster" a cause in a relatively indirect way, although adults do not pretend that the cause is inspired by young people. This rung of the ladder reflects **adulthood**.
- 1) Manipulation. Happens where adults use young people to support causes and pretend that the causes are inspired by young people. This rung of the ladder reflects **adulthood**.

As an agency determines the level of participation for youth on their boards they should consider their internal capacity. As the youth board moves closer towards true participation/leadership it requires that agency staff, resources and supports are fully vested and involved in the empowerment process. Therefore, agencies should be aware that they may move along the Hart's ladder based upon their organizations capacity and readiness.

STRUCTURE

The structure of the youth board determines how the team functions within the agency. HEY has developed these three youth empowerment board structures. Agencies should review these structures to determine which will work best within their agency. Staff should begin the process by imagining how the youth board could be used to enhance/support the agencies current program/services.

ACTION BOARD

The action board structure functions by providing opportunities for youth to identify issues, topics, barriers, and resources that they want to explore to create a change in the agency and/or community. Board members participate in group brainstorming, training, and strategic planning meetings that prepare them for action. Youth board members within this structure can rotate between permanent to drop-in members. This board includes both short and long term positions that vary in responsibility dependent upon the actions determined by project or activity.

ADVOCACY BOARD

The advocacy board structure functions by providing opportunities for youth to influence policy, programming and services through an identified position of power. Board members are typically supported through trainings, team building, coaching and mentoring. Youth board members within this structure can include permanent or drop-in members. This board includes both short and long term positions that vary in responsibility dependent upon the actions determined by project or activity.

INTERNSHIP

The internship structure functions by providing opportunities for youth to work within the agency on various projects or activities under the guidance of a supportive adult. Board members are typically supported on an individual basis using coaching and mentoring strategies to support their continued growth. Youth board members within this structure receive customized training to prepare them to take on pre-determined leadership roles. This is a long-term position that will require concrete goals and objectives, staff support and self motivation.

The aforementioned board structured can be used independently or in combination. We recommend that agency staff use this section to discuss the youth board with a larger group of stakeholders. Once staff have determined which structure the agency can support they should begin to incorporate the youth board into the agency.

STEP 4: INCORPORATING YOUTH BOARD INTO AGENCY

CHALLENGING THE CULTURE

Assisting an agency to transition from youth-serving to youth-led requires that staff challenge the existing culture to become inclusive and supportive of youth leadership. Agencies must address and acknowledge the various practices and power dynamics that may impact the youth leadership process. This includes reviewing programs and policies to ensure that the language supports the youth board's structure and work. In addition, agencies should develop methods of project incorporation to determine how youth board projects, programs and recommendations will be communicated and implemented within the agency.

A large part of challenging the organizational culture is around educating the agency about the importance of incorporating youth voice and describing the benefits of a youth-led agency. In addition, this step is about continuously evaluating the culture to ensure that youth are included in leadership and feel that their involvement influences the overall agency.

AWARENESS OF ADULTISM

One negative practice of which agencies should be mindful when incorporating a youth board into an agency is *adultism*. *Adultism* is an embedded societal practice and accused as the number one deterrent to youth empowerment. Educated youth workers must be aware of this behavior in order to acknowledge and work to eliminate *adultism*. Addressing and challenging *adultism* is important because it encourages youth workers to level the playing field between themselves and the youth in their programs. "There is another important reason for understanding and challenging *adultism*. The various ways we were disrespected and mistreated have, over time, robbed us of huge amounts of our human power, access to our feelings, confidence in our thinking and ability to act, and enjoyment of living. The pain we experience as young people helps condition us, to play one of two roles as we get older: to accept further mistreatment as women, as people of color, as workers, etc., or to flip to the other side of the relationship and act in oppressive ways toward others who are in relatively less powerful positions than ours." John Bell^{iv} The practice of acknowledging and addressing adultism will assist agencies to ensure that the strategies they develop provide support for youth. Once staff is able to understand the disempowering nature of the practice of adultism then they can begin to correct their negative behaviors and begin to share power and empower youth in their programs.

STEP 5: PREPARING STAFF TO SUPPORT YOUTH BOARD - HEY'S EMPOWERMENT MODEL

HEY's Empowerment Model supports agencies as they transition from youth-serving to youth-led by incorporating three core components of positive youth development: youth worker development, youth empowerment, and youth advocacy. These components work simultaneously to empower youth to take on leadership and prepare agencies to develop and support youth leaders.

Youth Worker Development

+

Youth Empowerment

+

Youth Advocacy

=

Positive Youth Development

THREE COMPONENTS OF THE EMPOWERMENT MODEL

YOUTH WORKER DEVELOPMENT

The Youth Worker component functions by educating agencies about the importance of having trained and knowledgeable staff that supervise and support youth. We define a youth worker as anyone who works for or on behalf of youth. This component was developed to enhance the skills of Youth Workers/staff by introducing them to theories, best practices and strategies that will assist them to support and empower youth.

YOUTH EMPOWERMENT

The empowerment component functions by assisting agencies to create a culture that provides opportunities for youth to strategically develop skills that will assist them to transition into agency leadership. This component was developed to provide strategic opportunities for youth to gradually take on leadership in a safe and supportive environment.

YOUTH ADVOCACY

The advocacy component functions by assisting agencies to develop systems that ensure “genuine youth voice” is integrated and supported within the agency. This component was developed to strategically incorporate youth into decision-making bodies by providing opportunities for them to shape policies, programs and services.

YOUTH WORKER DEVELOPMENT	YOUTH EMPOWERMENT	YOUTH ADVOCACY
<ul style="list-style-type: none"> Views youth as active program contributors Assists youth to develop new skills and talents Targets all youth with knowledge of youth needs Continuously works for shared and equal power between youth and adults Involves community members – youth and adults inside and outside organization can be used as experts^v 	<ul style="list-style-type: none"> Focuses on positive outcomes – use strength based approach Provides opportunities to practice leadership skills Encourages and promotes voice and choice Encourages team building/ cooperative learning Incorporates community response (systemic change) – community resources pooled to promote the best outcomes for youth 	<ul style="list-style-type: none"> Introduces participants to the concept of self and community perspectives Encourages participants to research and discuss larger community issues Provides opportunities to work on projects that impact the community Identifies opportunities for participants to share thoughts and ideas Encourages participants to network throughout the community

YOUTH WORKER DEVELOPMENT

The HEY Empowerment Model assists agencies in transitioning from youth-serving to youth-led by training staff to act as the key facilitators and guides throughout the process. This component functions by educating agencies about the importance of having trained and knowledgeable staff that supervise and support youth. This component was developed to remind agencies that it is imperative to continuously enhance the skills of youth workers (staff) by introducing them to theories, best practices and strategies that will assist them to support and empower youth.



Youth Workers should begin this process by reviewing and comparing the tasks and responsibilities within a youth-serving agency versus a youth-led agency. A large part of transitioning from youth serving to youth led is being mindful of what behaviors and activities must change in order to support the empowerment process.

Task – Youth-serving Agency

Focus of Problems – Focused on prevention

Reactive – Crisis based

Target specific youth – Program not flexible enough to meet individual needs

Youth as Recipients – No youth voice

Programs – Organizations attempt to resolve “problem/issue” without community support

Professional Providers – Adult staff as experts

Task – Youth-led Agency

Focus on Positive Outcomes – Focus on Youth Development

Proactive – Pre-planning

Targets All Youth – Knowledge of youth needs

Values Youth as Active Participants – Youth engaged in development, implementation and evaluation

Understands Community Response (Systemic Change) – Encourages community resources pooled to promote the best outcomes for youth

COACHING AND MENTORING

In HEY’s research, we identified coaching and mentoring as the two key strategies that work to support youth throughout the empowerment process so that they can develop as leaders. These 2 strategies provide youth workers methods to cultivate and encourage leadership while empowering youth.

COACHING		MENTORING
Youth Worker functions as “invisible” supporter Youth initiates learning process Youth gain skills through trial and error, critical thinking, research and Q&A Youth Workers support via inquiry, reflective question	VS	Youth Worker functions as role model Youth Worker initiates learning process Youth gain skills through experiential learning, dialogue, observation Youth Workers support via advise, concrete examples/resources

To empower young people, Youth Workers should utilize *both coaching and mentoring*.

Mentoring equips youth with an adult supporter that encourages growth by acting as a positive role model. Through these relationships, youth gain skills through experiential learning, observation and dialogue. Mentoring assists youth to develop and strengthen transferable skills that will empower them to become leaders.

Coaching is slightly different than mentoring in coaching works to empower young people by providing an “invisible” hand of support. The coaching model provides young people with the opportunity to reach their own conclusions. As a coach, Youth Workers take the back seat, and allow youth to lead the process.

YOUTH EMPOWERMENT

In addition to understanding new tasks and responsibilities within a youth-led agency, Youth Workers must also be charged with educating themselves about youth empowerment. Youth empowerment refers to the process of



transferring power and authority to another.^{vi} The empowerment component of the model functions by assisting agencies to create a culture that provides opportunities for youth to strategically develop skills that will assist them to transition into agency leadership. This component was developed to provide opportunities for youth to gradually take on leadership in a safe and supportive environment.

Empowering youth should be a strategic process in which adults and youth collaborate together toward similar and mutually beneficial goals. Throughout this process, adults should support

youth in building skills to assist them to slowly take on power roles.^{vii} To ensure youth empowerment, agencies must be prepared for youth and adults to begin to act as equal partners.

TRADITIONAL ROLE FOR YOUTH WORKERS

Adults are sole decision makers and developers of youth programming. Youth are systematically mistreated and disrespected, while adults act as agents of oppression. Manifestations of the oppression include:

- *Denying of youth voice/tokenism*
- *Denying of power/decision-making*
- *Lack of youth rights/top down approach*
- *Youth are denied access to pertinent information or are given misinformation*
- *Organizational policies and practices supporting and encouraging systematic invalidation – youth seen as part of large group, as opposed to an individual*

EMPOWERMENT ROLES FOR YOUTH WORKERS

Adults advocate for and support young people when they struggle. Allies provide the necessary training and coaching to prepare young people for leadership roles. Manifestations of empowerment include:

- *Enjoying working with youth*
- *Encouraging and supporting genuine youth voice (youth centered/youth led)*
- *Willing to share power*
- *Practicing active listening*
- *Knowledge of adolescent development*
- *Encouraging team building/cooperative learning*
- *Culturally aware and astute*

SUPPORTING PRAISE VS. ENCOURAGEMENT

One of the most impactful ways to empower youth is by providing them with useful feedback that they can incorporate to improve their leadership skills. While giving this feedback youth workers must be mindful of using words of encouragement rather than praising statements.. *While this* is a controversial topic amongst youth workers, HEY believes that one of the most straightforward ways to empower youth is to encourage rather than praise their accomplishments. *Praise* refers to the practice of a youth worker evaluating a youth's progress or work based upon their perception of the youth's accomplishment. This promotes the youth's "need to please" and therein gives the power and authority over the youth's success to the adult instead of the youth. One of the ways that praise is often manifested is during youth check-ins where youth workers review the work of a young person and give the standard feedback of; very good, good job, nice, great work etc.

On the other hand encouragement empowers the youth to improve and grow personally, rather than to please their management or co-workers. A way to encourage youth is by asking reflective questions that provide youth with the opportunity to reflect on their work in a meaningful way. Some examples encouragement questions are; how did you put together this project, how do you feel you did on this project, what do you feel you did really well etc.

ASSET BASED YOUTH DEVELOPMENT

Asset-based youth development is a theoretical approach that is a combination of ideas, assumptions and techniques that emerged from social work. Its underlying principal is that all people have strengths which are often untapped or unrecognized. When inherent ability and knowledge are recognized motivation is fostered, which encourages growth. HEY extrapolates the practice of asset-based youth development as a technique that encourages youth workers not to focus on what is "wrong or bad" but highlight what is "good or right".^{viii} HEY does not support Youth Workers to ignore concerns or fabricate strengths but rather work to identify youth strengths that could be cultivated and developed over time.^{ix} The role of Youth Workers within this practice is to assist youth to recognize and further develop their assets. Youth Workers should continuously strive to connect youth to internal and external resources and opportunities that support their development.

YOUTH ADVOCACY

HEY defines youth advocacy as the ability to express original ideas, thoughts and opinions while acting on behalf of self or others to influence the outcome of a decision. We use youth advocacy as a method for youth to develop and practice their individual voice while learning to advocate for larger systems and practices. Furthermore we use this component to strategically incorporate youth into decision-making bodies throughout the agency by providing opportunities for them to shape policies, programs and services. The advocacy component functions to assist Youth Workers to develop systems that ensure *genuine youth voice* s integrated and supported within the agency. Youth Workers should begin their education by reviewing the best practices below that will support youth to develop voice and advocate within their agency.



HEY EYAB Member Aryeetey Welbeck

YOUTH ADVOCACY SUPPORTIVE PRACTICES

YOUTH VOICE AND CHOICE

Youth voice and choice provides youth with opportunities to engage in planning, development, implementation and evaluation. The idea behind youth voice and choice is that youth have to have access to meaningful decision-making opportunities. According to research conducted by High/Scope, youth voice and choice requires that youth have access to information, training and materials that support them to develop projects, products and presentations. The High Scope Choice Continuum describes how when youth do not have enough choice then they become disinterested in your program or project. When youth have too much choice they end up frustrated because the project is too large. The role of Youth Workers in this practice is to be heavily involved in all projects in order to ensure youth have meaningful choice. Meaningful choice occurs when youth have options that are challenging and significant. Workers should assist youth to develop significant projects using coaching and mentoring strategies of support.



Not Enough Choice
(Leads to lack of
Interest)



Meaningful
choices within
supportive
environment



Too much
choice
(leads to
frustration)^x

STEP 6: DEVELOPING A SUPPORTIVE & SAFE ENVIRONMENT

DEFINING CULTURE

Successful youth teams are built on pre-determined core values that assist them to develop a culture of empowerment. Agencies should begin by reviewing /identifying the core values for the agency that will assist them to develop a culture that facilitates the youth empowerment process. Once an agency has described the ideal culture to support the youth team they can begin to develop strategies to incorporate the values into the board structure.

DEFINING POPULATION/NEED

To ensure that agencies are developing a supportive environment they must design their programs based upon the specific needs of their target population. Agencies should decide the target population for the youth program before hiring the youth board members. The population description should be developed based upon the values, structure, and role of board members within the agency. Agencies should begin by describing the ideal candidate for the youth board. If the board includes both permanent and temporary positions agency staff should develop population descriptions for the various positions within the board.

Once the board population has been identified, the agency should brainstorm a list of strengths and barriers that may arise during their participation with youth board.

DEVELOPING COMMON SYSTEMS

Agencies can only develop supports for youth quickly and across multiple programs after they have adopted common systems and language. This process of developing common systems requires that agencies identify areas that will be impacted by the youth team and review protocols to ensure consistency and clarity. Development of a common system includes these steps:

- Developing universal definitions for both youth and adult staff and programs – Include commonly used terms and agency acronyms.
- Creating program/service/job descriptions for the youth and the adult staff – Develop written program/service/job descriptions.
- Recording significant history of both the youth programs and the full agency– Develop written history/story of agency/program.
- Developing orientation and intake systems that are equal for both youth and adult staff – Include above items + hiring/intake paperwork process.
- Developing training curricula that is balanced for both youth and adult staff – Develop outline of training topics/include budget, training roster.

IDENTIFYING SUPPORT TEAM

When forming a youth board, the agency should also build a youth board support team. The support team should be composed of a mix of board members, staff, community supporters and youth in your program. Each team member should be updated on the mission, functions and goals for the youth board. The team should begin by determining their roles within the youth board development. All team members' voices should be considered throughout the development and support process, regardless of their status as a youth or adult. The team should work together to identify resources and develop materials to support the youth board members.

The tool below will assist agencies to identify individuals to participate as members of the youth board support team. In our work with youth teams and support teams, HEY has identified three roles for support team members. The following tool identifies characteristics within each of these categories.

A Planner supports the organization before the youth team begins focused work.

A Primary Member supports the agency long-term and is fully vested in the youth empowerment process.

A Secondary Member supports the agency short-term and is used to enhance the youth empower process....

Support Team Planners	Support Team Primary Members	Support Team Secondary Members
<ul style="list-style-type: none"> ✓ Short time Commitment ✓ Minimal Responsibilities Working Directly With Youth ✓ Assist to Develop Infrastructure/Raise Funds ✓ Assist to Spread Awareness ✓ Awareness of Youth Development Principles and Practices 	<ul style="list-style-type: none"> ✓ Long-Time Commitment ✓ Direct Work with Youth ✓ Provide Specialized Support in Day to Day Activities ✓ Expertise in Youth Development Principles and Practices 	<ul style="list-style-type: none"> ✓ Flexible-Time Commitment ✓ Some Work With Youth ✓ Provide General Support in Emergencies, Special Projects and Events ✓ Need some knowledge of Youth Development Principles and Practices

CREATING A SAFE SPACE

Youth thrive in safe environments. As a youth-serving agency, your primary goal should be to create a safe space for youth. Youth identify a safe space when they feel they are not in physical harm or danger, feel that there is structure and clear limits, and have opportunities to serve in leadership roles where they are able to voice their views and opinions. We view a safe environment as a space that provides physical and structural support for youth. This tool will assist your agencies to prepare a safe and supportive environment for the youth board. The following checklist will provide an outline of best practices for developing a supportive environment. Please work with your support team to discuss and complete the following tool.

DEVELOPING A SAFE PHYSICAL SPACE	YES	NO
Have you identified a neutral meeting space for youth (free of gang activity/turf wars/youth friendly)?
Does your agency post signs for zero tolerance against prejudice and discrimination?
Does your agency disallow drugs, alcohol, knives and firearms in youth space?
Do staff and volunteers have an understanding of appropriate youth boundaries?
Will you allow youth to give input on how to design space?
Will you allow youth to assist in the development of community contracts and agreements? (rules)
Will you develop tools to receive feedback about feelings of physical safety?
DEVELOPING A SAFE SPACE FOR YOUTH VOICE	YES	NO
Have you reviewed agency policies and procedures to ensure they support the youth board?
Have you identified liaisons to communicate youth voice with larger agency?
Have you identified strategies/tools to incorporate youth voice into agency?
Will you develop tools to receive feedback about feelings about inclusion of youth voice?

STEP 7: SELECTING YOUTH BOARD MEMBERS: TRAINING & SUPPORTING

CONDUCTING BOARD ORIENTATION

All youth members must receive an orientation once they are chosen to serve on the youth board. This is the first step of the youth empowerment process. Orientation is important because it creates equal footing amongst all youth board members. Members should be educated on the organization's mission, vision, values, history, organizational transformations, programs and services, staff, board of directors and community partners. We also recommend that board members receive an official board manual that outlines the hours, time commitment, compensation, core duties and any additional responsibilities.

CONDUCTING BOARD ORIENTATION

The following tool is a sample orientation agenda for your youth board. Agencies can use this tool to identify all the aspects HEY recommends be included in an Orientation to ensure the youth are as educated as possible about all the aspects of the organization.

Agenda

- ❖ Welcome and Introductions (All – Youth, Staff, Board)
- ❖ Icebreaker
- ❖ Organizational Mission, Vision and Values
- ❖ Organizational History and Transformations
- ❖ Key Agency Programs and Services
- ❖ Agency Staff (Organizational Chart)
- ❖ Break
- ❖ Youth Board Mission and Purpose
- ❖ History of Youth Board
- ❖ Youth Board Member Description
- ❖ Adjournment

GETTING TO KNOW YOUTH

One of the most important aspects of empowering young people is getting to know them as individuals. While most interaction within youth programs happens within groups or teams, the key to youth empowerment is the awareness and attention to their individual needs. This requires that the Youth Workers build time into their programs to develop relationships with young people. These relationships will provide youth with additional support needed during the empowerment process as well as opportunities to see healthy adult behavior.

GETTING TO KNOW YOUTH

M&M Icebreaker Game

This icebreaker is a simple way to help people introduce facts about themselves. It's very flexible and adaptable – and (if you have a sweet tooth) delicious too! The M&Ms Game goes by other names: the Skittles Game, the Candy Game, and the Color Game, among other names.

Setup

Pour M&Ms or any other multicolor candy into a bowl. Have everyone in the group grab as much or as little as they like from the bowl. This could include youth, Youth Workers, Support Team Members or any other relevant people. Make sure that no one eats their candy right away.

How to Play

For each piece of M&M candy that each person chose, they will have to answer a question, depending on its color. For example, colors can indicate:

- Red candy: favorite hobbies
- Green candy: favorite foods
- Yellow candy: favorite movies
- Orange candy: favorite places to travel
- Brown candy: most memorable or embarrassing moments
- Blue candy: wild cards (they can share any favorite or moment they choose)

Feel free to change the meanings of the colors to highlight characteristics you think are important!

ENCOURAGING GOAL SETTING

The practice of goal setting provides opportunities for youth and staff to work together to build specific pre-determined skills and set goals. The process provides the youth with an opportunity to enhance skills and develop projects that support them as they transition into adulthood. Goal setting equips youth supporters with an action plan that will assist them to work with youth to develop a strategic road map. The road map will be used to monitor the youth's progress as well as assist the agency to measure the impact of their empowerment efforts.

ENCOURAGING GOAL SETTING

Goal Setting Game

This activity is a simple way to help youth think about goal setting. It is very hands-on and provides opportunities for youth to practice goal setting in a fun and interactive environment.

Setup

Youth participants are instructed to line up at the back of the room. Place two separate stacks of colored paper on the table in front of participants. Make each stack a different color.

How to Play

To begin, instruct all participants that they will have three minutes to make paper airplanes out of one stack of paper and launch them across the room. Time participants and observe process.

Once participants have launched initial round of paper airplanes. Review the following questions:

1. Was there a goal for how many airplanes?
2. What was the goal for how far?
3. Ask the group to set these goals as a team and attempt process again.

After the second round, lead a conversation about how goal setting can affect performance and attitude.

DEVELOPING A TEAM ENVIRONMENT

Team meetings and projects play an important part in the youth empowerment process. When charged with a set of tasks or a mission, teams can help foster a sense of community, camaraderie and peer support. Over time, the group becomes a safe environment for giving and receiving feedback as well as practicing new behaviors. Groups can be used as a controlled environment that works to balance an individual's strengths and weaknesses while equipping them with a new skill-set. Team meetings can be used as training, critical thinking, strategizing, brainstorming and review space where individuals learn to develop their skills. Through these meetings, youth have the opportunity to learn and practice skills in a safe yet realistic environment.^{xi} HEY recommends that organizations interested in empowering youth develop a training curriculum to support youth during this process.

DEVELOPING A TEAM ENVIRONMENT

The following tool is a sample team agenda for your youth board. Agencies can use this tool to support youth board members.

Sample Team Agenda

- ❖ Welcome and Introductions
(All – Youth, Staff, Board)
- ❖ Icebreaker
- ❖ Review of Old Projects
- ❖ Training
- ❖ Introduction of New Projects
- ❖ Selection of New Projects
- ❖ Development of Next Steps
- ❖ Reflection
- ❖ Adjournment

SCAFFOLDING TO PROMOTE YOUTH DEVELOPMENT

Youth development embodies the idea that young people need to gain essential skills in order to be successful as they enter into adulthood. One of the methods that Youth Workers can use to engineer their success is scaffolding. The practice of scaffolding requires Youth Workers to format their skill sets and expertise through a strategic and pre-planned process. Scaffolding has three key elements:

1 – BREAK TASKS DOWN INTO MANAGEABLE PIECES

Breaking tasks in smaller pieces requires that Youth Workers have a strong understanding of the materials and trainings that will be provided for the youth. The task of the Youth Worker is to break down hard topics into small manageable pieces that the youth can understand and put into practice. This is different than ‘watering down’ or eliminating items. Scaffolding requires that the youth receive all of the information in a way that will assist them to process and gain skills.

2- KNOW YOUR AUDIENCE

This is an important step in scaffolding because in order for scaffolding to be effective, Youth Workers need to know their audience. Every youth brings a unique perspectives and needs. Successful scaffolding takes into account the strengths and weakness of each youth involved and builds upon their skills through strategic planning.

3 – ALLOW OPPORTUNITIES FOR SUCCESS, TRIAL AND ERROR

Great scaffolding leaves room for errors as well as trials and successes. Youth Workers should build scaffolding that allows learning to occur throughout the process. This means that scaffolding has to be flexible enough to create changes within the process that will assist youth to gain skill over time.^{xii} The following tool is an example of how to scaffold a complex issue so that youth are able to lead the project. (Reminder: This process is not intended to “water-down” the topic but rather break it down into smaller more manageable pieces.)

Example Project:	
The youth board has recently noticed that there has been an increase in the number of youth being arrested for loitering at the park. After some initial research they found that there are several new laws that are causing the increase in arrest. The team is interested in informing the community about the issue. They have decided to conduct a community forum to discuss the impact on youth.	
1	Identify the Audience
2	Determine the Message
3	Develop the Message
4	Identify the Resources and Location for Forum
5	Outreach to Audience
6	Host Community Meeting
7	Develop Next Steps

USING POPULAR EDUCATION STRATEGIES

Popular education is another strategy that is successful in reaching young people where they are at during a given point in time. “The idea of popular education (often described as “education for critical consciousness”) as a teaching methodology came from a Brazilian educator and writer named Paulo Freire, who was writing in the context of literacy education for poor and politically disempowered people in his country. It’s different from formal education (in schools, for example) and informal education (learning by living) in that it is a process which aims to empower people who feel marginalized socially and politically to take control of their own learning and to effect social change.

Popular education is a collective effort in which a high degree of participation is expected from everybody. Teachers and learners aren’t two distinct groups; rather, everyone teaches and everyone learns! Learners should be able to make decisions about what they are learning, and how the learning process takes place. A facilitator is needed to make sure that new ideas arise, progress, and do not get repetitive, but this isn’t at all the same thing as a teacher. In popular education, then, we can’t teach another person, but we can facilitate another’s learning and help each other as we learn.

In popular education, the learning process starts with identifying and describing everyone’s own personal experience and that knowledge is built upon through various activities done in groups. After the activity, a debriefing process allows us to analyse our situation together; seeing links between our own experience and historical and global processes in order to get the “big picture”. Through the generation of this new knowledge, we’re able to reflect more profoundly about ourselves and how we fit into the world. This new understanding of society is a preparation to actively work towards social change. In fact, in popular education, the education process isn’t considered to be complete without action on what is learned; whether it be on a personal or political level.”^{xiii}

STEP 8: TRANSITIONING POWER

DETERMINING PHASES OF YOUTH LEADERSHIP

A successful strategy to assist agencies to transition from youth-serving to youth-led is to develop strategies that shift power in phases. When agencies begin to strategically train, cultivate and promote leadership in phases then the empowerment process begins to transition the agency. The following is a sample of how agencies can stager growth into leadership roles.

MONTHS 1-3

Staff is 100% involved in a supportive role (not leading but available if group needs support) for all youth board trainings and projects. Staff presents at all youth board trainings and meetings often as a trainer or facilitator. Some core trainings with key community partners are already scheduled to provide a basic understanding of agency, community, youth development, empowerment and advocacy.

MONTHS 4-7

Staff's commitment is reduced to 75%. Staff is present at all youth board trainings but not present at all youth board meetings (available upon request from team), meetings are developed and facilitated by youth board members. Team members identify training needs and staff assist team to locate applicable trainings and resources.

MONTH 8 -11

Staff is 50% involved in supportive role for youth board (we recommend that supporters not drop less than 50%). Staff is present at some youth board trainings and continues to have limited participation, only upon request, in team meetings. Meetings continued to be developed and facilitated by youth board members. Team members are conducting outreach and presentation of team developed workshops.

ARE WE EMPOWERING YOUTH IN OUR PROGRAM?

The following HEY tool was developed to assist agencies to assess the internal and external resources available for youth based upon Maslow's Hierarchy of Needs.^{xiv} Use the tool below to identify the agency and community supports available to assist the youth in meeting their needs in each area. Engage other colleagues so that you can include as much information as possible; this tool can be a great referral resource for your entire team.

Physiological Needs		
Key Questions	Agency Supports	Community Supports
Did we develop a safe space? (for more information on creating a safe space see section below)		
Do youth on our board have access to food? (During program/after program)		
Do youth on our board have access to housing? (before program/after program)		
Do youth on our board have access to transportation? (before program/after program)		
Safety and Security		
Key Questions	Agency Supports	Community Supports
Do youth on our board have access to medical care? (before program/after program)		
Do youth on our board have employment/employment support/employment training? (before program/after program)		
Do youth on our board have access to case managers/staff to talk about family dynamics/issues? (before program/after program)		
Love and Belonging		
Key Questions	Agency Supports	Community Supports
Do youth on our board have an opportunity to work as a team?		
Do youth on our board have opportunities to work in different groups?		
Do youth on our board have opportunities to participate in team building activities?		

Self Esteem		
Key Questions	Agency Supports	Community Supports
Do youth on our board have the opportunity to participate in various activities that support different learning styles?		
Do youth on our board have the opportunity to succeed as well as fail with support?		
Do youth on our board get various leadership opportunities both large and small?		
Do youth on our board get to participate in on-going trainings to build their skills?		
Self Actualization		
Key Questions	Agency Supports	Community Supports
Do youth on our board have opportunities to think critically?		
Do youth on our board have opportunities to discuss larger systemic issues?		
Do youth on our board have opportunities to advocate on behalf of self and others?		
Do youth on our board have opportunities to develop activities and programs that support other youth?		
Do youth on our board have opportunities to develop activities and programs that support other agencies?		
Do youth on our board have opportunities to continue this work once they leave our board?		

STEP 9: EVALUATION AND BENCHMARKS

EVALUATION

To track the empowerment process Youth Workers must work to carefully document the progress of the youth team. Empowerment takes many forms and is expressed in various ways by teams and individuals. Goal setting, note taking and work planning will assist Youth Workers to monitor the movement of the group. The most important factor about youth empowerment is that it is a process not an end goal. Therefore, the documentation and supporting materials of the empowerment process can occur in a non-linear fashion. In addition, we use evaluation as a second strategy for measuring and monitoring youth empowerment. The first strategy for measuring empowerment is the youth's progress during the process. Successful evaluation works to reveal youth's perceptions of programming, services and trainings. We recommend that agencies develop evaluation strategies that promote continuous dialogue and feedback with youth.

STRATEGY QUESTIONS:

1. How would you describe this project to someone we did not know?
2. What components of the project did you work on? What did you do?
3. Describe one of your favorite moments during this project? Why?
4. What were two things that you felt the team did the best?
5. Describe one of your least favorite moments during this project. Why?
6. If you could improve one thing about this project what would it be? Why?
7. What were two things that you learned about this topic?
8. What skill would you say you improved during this project? How?
9. What was a lesson that you walked away with from this project?
10. Out of all of the things you learned about during this project, what was one thing that stood out?

BENCHMARKS

Establishing benchmarks provides an opportunity for agencies to pre-determine the short and long term goals for their youth team. Youth board benchmarks should include measurements for individuals as well as team development. Agencies should include all essential stakeholders during the development process in order to ensure that all benchmarks have supporting strategies. In addition, stakeholders should develop indicators that demonstrate that youth are making progress within the youth board.

APPENDIX

YOUTH EMPOWERMENT ADVOCACY MODEL ASSESSMENT

An assessment can help you and your agency determine whether the process described in the guide is a good match for your organization—and where to begin.^{xv}

Who should participate in the assessment? The assessment is designed for the leadership and staff members of an agency where there is interest in engaging and empowering youth to become leaders. We suggest that a group of people in the agency complete the assessment form. This group can be made up of persons who volunteer to be a part of the group or individuals who are leading the empowerment process. Once the assessment forms are collected, you can then discuss the results together, as detailed below.

How do we take the assessment? Hand out copies of the assessment to each respondent and ask each person to keep track of his or her answers on their worksheet. For each question, the respondent is to choose the multiple-choice answer that most accurately reflects the organization. Once the respondent has completed the assessment, s/he should count up the answers to determine their score. Respondents should be informed that since every agency is different, it's likely that no single answer will perfectly describe your agency—respondents should simply select the answer that fits best.

- 3 = Yes Agency implements practice or product.
- 2 = Sort Of Agency has developed practice or product however has not implemented.
- 1 = No Agency has not developed practice or product.

Score	Question
	1. Our youth board has a clear mission statement, identified functions and written goals.
	2. Youth on our board have opportunities to work as a team.
	3. Youth on our board have opportunities to advocate on behalf of others.
	4. Our agency has identified dedicated staff to support all functions of youth board.
	5. Youth on our board have opportunities to collaborate with other programs and agencies.
	6. Youth on our board have opportunities to lead projects and activities.
	7. Youth on our board have opportunities to succeed as well as make mistakes with support.
	8. Youth on our board have opportunities to develop activities and programs that support other agencies.
	9. Our agency has identified resources and funding to financially maintain our youth board.
	10. Staff reviews youth development best practices and participate in youth development workshops and trainings.
	11. Youth on our board have access to leadership opportunities both large and small.
	12. Youth on our board have opportunities to develop activities and programs that support other youth.
	13. Staff has opportunities to research, plan and develop activities to support youth.

	14. Youth on our board have opportunities to advocate on behalf of self.
	15. Youth in our program attend our meetings in a safe space.
	16. Youth on our board have opportunities to work side-by-side and have equal input as adults.
	17. Youth in our program indicate that staff are helpful and provide on-going support.
	18. Youth in our program have opportunities to give input.
	19. Youth on our board have opportunities to work in various groups.
	20. Youth on our board have opportunities to think critically.
	21. Youth on our board have access to talk to staff on a one-on-one basis.
	22. Youth on our board have opportunities to work as a team.
	23. Youth on our board have opportunities to design trainings and projects.
	24. Youth on our board have opportunities to participate in on-going trainings to build their skills.
	25. Youth on our board have opportunities to discuss larger systemic issues.
	26. Our agency has identified internal and external resources to assist youth to meet basic needs (food, housing, transportation and medical care) before/after program.
	27. Youth on our board have opportunities to share their original ideas, thoughts and opinions.
	28. Youth on our board have opportunities to continue this work once they leave our board.
	29. Youth on our board have opportunities to participate in "team building activities".
	30. Youth on our board have opportunities to advocate on behalf of others.

Scoring the assessment

Please place your responses to the above questions in the corresponding boxes below.

Youth Worker Development	Youth Empowerment	Youth Advocacy
1.	2.	3.
4.	6.	5.
9.	7.	8.
10.	11.	12.
13.	24.	14.
15.	16.	20.
17.	19.	25.
18.	22.	27.
21.	23.	28.
26.	29.	30.
Total:	Total:	Total:

WHAT YOUR SCORE MEANS

Low Score: 0–15 You have a ways to go to incorporate empowerment strategies. But do not worry; many youth-serving agencies will score at this level, so you're in good company. Youth-serving agencies get little (if any) support to do empowerment work, and for the past two decades have come under increasing pressure to produce numbers, despite growing evidence that this approach is not working for youth or communities. We suggest you start with Part One of the HEY Guide and work your way through the entire process.

Midrange Score: 16–24 You are well on your way, and are probably already doing some of the things suggested in this guide. What you are already doing well will help you implement other ideas. If you or others in the organization have attempted to empower youth without much success, you may feel discouraged. This guide will offer fresh approaches to problems that you have already started to learn from. We suggest you focus your efforts on the area where your scores were lowest. If your score in Youth Advocacy was low, you may want to browse Youth Advocacy before moving on to Youth Empowerment and Youth Worker Development.

High Score: 25–30 Your agency is probably in great shape! You are already making use of many youth empowerment strategies. We believe that working to empower youth is a constant process, and all agencies can benefit from continual growth and development. We hope the materials in this guide will serve as useful tools to help you further articulate and strengthen your youth empowerment work.

HOW HEY INCORPORATES THE YOUTH EMPOWERMENT MODEL

HOW HEY SUPPORTS YOUTH WORKER DEVELOPMENT

HEY prides itself as an agency dedicated to continuously working to improve the outcomes for youth as they emancipate from care. To ensure that we provide the highest quality services we continuously provide opportunities for staff to attend workshops, conferences and trainings. In addition, the agency has developed a separate training line item within the budget to support professional development.

HOW HEY INCORPORATES YOUTH EMPOWERMENT

The following is an example of how HEY prepared itself to welcome a youth team. In addition, we provide many of the benefits for the youth including those from former Emancipated Youth Advocacy Board (EYAB) perspective.

How will the youth board benefit the organization?

HEY's youth board benefits our organization by providing genuine youth voice to influence community and policy decisions affecting foster youth. HEY staff and board wanted a true partnership with youth so that our policy agenda came directly from the people who have experienced and continue to experience the foster care system.

How will the youth board benefit the youth?

HEY's youth board provides youth with opportunities to influence policy and create changes within the foster care system. Their work educates the community about the real life experiences of current and former foster youth and highlights the need for continued services. In addition, EYAB members receive real life work experience that assists them to develop both personal and professional skills.

Does the youth board serve a genuine purpose?

Yes, our youth board brings awareness of the needs of emancipating youth in the Bay Area foster care community. In addition, our board members serve as experts in the community who are able to share their experiences as well as talk about larger systemic issues.

Do we have financial support for the activities of the board?

HEY's EYAB is one of the agency's largest programs and is funded through on-going fundraising and local community grants. Each EYAB member works fifteen hours per week over 11 months at a cost of approximately \$11,500 to the agency.

Will we have consistent staff/volunteer support for the board?

HEY's EYAB is currently supported by a Program Coordinator with over ten years of experience in youth development. Approximately 40% of her job responsibilities are to provide continuous support for the EYAB members throughout their term. **Do we have access to the necessary support materials to support the youth board?**

HEY's EYAB is identified as a separate line item within the HEY budget to ensure their overall support. The team has access to computers, materials, trainings and supplies.

GETTING TO KNOW YOUTH AND ENCOURAGING GOAL SETTING

HEY values growth and development for all of our EYAB members. In order to best support them we encourage goal setting. Each year HEY's Program Coordinator conducts a Goal Setting Workshop that reviews how to develop SMART (Specific, Measureable, Action-Oriented, Realistic and Timed) goals. After EYAB members complete the workshop they are requested to develop both personal and professional goals. Throughout their term the Program Coordinator meets with them to check-in on their progress as well as provide ongoing support. Our goal is for youth to leave our program having grown both personally and professionally.

DEVELOPING A TEAM ENVIRONMENT

HEY encourages and supports on-going team meetings and team trainings. Our EYAB meets as a team once per week for three hours; during this meeting the team discusses current projects, future projects and community topics. In addition, these meetings act as training opportunities where the group participates in both internal and external trainings. The training topics vary depending on the needs of the group but common topics include: social justice/social change, goal setting, meeting facilitation, training development and training evaluation. This time is especially important because each individual EYAB member sets their own hours based on their availability.

SUPPORTING YOUTH VOICE AND CHOICE

While the basic foundation and training structure are fully developed prior to the start of the EYAB term, the majority of the training and support are developed based upon the needs/desires of the group. The team is able to determine the types of trainings they will receive in addition to determine what type of training they will provide to the larger community. HEY supports true youth participation, and throughout the EYAB term the team slowly takes on more power and responsibility.

Months 1-3

Program Coordinator is 100% involved in a supportive role (not leading but available if group needs support) for all EYAB trainings and projects. Coordinator presents at all EYAB trainings and meetings often as a trainer or facilitator. Some core trainings with key community partners are already scheduled to provide a basic understanding of agency, community, youth development, empowerment and advocacy.

Months 4-7

Program Coordinator's commitment is reduced to 75%. Coordinator is present at all EYAB trainings but not present at all EYAB meetings (available upon request from team), meetings are developed and facilitated by EYAB members. Team members identify training needs and the Program Coordinator assists the team to locate applicable trainings and resources.

Month 8 -11

Program Coordinator is 50% involved in a supportive role for EYAB team (we recommend that supporters not drop less than 50%). Program Coordinator is present at some EYAB trainings and continues to have limited participation, only upon request, in team meetings. Meetings continue to be developed and facilitated by EYAB members. Team members are conducting outreach and presentation of team developed workshops.

DEVELOP ORIENTATION TRAINING MATERIALS

The development of orientation and training materials is helpful for the youth as well as the agency. Each year HEY develops an orientation manual for the incoming board members. The manual is filled with information that will assist them to be successful throughout their time on the board. The following is the outline of our current board manual.

HONORING EMANCIPATED YOUTH

- HISTORY OF HEY
- HISTORY OF HEY'S EMANCIPATED YOUTH ADVISORY BOARD

HOURS

- WEEKLY SCHEDULING
- SCHEDULE CHANGES
- ABSENCES
- MAKE-UP HOURS
- PERSONAL, VACATION AND HOLIDAY TIME

COMPENSATION

- TIME SHEETS
- PERFORMANCE BASED RAISES
- BONUSES

CORE DUTIES

- SUPPORTING HEY
- TEAM PROJECTS /INDIVIDUAL PROJECTS
- CONFERENCES, TRAININGS AND COMMUNITY MEETINGS

EXIT PLANNING

- RESIGNATION /DISMISSAL
- END OF TERM

HOW HEY SUPPORTS YOUTH ADVOCACY

HEY understands the importance and role of advocacy in shaping policies and systems. Through our EYAB team HEY works to strengthen and connect San Francisco's systems of support for Bay Area foster care youth so that all youth emancipating, or "aging out" of the foster care system can enjoy a healthy transition to adulthood. To ensure that youth voice is reflected in the larger community HEY has continuously provided opportunities for youth to advocate creating changes in education, employment, health and housing.

COMMUNITY PARTNERSHIPS AND COMMUNITY NETWORKING

During the EYAB term HEY encourages the team to explore in the community by conducting organizational interviews with our community partners. Many of the initial meetings are arranged by the Program Coordinator, while later meetings are arranged by the EYAB members. To support on-going community partnerships and networking the entire HEY team acts as mentors who assist the team in identifying trainings and meeting which are of interest to the EYAB team based on their individual projects and goals. EYAB members are encouraged to actively participate in additional community boards, meetings and panels of their interest to expand their community networks.

SNAPSHOT - HOW HEY INCORPORATES THE EMPOWERMENT ADVOCACY MODEL

<p style="text-align: center;">YOUTH DEVELOPMENT</p>	<ul style="list-style-type: none"> - Provides on-going trainings and workshops that build skills - Develops training calendar of skill building workshops - Pays weekly stipend - Provides bi-weekly one-on-one coaching sessions with youth to promote critical thinking and analysis - Ensures youth have access to needed material and updated equipment - Provides on-going opportunities for youth voice and choice - Develops a physically safe environment - Provides youth with written policies and procedures so that they were aware of role and expectations - Hires trained staff and encourage staff to continuously receive updated youth development training - Supports a culture of peer support and inclusion of wide range of youth to promote genuine youth voice - Creates working space specifically for youth so they have a designated area
<p style="text-align: center;">YOUTH EMPOWERMENT</p>	<ul style="list-style-type: none"> - Supports rotating leadership roles so that all participants have opportunity to grow - Encourages personal and professional goal setting - Assists youth to identify on-going leadership development opportunities - Hosts fun youth development weekly team meetings - youth centered, youth focused, youth-led - Provides internal and external bi-weekly team skill building trainings - Supports on-going team projects including: curriculum development, workshop facilitation, community interviews etc. - Conducts bi-annual team retreats to support the team growth and develop next steps
<p style="text-align: center;">ADVOCACY</p>	<ul style="list-style-type: none"> - Encourages youth to participate in collaborative activities - Provides bridges for youth to participate with other organizations once they leave EYAB - Supports youth to sit on other boards and community panels - Connects youth to community liaisons/mentors - Identifies opportunities for youth to act as agency representatives - Creates opportunities for youth to research community organizations - Assists youth to identify community strengths, weaknesses, opportunities and challenges - Assists youth to look at the big picture using a social justice lens

HISTORY OF HEY'S EYAB:

Since its creation in 1999, HEY has always acknowledged the importance and power of genuine youth voice. In 2003 with the help of HEY's Board of Directors, the organization formalized youth participation by developing a youth advisory committee, known as the Emancipated Youth Advisory Board (EYAB). The name, however, soon changed to HEY's Emancipated Youth *Advocacy* Board (EYAB) because of their growing role as empowered advocates. HEY's EYAB is comprised of 3-4 former foster youth committed to advocating on behalf of current and former foster youth. During their 11-month term with HEY, the young adults play an instrumental role in conducting public education and outreach activities, and advocating for programs and services that improve outcomes for current and former foster youth. Thirty former foster youth have participated in HEY's EYAB since its inception in 2003.

A RETROSPECTIVE OF HEY'S EYAB OVER THE YEARS

2003 -2005

The initial HEY Emancipated Youth Advocacy Board (EYAB) was comprised of a five emancipated foster youth ages 16-25. The first youth team included active community-based current and former foster youth advocates that were interested in supporting and carrying out the work of HEY. The board focused on collectively working to address issues and barriers in the foster care community



HEY EYAB Members

during a 12 month term. The team received on-going issue specific trainings throughout their term. The structure was very loose and the team was supported by adults who acted as mentors to the team. At this time the EYAB gradually began to represent HEY at various events and by doing so increased HEY's visibility and raised public awareness of the needs of foster youth in the Bay Area community.

2005 - 2006

During this time HEY began to focus more on specific issues affecting of foster youth, the new structure expanded HEY's advocacy to include education, employment, and health in addition to the housing focus. While the focus of HEY's advocacy shifted so did HEY's EYAB. HEY's EYAB used a Reflective Model that highlighted the importance of advocacy and its impact on the youth team. During this phase some of the original HEY EYAB board members still remained on the board mixed with new members who had various advocacy experience levels. From here on the role of HEY's EYAB changed to developing projects that required a more cohesive group structure. This new model was able to assist HEY in deepening the understanding of the role of HEY in the community.

2006-2007

During this term HEY responded to a need for more employment opportunities for former foster youth by restructuring HEY's EYAB to support a three-member Internship Employment Model. This model provided opportunities for reflection, advocacy, employment, as well as community involvement. HEY increased the hours from 10 hours per month to 10 hours per week. This team included some members from the second year team in addition to new members that all had leadership and advocacy experience. The goal of the restructured HEY's EYAB was to address transitioning youths' needs for meaningful youth leadership opportunities as well as actual employment experience which would enable their full participation as decision makers and advocates. Under this model HEY's EYAB's work expanded to include more products produced and disseminated by youth. This was the first term that the team was supported by a full-time adult staff member whose job description included a percentage of time for assist HEY's EYAB.

2007 – 2008

HEY continued to build upon its Internship Employment Model with a new component, a board comprised solely of nontraditional youth leaders. Non-traditional leaders are defined by HEY as youth leaders who did not have exposure to leadership position during early adolescences, while they may have participated in some leadership activities they never acted in a defined leadership role. To support this change HEY's Project Manager developed an Expert Advocate Model, this model provided a 10 hour per week, 11 month employment internship opportunity to educate the larger community about the issues of emancipated foster youth. Through this model HEY's EYAB members focused on becoming advocates through intense training and staff support. The team was able to develop and implement a training program to inform organizations and groups who did not necessarily work in the foster care field on the unique situation of current and former foster youth, and how to best serve them. Like HEY itself, HEY's EYAB served to strengthen systems through promoting awareness and improving cross-sector communication.

2009-2010

Through HEY's work with the Expert Advocate Model the team realized that nontraditional youth needed additional support to become empowered leaders. During 2008-2009 HEY hired a youth development expert who was charged with developing a model that supported and empowered non-traditional leaders. The new Program Coordinator met this challenge by developing our latest model the Empowerment Advocacy Model. This model provides three emancipated foster youth with a 15 hour per week, 11 month intense internship opportunity. This team will develop two community wide trainings that address the current barriers, challenges and opportunities to support current and former foster youth. In addition, this team will also work to create individual projects that will be researched, developed and implemented by the youth team members.



HEY EYAB Members Shavonte Keaton
, Aryeetey Welbeck, and Claudia Mendez

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Hopes & Hurdles

California Foster Youth and College Financial Aid



the institute for
college
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Introduction

For low-income youth, financial aid is critical to college access and success, but finding out about it at the right time and taking full advantage of it can be particularly challenging. These challenges are even greater for foster youth and former foster youth.¹

Most foster youth want to go to college, but the facts of life in foster care – often including fractured family relationships, living in group homes, and moving and changing schools frequently – work to prevent many students from fulfilling their educational potential (McMillin, et al, 2003). Foster youth are less likely than the general population to complete high school, and those who do graduate are less likely to go to college (Wolanin, 2005). Among those who do go to college, foster youth are less likely than other students to earn a credential (Davis, 2006).

Still, thousands of foster youth beat the odds every year and manage to go to college. More could follow that path and succeed with increased access to financial aid. In addition to federal Pell Grants and state grant aid, such as Cal Grants in California, former foster youth can take advantage of federal Chafee Grants, worth up to \$5,000 for a range of education-related expenses. Together, these grants can go a long way towards covering college costs, and contribute to the general assumption among higher education and foster care advocacy communities that these youth receive adequate financial aid to attend and complete college.

Unfortunately, most former foster youth in college in California do not receive all of these grants. Of identified former foster youth who applied for financial aid in California in 2008-09, 84 percent were eligible for a Pell Grant, 17 percent received or were offered a Cal Grant, and only nine percent received a Chafee Grant. Less than four percent of foster youth who completed the Free Application for Federal Student Aid (FAFSA) received all three grants.

This report examines why former foster youth in California are not receiving the aid they are likely eligible for, from inadequate or poorly targeted information about college costs and financial aid to structural obstacles within the aid process and programs. While many of this report's findings and recommendations are specific to foster youth, some apply to low-income, first-generation college-going, and underrepresented students generally.

In researching this topic, we analyzed financial aid programs and data from state, federal, and private sources pertaining to college access and affordability for foster youth both before and after emancipation. We held discussions with experts in the foster care field, including social workers, nonprofit leaders, college administrators, and government officials. We also convened focus groups and held follow-up interviews with former foster youth to learn directly about their higher education and financial aid experiences.² Anonymous quotes from these interviews and focus groups are included throughout the report.³

While the barriers to college are considerable, ensuring that foster youth know that financial aid is available would improve access in a meaningful way. The benefits are real, and the cost of inaction is great. By age 19, one in seven foster youth no longer in care has been homeless, almost half receive public benefits, and more than a quarter have been arrested (Courtney and Dworsky, 2005). The youth who are working typically earn poverty-level wages, with one study

¹ In this report, we use the terms “foster youth” and “former foster youth” interchangeably.

² We conducted focus groups and individual interviews during the period of August to October, 2008. A total of 45 foster youth participated. All youth were currently attending, had previously attended, or were planning to attend college.

³ In some cases quotes have been edited for clarity.

Most former foster youth in college in California do not receive all the grants they are eligible for.

finding that 90 percent of recently emancipated youth had earned less than \$10,000 the previous year (Courtney and Dworsky, 2005). Helping more foster youth attend and afford college will not only help these disadvantaged young people realize their potential, but also save the state and federal governments money spent on prisons and public assistance while increasing tax revenues from the greater earnings of well-educated citizens.

Roadblocks on the college track

Young people of all backgrounds can have difficulty getting to college and finding adequate financial aid, but foster youth and former foster youth face particularly daunting challenges. Ideally, students should receive targeted, age-appropriate information about college and financial aid throughout their time in school, followed by help with the application and decision-making processes. But life in the foster care system puts foster youth at risk of missing out on the academic, social, and familial support networks that help students prepare for college and access financial aid. Despite these enormous challenges, some dedicated students overcome the odds, proving that success is possible and marking a path for students and advocates to follow and widen.

The scope of this report is mostly limited to the challenges foster youth face in accessing financial aid, but these students' broader struggles are relevant and can hardly be overstated. Many of these other challenges, discussed briefly below, also affect underserved young people outside the foster care system to varying degrees, making efforts to address them important for all youth.

Changing schools impedes college preparation and access. Frequent changes in home and school placements can cause or compound serious academic problems, and make it even harder to develop the positive social networks and relationships with teachers and administrators that might yield encouraging information about college access and financial aid. Close to one-third of foster children experience three or more home care placements, and approximately 12 percent experience at least five placements (Choice, et al, 2001).⁴ One former foster youth described this experience:

Even twice a year is a lot to move to a whole different school because different schools have different curriculum... What really sucks is that if you don't have that good support group in high school and if you were moving around all these other times, how are you supposed to get the knowledge to even write well, to read well, to do those kinds of things? ... People have to realize that by moving people constantly, by putting them into volatile situations all the time, you're reducing the time for the foster youth to actually learn anything in school.

Just over two-thirds of foster youth (68 percent) are identified as having special needs, and 36 percent receive special education services. They may have behavioral problems, and are more likely than other youth to repeat a grade (Choice, et al, 2001). Low-income and first-generation college-bound students are most likely to learn about financial aid from school staff and peers (Luna De La Rosa, 2006), but frequent school changes make it particularly

⁴ These numbers pertain to any one time period when a child was in foster care, and not to the total amount of time they may have spent in foster care before emancipation.

hard for foster youth to develop these connections. Multiple school placements create and widen educational gaps that leave students ill-prepared to meet the demands of college-level coursework, and unlikely to know about or understand financial aid options.

Not enough adult role models or family support. Parents and other adult role models can play a huge role in getting young people interested in and headed towards college, from helping to nurture career goals that require a college education to sending supportive messages about financial aid and affordability.

Many youth develop college aspirations by the 10th grade, and their aspirations are related to their parents' educational attainment. Slightly more than half of 8th graders whose parents did not attend college expect to earn a bachelor's degree, compared to 91 percent of students whose parents had earned a bachelor's degree or higher (Choy, 2001). One former foster youth explained that he developed the desire to attend college after, as a child, he watched his aunt graduate:

She didn't have to say anything about college ... I just thought it was cool sitting in Cox Stadium at San Diego State and seeing all the people walk across the stage in their red and black.

Foster youth have been displaced from their families and other relationship networks. Moving from foster home to foster home decreases their likelihood of having reliable, positive adult role models in their lives, not to mention a supportive, loving parent, and this affects their educational choices. Foster youth are twice as likely as children who live with at least one parent to leave high school before graduating, and only half as likely to enroll in college preparatory classes (Choice, et al, 2001).

There are other relatively stable adults in youth's lives, including social workers, foster parents, and group home staff, who may be well positioned to assume some responsibility for providing youth with important educational information. Very few youth with whom we spoke cited any of these adults as sources of information on college and financial aid.

ILP can help, but it comes too late. Foster youth often cannot rely on home or school for stability or support, but other institutions have the potential to fill some of these gaps. Many youth with whom we spoke had heard about financial aid, and the federal Chafee Grant in particular, from their Independent Living Skills Programs (ILSP or ILP), which provide emotional, life skills, career, and educational supports, including resources for college access and success.

ILSP was probably the most helpful in learning about financial aid. From ILSP I found out about Fostering Futures.⁵ I found out about Chafee Grants.

They actually brought the FAFSA for us to fill out – on paper and also online – and they told us about financial aid and support programs, everything ... ILSP out there was just so helpful.

While ILP can be a successful and critical support system, participation in the program is typically limited to current and former foster youth aged 16-21.⁶ Students first learning about

⁵ Fostering Futures is a foundation that provides scholarships and other supports to former foster youth in 10 California counties.

⁶ Some counties have extended care to cover those aged 14 and 15.

financial aid through ILP, who at their youngest are usually well into high school, may have difficulty adjusting their academic plans and career aspirations accordingly. Moreover, programs vary widely by county, with some in California serving youth for only a few weeks. Participation in ILP is also optional and many or even most youth do not participate in the program. According to one estimate, only 44 percent of eligible foster youth participate in ILP services and the proportion of youth served varies widely by state (GAO, 2004).⁷

Inadequate housing after emancipation. Foster youth advocates with whom we spoke repeatedly reinforced that a lack of access to stable and affordable housing is the greatest barrier to higher education. The cost of forced independence after foster care ends can trump the educational plans of even the most dedicated and knowledgeable students. Within the first years after emancipation, many foster youth have difficulty finding stable housing, and one in seven foster youth becomes homeless, making attending college, let alone receiving financial aid, nearly impossible (Courtney and Dworsky, 2005).

For those who have it, housing is a major expense that may compete with the expense of attending college.⁸ Financial aid can be used to cover rent, but students need to know this, apply, and qualify for enough aid to help cover costs, which are especially high in California. Students may end up working full time to try to make ends meet, even though research has shown that working more than 15-20 hours a week while attending college full time decreases the odds of success (Pike, Kuh, and Massa-McKinley, 2009; King, 2002).

The cost of forced independence after foster care ends can trump the educational plans of even the most dedicated and knowledgeable students.

If I had no worries about housing that'd be great. Housing is like the majority of your money ... I can deal with paying my tuition, financial aid will pay for my tuition.

If I'd had a stable house, yes, I would have felt prepared to go straight to college. But without a stable house and no money, it's kind of hard to do.

Help is just out of reach

Recognizing how extraordinarily difficult the path to college can be for foster youth, policymakers have created programs like Chafee Grants to provide some extra help. While there is significant financial aid available to former foster youth, most are not benefiting from it as much as they could, or at all. College-going rates for former foster youth are disturbingly low, and even among those who go to college and apply for financial aid, very few receive all the grants they ought to be eligible for.

Analyzing exactly how much financial aid former foster youth receive is difficult since there is no single method for identifying these youth and no one source of information about their financial aid awards. However, by looking at state-level data and individual student aid packages, we have been able to draw some useful conclusions.

The California Student Aid Commission (CSAC) collects information on all of the state's financial aid applicants that can shed light on students' eligibility for three types of grants: Pell,

⁷ Based on a survey of states, to which 40 states responded.

⁸ California's Transitional Housing Placement Plus Program (THP-Plus) is a program that provides housing and services to eligible former foster youth for up to two years. Not all youth are served due to funding and space constraints.

Financial Aid Program Summaries

The financial aid programs available to former foster youth can be incredibly valuable, but some also have built-in barriers to access. The following summary does not include every source of financial aid available, but highlights the most significant programs and those discussed in this report.

The Pell Grant is the largest federal need-based grant program, providing up to \$5,350 a year in 2009-10. The grants usually go to students with family incomes of less than \$50,000, or single adults – as most foster youth are considered to be – with incomes under \$15,000. Students must fill out a FAFSA (Free Application for Federal Student Aid) to receive one. Pell Grants are available to students enrolled in most academic programs at almost every college in the country. Every eligible student receives a grant.

Chafee Grants are available to former foster youth under age 23 (age 21 for first-time applicants) who were in foster care at any point between ages 16-18. Chafee Grants are composed of both federal and state dollars, and provide students who are enrolled at least half time with up to \$5,000 a year for higher education or vocational schooling expenses, including tuition and fees, books and supplies, room and board, transportation, and other education-related expenses. Not all eligible youth receive grants. In 2008-09, California distributed approximately \$12 million in Chafee Grants to 3,136 youth, about one in two eligible applicants (CSAC, 2009).

Cal Grants are state grants to help low- and middle-income Californians pay for college. There are two primary ways to qualify for a Cal Grant, depending on when the applicant completed high school. All recent high school graduates who meet income and academic eligibility criteria, are enrolled at least half time, and apply before the annual March 2nd deadline are guaranteed to receive one. All other students who meet the eligibility criteria can apply for one of a very limited number of “competitive” grants.

Cal Grants are available up to \$11,259 for the nine-month 2009-10 academic year and may cover more than just tuition and fees, depending on the type of school a student attends. Students at California community colleges (CCCs) receive the smallest Cal Grants – \$1,551 for books and living expenses.

College grants are also available at public and many private colleges and universities in California. At public colleges, these grants typically cover fees for low-income students whose fees are not covered by Cal Grants. These grants include the Board of Governors Fee Waiver at the community colleges, the State University Grant at the California State Universities (CSU), and the University Grant at the University of California (UC). Unlike some other states, California does not have a tuition waiver for foster youth, but the combination of Cal Grants and college grants means that tuition and fee costs should not be a significant barrier for foster youth attending public colleges in California.⁹

Other aid programs and types of financial resources are available to help students at individual campuses. They include Federal Supplemental Educational Opportunity Grants, Extended Opportunity Programs & Services or Educational Opportunity Program grants, and private scholarships. These programs are typically small, extremely limited, and disbursed at the discretion of the college. As such, they will not be discussed in this report. Federal work-study and federal student loans can also be important resources for foster youth, but as self-help forms of aid that have to be either earned or repaid, they are not addressed in this report.

⁹ Because of the number and variety of private colleges in the state, no similar conclusions can be drawn about college financial aid programs and availability at private colleges.

Important Background on Chafee Grants

Chafee Grants were established under H.R. 2873, the Promoting Safe and Stable Families Amendments of 2001.¹⁰ Of the total annual federal authorization of \$200 million, \$60 million is authorized for Education and Training Vouchers (ETV or Chafee Grants). Federal Chafee funds, including funds for Chafee Grants, are distributed to states based on their foster youth populations. States are required to provide a 20 percent match for the federal funds they receive. Chafee Grants provide students with up to \$5,000 a year for higher education or vocational schooling expenses, including tuition and fees, books and supplies, room and board, transportation, and other education-related expenses.

The Chafee Grant program is not technically a financial aid program, and it is not governed by the federal Higher Education Act or administered by the U.S. Department of Education. Instead, it falls under the purview of the U.S. Department of Health and Human Services. However, the disbursement of Chafee Grants must be coordinated with other forms of financial aid to avoid ‘overaward’ situations, where students are given more aid than they need to cover eligible costs.¹¹ For that reason, many states administer the Chafee Grant through state education agencies or departments and keep funds separate from other Chafee monies, such as those that fund county Independent Living Programs (ILPs or ILSPs).

In California, the California Department of Social Services (CDSS) administers the Chafee program generally, and contracts with the California Student Aid Commission (CSAC) to administer the Chafee Grant specifically. While other programs serving foster youth are administered by counties, advocates wanted the Chafee Grant program to benefit from statewide coordination by an agency that was familiar with financial aid. CSAC also administers the Cal Grant program.

Federal Chafee Grant funds are awarded annually, with allocations based on the number of foster youth in the state, and states have two years to spend the allocation. In addition to their estimated allocation for the coming year, the state may request to receive additional funds should they become available. If states determine early on in the grant cycle that they will be unable to spend their full allocation, they may release funds to be reallocated to states that requested additional funding. These reallocations are rare, with only three states having released funds for reallocation in two different years.¹²

While states have only rarely released funds for reallocation, not all states successfully spend their entire grant awards. If a state does not spend all of the funds it received by the end of two years, the funds must be returned to the U.S. Treasury. Over time, the amount of unused funds returned by states has decreased sharply, from \$11.8 million in the first cycle in 2003 to \$1.5 million in 2007, but some states continue to face challenges in spending their allocation. Six states have returned more than 10 percent of their initial allotment in at least four of the five grant cycles since the program’s inception.¹³

¹⁰ H.R. 2873 amended the John H. Chafee Foster Care Independence Program, a provision of the Foster Care Independence Act of 1999.

¹¹ Students’ documented need for financial aid is calculated when they complete the FAFSA, and is based on their own financial resources and the cost of the college they attend. Many federal, state, and institutional aid programs distribute aid based on students’ documented financial need.

¹² In 2003 Michigan released \$1,278,724 and Utah released \$ 97,414, totaling \$1,376,138 for reallocation. Idaho released \$14,299 for reallocation in 2006.

¹³ Authors’ calculations based on data provided by the U.S. Department of Health and Human Services and includes completed grant cycles. The six states are Kentucky, Missouri, New Mexico, South Dakota, Texas, and Virginia.

Chafee, and Cal Grants. Together, in 2009-10 these three grants can add up to almost \$12,000 at a community college, \$16,000 at a CSU, and more than \$20,000 at a UC. In 2008-09, 35,664 federal aid applicants in California were under age 24 and were identified as likely former foster youth.¹⁴ Overwhelmingly, the most helpful grant for these youth was the federal Pell Grant, with 84 percent of applicants meeting income eligibility requirements. Cal Grants were offered to 17 percent of the applicants. Only 9 percent received Chafee Grants, a surprisingly small share since it is specifically for former foster youth. Though experts frequently cite these three grants as widely available to former foster youth and guaranteeing college affordability, only 4 percent of the applicants received all three.¹⁵

These hurdles may cause a student to quit the financial aid process, lose out on a specific grant, or even give up on college altogether.

Another approach to looking at financial aid uptake is through college data on financial aid awards. Two California colleges – one community college and one California State University – shared financial aid information with us for their identified foster youth. Almost all students at both colleges had very low incomes,¹⁶ and no student at either college received enough grant aid to fully cover their costs.¹⁷ On average, the CSU students received much more grant aid (\$13,000) than the community college students (\$5,800). As a result, students' remaining need for financial aid after grants was higher at the community college (\$9,300) than at the CSU (\$7,700). Many youth at the CSU filled the gap with federal work-study (42 percent) or federal loans (33 percent), but it is unclear how the community college students did so – very few (less than 10 percent) of them either were offered federal work-study or borrowed federal student loans.

Another community college also offered to share financial aid packages for 41 of their 120 identified and enrolled foster youth. This group received more robust aid packages, averaging \$8,700 in grant aid and only \$5,900 in unmet need after grants.¹⁸ All 25 of the college's Chafee Grant recipients were included in this group. However, this group represents only 34 percent of the college's identified and enrolled foster youth. We were unable to obtain detailed information on the remaining 79 foster youth, though it is certain that they fared relatively poorly since none of them received a Chafee Grant. The college reported that many of the youth excluded from the analysis dropped out after the start of the academic year.

Getting financial aid is a complicated process, with a series of hurdles that can trip up all kinds of students, but foster youth and other disadvantaged young people in particular. Many of these students who would be eligible for financial aid do not apply for it. Those who do apply do not always qualify for aid. Those who qualify do not always receive the aid they are due, or do not get it in time. Any one of these hurdles may cause a student to quit the financial aid process, lose out on a specific grant, or even give up on college altogether, and can be especially challenging for former foster youth.

¹⁴ To determine which applicants were likely former foster youth, we used confirmation by the California Department of Social Services that the applicant was in the foster care system between ages 16-18, or an affirmative answer by FAFSA applicants under age 24 to the question, "Are (a) both of your parents deceased, or (b) are you (or were you until age 18) a ward/dependent of the court?" However, this is not a precise marker of foster youth status. Some non-foster youth, including orphans, appropriately answer this question affirmatively, while many foster youth, including those who were not in the foster care system at age 18, should respond negatively. This question has been amended for the 2009-10 FAFSA and beyond. Students are now asked, "At any time since you turned age 13, were both your parents deceased, were you in foster care or were you a dependent or ward of the court?"

¹⁵ Unless otherwise stated, we obtained all financial aid receipt data from CSAC on 08/12/09 and 10/19/09. The financial aid data we received from CSAC is not entirely consistent across grant types. Due to the way that financial aid information is collected and used by different entities, we know how many financial aid applicants were eligible for Pell Grants, how many were offered Cal Grants, and how many received Chafee Grants.

¹⁶ Using income and asset information, the federal government estimates students' ability to pay for college. Those with very low incomes are considered unable to contribute financially towards their education, and given Estimated Family Contributions (EFCs) of zero. Almost all foster youth in this sample had zero EFCs.

¹⁷ Average total costs were about \$21,100 at the CSU and \$15,100 at the CCC.

¹⁸ Average total costs were about \$16,200 at this CCC.

Hurdle One: Applying for financial aid

Lack of awareness of financial aid and college-going path

The importance of knowing about financial aid starts well before students are applying for college. Students need to take the right classes in high school to be qualified and prepared for college, which often means taking the right classes in middle school. Low-income and underserved students, including foster youth, are less likely to choose a college track if they are not aware of the financial aid that will make college possible.

I never really thought college was a place for me ... I thought it was just for people that had money, that had a family, that had people that could support them.

Not too many people know about the different types of financial aid. It's so hidden, you have to research extensively to find out. I think that's an issue.

I had very little experience in applying for financial aid for the simple fact that I didn't know that there were so many sources out there that you can apply for ... I didn't apply for the Cal Grant, the Chafee Grant because I didn't know to apply for those things.

Financial aid awareness must begin early – in middle school – because knowing that college can be affordable may influence a low-income student's goals and academic choices. It must also continue throughout high school with information about the application process and the types of aid available, as well as assistance filling out the forms. Unfortunately, the frequency with which foster youth change schools and home placements undermines their ability to get the information and help they need.

The financial aid application is too complicated

To receive federal student aid, as well as most types of state, institutional, and private aid, students must fill out the FAFSA. Ironically, the most underserved and needy students are those most likely to be deterred by this lengthy and complex form (Dynarski and Scott-Clayton, 2006). In 2007-08, an estimated 2.3 million undergraduates who were likely eligible for Pell Grants did not complete the FAFSA (Kantrowitz, 2009).

They kept telling me to apply, it was like, okay, what do I do? I wasn't getting any help really. I didn't know where to go.

A guidance counselor wanted us to get all on track for the FAFSA, and if we didn't have it by a due date we all got detention. So it's like she made us do it, but I didn't know what to do.

I tried to apply, but then also the issue was they said that I didn't apply. Like I filled out the application and I printed it out, and I do have the print out, and I called to see what was the process, and they said I never filled out the application. So I understand me not being able to qualify, but I think something's wrong with their system.

Few former foster youth we spoke with were aware of the March 2nd Cal Grant deadline.

The FAFSA is daunting for many students, but it is an even bigger hurdle for low-income and first-generation students due to lack of awareness, or parents who may be uninvolved or unfamiliar with the process. Foster youth face similar challenges, and may not have resources or support to help them navigate the process.

Adding to the complexity is confusion about whether youth should be considered dependent or independent for federal financial aid purposes, which determines whether they need to provide financial details for parents. Through 2008-09, foster youth were considered independent if they emancipated from foster care at age 18, but beginning in 2009-10 youth are considered independent if they were in foster care at any point after age 13.

People who got my file messed it all up, so when I reapplied, I reapplied in January, so they didn't get to my file until about May, and you still have to fill out papers ... they actually handed me the wrong files, which I think was dependent on parents' stuff, and I'm independent ... Basically they sent me a letter telling me how I have to come back and fill out papers, and I'm like, I've already filled them out, so why do I have to go back, and they're like, they gave you the wrong papers so you have to sign these over.

Early state deadlines and additional requirements can pose a challenge for former foster youth

The vast majority of financial aid available through the Cal Grant program is available automatically to youth who have recently graduated from high school, meet GPA requirements, and apply by March 2nd. Unfortunately, youth who lack access to information about college and financial aid may not learn about aid programs until this and other deadlines have already passed. Few former foster youth we spoke with were aware of the Cal Grant deadline or had applied for financial aid by this point, six months before the start of the school year. Students who apply after March 2nd but before September 2nd and attend a CCC compete for a limited pool of Cal Grants. Only one in thirteen eligible applicants who applied between March and September received a Competitive Cal Grant in 2009-10 (CSAC, 2009).

Cal Grants require either a 2.0 or 3.0 GPA in high school, depending on the type of grant. Foster youth tend to have lower GPAs than other youth, due among other factors to disruptions in home and school placements that can undermine academic performance (Burley and Halpern, 2001). But even youth meeting minimum requirements may feel discouraged by the perception of merit criteria. As a result, such “merit” components to financial aid programs can be a serious hurdle for some college-qualified former foster youth.

They expect you to write all these great essays and to get all these great scholarships, and it's like, what tools have you given me to get these great scholarships since I'm moving from house to house to house, and I'm asking for extensions all the time, and then you know I'm trying to do well.

I was moving to different schools and different homes while I was in school, so it was so hard to catch up, it throws me way off. I remember this one time that I said to my social worker, I said don't move me right now, whatever you do, don't move me right now, because it's going to be so hard for me to catch up...

Those foster youth with sufficient GPAs may also be stymied by the process required to document their academic qualifications. Students who attended more than one high school can only submit a GPA if their records had been properly transferred and calculated with each school change.¹⁹ This is resource-intensive and may not be completed in time for the Cal Grant deadline, if it is completed at all. As a result of these requirements, very few students with whom we spoke had received Cal Grants.

Hurdle Two: Qualifying for aid

States turn students away from Chafee Grants while giving money back

National federal funding for the Chafee Grant program has been authorized at \$60 million per year since its inception, but budgeted amounts have ranged between \$41 and \$46 million. Since 2003, the number of Chafee Grant dollars going to California has decreased from \$8.4 million to under \$7 million.²⁰ Despite contributing more than the required 20 percent match for federal Chafee Grant dollars, California still does not have enough funds to meet demand. In 2008-09, 3,136 foster youth in California received Chafee Grants totaling \$12 million, but those youth represent only 47 percent of the eligible applicants that year. Many of the eligible applicants were offered grants late in the academic year, at which point they did not meet the enrollment criteria to receive a grant. Over one thousand of them (18 percent) were never offered one due to insufficient program funding.

It was a letter awarded to me that said you have \$5,000 in Chafee go pick it up from school. And then I went to the school and they said that I couldn't get it, they said they sent it back to the program ... I think they said that I wasn't enrolled in class, but I was enrolled in 12 units.

Despite having more eligible applicants than available grants, California has returned unused funds at the end of each federal two-year funding cycle. Earlier on in the program's history, most states faced challenges in developing the infrastructure and procedures necessary to deliver Chafee Grants to eligible youth. California has worked to address these challenges by developing multi-year contracts between CDSS and CSAC, and by encouraging colleges to return funds quickly when recipients are no longer enrolled or cannot be found. As a result of these efforts, the share of funds that California has returned has dropped enormously. Seventeen states returned federal Chafee Grant dollars in FY 2007, with California returning the smallest amount, just \$16.

Aid programs do not fit foster youth enrollment patterns

Many aid programs, including Chafee and Cal Grants, are designed based on the model of a traditional college pathway: students complete high school around age 18, enroll directly in college, and complete their degree in four years. Cal Grants have, in effect, an up-front age

¹⁹ In recognition of this and other educational challenges, California enacted AB 490 (Steinberg), Ensuring Educational Rights for Foster Youth, during the 2003-04 legislative session. This law requires schools to transfer students' academic records in a timely manner, although advocates claim that implementation is spotty.

²⁰ Authors' calculations based on data provided by the U.S. Department of Health and Human Services.

restriction – students must apply within a year of high school completion. Chafee Grants have a back-end age restriction – new applicants must apply before they turn 22, with renewal grants available until age 23. Neither grant is available to students for more than five years, so students who need remediation, are unsure of their academic goals, or are simply unable to get the courses they need to complete their degree quickly may be cut off from aid.

Unfortunately, these barriers are particularly vexing for former foster youth. Whereas over 60 percent of all young adults enroll in college, only about 20 percent of former foster youth do (Wolanin, 2005). In the face of losing stable housing and the other limited supports the foster care system provides, emancipating youth may focus on finding housing and a job before seeking higher education.

I wasn't prepared to go straight to college. Not at all. Not even close. Not even ready to graduate high school.

I didn't feel prepared to go straight to college after high school, that's why I had a problem with FAFSA ... I went through a whole bunch of problems and my grades slipped. So when I got denied for financial aid I just didn't go back to school.

Applicants' financial need is assessed based on their income from the previous year. For youth who delay college entry to work, their earnings may undermine their financial aid eligibility in future years. A youth who works a full year earning California minimum wage would likely be ineligible for a Pell Grant the following year, or eligible for hundreds of dollars rather than thousands. Financial aid administrators can adjust students' eligibility if their situation has changed, as with students who experience decreased earnings because they cut back on work to enroll in college, but youth are unaware that they can ask for this consideration. For those who delay college entry longer than one year, this loss in grant aid combined with losses in eligibility for specific age-limited grants can cost a former foster youth over \$10,000 in financial aid per academic year.²¹

Hurdle Three: Getting through the process after applying

Verifying foster youth status

Most youth are asked to document their status as former foster youth by bringing in letters from county ILP offices, judges, or social workers, a task some youth we interviewed found difficult. Federal regulations do not require that college financial aid offices verify the foster youth status declared on the FAFSA, but most financial aid offices do it anyway.

For the purposes of Chafee Grants, the verification process works differently. County departments serving foster youth assemble lists of ILP-eligible youth, and the California Department of Social Services (CDSS) compiles a statewide file to provide to CSAC for verification of Chafee Grant eligibility. For most youth, this process is seamless, but eligible youth who are mistakenly left off the file – a common occurrence according to youth and advocates with whom we spoke – may miss out on their opportunity to get a Chafee Grant.

²¹ At 2009-10 levels, a foster youth at a California community college may be eligible for a \$5,000 Chafee Grant, a \$5,350 Pell grant, and a \$1,551 Cal Grant.

After emancipating, foster youth often lack vital documents including their social security cards, birth certificates, or ward of the court letters, and many youth with whom we spoke found verifying their status to be challenging and time-consuming. Several described traveling back and forth between various administrative offices, and one young man attending college in San Francisco had to travel to Los Angeles, the county in which he was in foster care, to retrieve documents verifying his status.

Having proof will speed up the process ... It's just like your birth certificate. It helps with a lot of stuff, it really does ... because for a lot of services they will question you.

They had asked me for a letter to basically prove that I'm a ward of the court, so what I had to do was go to my social worker and get the big ol' paper, basically saying how long I've been in foster care, when, and they had a case number for me, that I returned to the financial aid ... I remember just running around and around and around. I had to work to get the financial aid.

Knowing what to do and where to go

In the California community colleges alone, there were more than 100,000 Pell-eligible students who did complete the FAFSA, but still did not receive a Pell Grant (MPR Associates, 2008). The former foster youth we interviewed described a variety of ways in which the complexity of the process was a barrier for students like them, even long after they submitted their application. One young independent student was told she had to provide her mother's social security card before her aid could be processed, even though it is not required when applying for federal aid as an independent student. Another student said he was asked to provide transcripts from a college he never attended, and then needed to provide proof that he had not taken classes there. Many youth felt as if they were getting "the run-around" from financial aid or other offices.

They just had me going back and forth to my high school, to my college, had me going back and forth about four or five times. So I didn't have financial aid my first two semesters.

If anything is wrong with your application they'll put a financial hold on you and you can't register for any classes. And then you have to go through these big loopholes to go see somebody, to have them send you somewhere else, to get a paper that's stamped that you have to bring back down to the Bursar's office. And then you have to go see the financial aid people and they take the hold off, and then you only have 24 hours to register for your class. But when that class isn't available and you went through all those loopholes and you've just spent four hours trying to get one paper signed, it's a waste of time.

You would think you have everything filled out and everything done and corrected, and then they say, well it shows here that you haven't turned in this paper or you haven't done this and then it's always something new that you need to fill out before you can get it. That's why it's been kind of hard, because you think the process is done and then there's always something else.

Some of the foster youth we interviewed reported that they have received confusing directions, or no notification at all, from their financial aid office, CSAC or other agencies about the paperwork they must turn in to receive their financial aid. Several students also described receiving confusing directions about whom they should turn to for relevant information, with some being told one agency or office was responsible only to be told by that agency or office that they needed to go elsewhere. This laborious and frustrating process can prevent the timely receipt of aid. The quotes below demonstrate the frustration and confusion youth feel and that can lead them to give up, and even drop out of college (as did the youth in the first remark below).

I needed financial aid, but I just said it took so long it didn't seem like I was gonna get it, so I just gave up on it, it was too hard.

CSAC sent a letter in the mail saying if you have any questions about your Chafee Grant or any other grants please contact this number. So when I called and they told me to call my school, I was like, okay, I was just at school so I could have done that.

When I go back to CSU, I'm definitely applying for financial aid. I think I'm not eligible for Chafee, but might still be eligible for financial aid. I think that's when I'm really gonna apply. Cause getting it at a junior college level is hard ... I haven't got financial aid at CCC or none of the colleges I applied to.

Without knowledgeable and supportive adults to help them navigate this process, it is easy for students to get lost. In the midst of the frustration, one youth highlighted the value of having well trained advocates in colleges.

The financial aid officer wouldn't accept my friend's application with all zeros for income, so he said, "what do you want me to put? I don't have a job." So it was a big barrier for him ... He threw his aid application away and he left. And I got it out of the trash and I told him, well obviously she's not qualified, she doesn't know. You have to talk to the one who works with the foster youth another day.

Hurdle Four: Timing of aid receipt

Impacts of late aid on students

Even after students successfully apply for aid and are deemed eligible, there is no guarantee that they will actually receive their aid when they need it. Many colleges, particularly community colleges (where disadvantaged youth are most likely to attend), delay disbursement of financial aid until weeks into the term to ensure that students remain enrolled. Some types of aid are more likely to be delayed than others due to program funding or design complications. Unfortunately, the disbursement of Chafee Grants is fraught with complications that often hold up the release of funds at the start of the academic year. CSAC makes Chafee Grant offers throughout the year until funds are depleted, so some eligible applicants receive offers months after classes have begun. Having received insufficient financial aid up to this point, would-be recipients may have cut back on classes or dropped out entirely. More than a quarter (28 percent) of eligible Chafee

applicants were offered grants at some point throughout the 2008-09 academic year, but were not enrolled at least half-time at the time of the offer.

Students need to be able to access their aid at the time they need it most: when school starts, educational expenses kick in, and earnings potentially decrease. When aid is delayed, students without other resources are forced to make difficult decisions that may not be in their academic interest. In response to unexpected delays in financial aid, youth with whom we spoke had coped by sleeping on friends' couches, deciding not to buy the textbooks required for their classes, or dropping some or all courses to work instead of going to school.

My check didn't get delivered on time. I was really thinking, what did I get myself into? I didn't have any way to contact anyone. I went to the financial aid office, I'm like, I have no money, is there any way I can get any help? And they said that your check is coming.

Those who drop classes or, without textbooks to study, do poorly in them, may later find that they have jeopardized future aid eligibility. Falling behind in class also undermines students' success and their ability to transfer or earn a degree or certificate. One student explained that when they finally do receive the aid to pay for books, they have often already missed many assignments and may not be able to catch up.

You might get a D, that's passing, but to transfer that's not passing, you would have to do the whole class over.

One student described using others' books during lecture to do the previous night's homework, while another explained that he is currently failing Biology because he is unable to study:

There's no book. And then the book that they did have was in the library, but because there are eight Bio 1 sections, and each Bio 1 section has like 200 kids, that book is nowhere to be seen. And all you can do is wait on the list.

Challenges specific to Chafee Grants

Federal funding for Chafee Grants goes to CDSS as part of the larger Chafee Foster Care Independence Program, which supports an array of services for foster youth. CDSS then contracts with CSAC to disburse Chafee Grants, but late contracts between the two agencies held up the process for the first few years of the program. More recently, the agencies have signed multi-year contracts to address this issue. It remains to be seen if this is an adequate solution, as other problems have held up funds in most other years.

Since most students start classes in August or September, financial aid programs are administered on a July-to-June schedule in line with the standard academic year. In contrast, federal Chafee funds are provided to states in line with the federal fiscal year, which begins in October. This means that the earliest recipients can possibly receive federal Chafee Grants is October. It usually takes longer, as funds need to go from the federal government to the State Controller to CSAC to colleges, and finally to students. However, federal Chafee funds do require a state match, and California has been working to disburse state funds to students ahead of federal funds so that students can receive the grants earlier. Unfortunately, state budget stalemates have held up even the state funds in more recent years.

The books are ordered at the beginning of the term, but we still don't have our financial aid checks, so they just sit there. Like sometimes the Chafee doesn't come in the beginning of the semester, it'll come in the middle or the end.

Chafee comes too late.

Budget stalemates

Budget stalemates in California have delayed the disbursement of all state student aid in recent years, including federal Chafee Grants. Without a budget in place, CSAC cannot release Cal Grant or Chafee Grant funds to colleges for disbursement to students. Once a budget is signed, students still may not receive their aid for many weeks as the funds flow through various bureaucracies. Though a budget was signed much earlier in 2009, the lingering fiscal uncertainty in the state led CSAC to hold off on disbursing grants until the end of September.

Recommendations

Many experts believe that college affordability is not a serious problem for former foster youth because of so much available federal, state, and institutional financial aid.²² But our research has found that only one in 25 foster youth aid applicants in California are receiving all three major federal and statewide grants, and that many still have more of a gap between college costs and financial aid than they could cover through a reasonable amount of work.

We have outlined many of the challenges, restrictions, and inefficiencies that keep foster youth from receiving more financial aid. The recommendations discussed below focus on the foster youth population in particular, but other improvements to financial aid more generally - such as increasing the maximum Pell Grant and simplifying the FAFSA - would surely also help this population.

The federal Chafee Grant

While the creation of the Chafee Grant program was a significant step and a substantial financial commitment to higher education access for former foster youth, the appropriated funding for it (\$40-46 million since the program's inception) falls far short of the \$60 million authorized. California contributes much more than the required 20 percent match to receive federal Chafee Grant funds, but a substantial number of eligible youth in this state remain unserved.

The U.S. Department of Health and Human Services' Administration for Children & Families provides assistance to states having difficulty adequately disbursing funds, but many states still return unspent funds at the end of the grant cycle. Six states have returned more than 10 percent of their initial allotment in at least four of the five grant cycles since the program's inception, yet none of these states returned funds early enough for them to be reallocated to other states. As a result, these funds are returned to the U.S. Treasury instead of helping foster youth in states like California, which has a waiting list more than one thousand students long.

²² This sentiment was voiced by some of the advocates with whom we spoke in researching this report, and is reflected in a report on foster youth and financial aid released by the National Association of Student Financial Aid Administrators (Davis, 2006).

To encourage states to more effectively deliver funds to eligible youth or to release those funds to needier states, the Chafee Grant allocation formula should incorporate a penalty for repeated and significant underutilization of allocated funds. Doing so would better ensure that much-needed dollars dedicated to foster youth are spent wisely and efficiently, which would in turn make a stronger case that Congress needs to appropriate more money for the program.

What the state can do

Improve Chafee Grant administration and outreach. In addition to insufficient funding levels, the administration of California’s Chafee Grant has hit its own roadblocks.

- Through a combination of dissimilar federal and state funding timelines, contract and communication problems between the California Department of Social Services (CDSS) and the California Student Aid Commission (CSAC), and state budget delays, Chafee Grants have not usually been distributed to youth at the start of the academic year – a critically important time. Much progress has been made in delivering Chafee Grants to eligible youth, but challenges remain. CDSS hosts workgroups to address outstanding administrative challenges, which is an important step in the right direction. Unfortunately, advocates claim that CSAC’s past participation had been sporadic, and CDSS had not initially invited CSAC to participate in a recently created Chafee Grant improvement workgroup. Better communication and cooperation between these agencies is imperative to serving foster youth well.
- One issue not currently being addressed is the lack of targeted, early outreach to foster youth about their financial aid eligibility. State law directs CSAC to conduct early outreach to foster youth,²³ though it is not currently being done. CSAC and CDSS should work together to develop appropriate outreach strategies and target groups, so that youth can learn about financial aid programs early enough to influence their academic choices. At a minimum, CSAC should develop a brochure that must be given to all foster youth by their social workers on an annual basis.
- CDSS receives lists of ILP-eligible youth from individual counties, which are compiled into a statewide file and shared with CSAC to confirm Chafee Grant eligibility. According to almost all of the advocates with whom we spoke, this file is often incomplete, causing significant problems for eligible youth who are not included. County social services agencies need to submit accurate files to CDSS in a timely manner to ensure that the youth they serve are not shut out of much-needed financial aid opportunities after emancipation.
- Under federal guidelines, states have significant discretion over the size of Chafee Grants distributed to youth. California has chosen to provide \$5,000 grants to recipients, the maximum allowable under the law. Unlike Pell and Cal Grants, however, Chafee Grants in California are not prorated based on attendance status or the number of academic terms in which the student enrolls. Prorating grant awards would help to encourage full-time attendance and enable the state to serve more eligible youth.
- More than one in four eligible Chafee Grant applicants (28 percent) were offered grants, but were not enrolled at least half-time at the time of the offer. Based on our conversations with youth and foster care advocates, it is reasonable to assume that more timely disbursement would help youth stay enrolled. Other financial aid programs with limited grant availability, such as the Competitive Cal Grant, make more awards than available grants,

²³ California Education Code § 89347 of the Higher Education Outreach and Assistance Act for Emancipated Foster Youth.

knowing some recipients will change their plans and not need the grant. Factoring in attrition and offering Chafee Grants to more applicants up front could help students stay in school.

Guarantee Cal Grants for foster youth. California does not have a targeted, early-guarantee tuition waiver program in policy, but it comes close to it in practice through a combination of state and institutional financial aid. At the community colleges, former foster youth receive fee waivers, which are available to all low- and many middle-income students. Most former foster youth attending CSUs or UCs are eligible for Cal Grants, and any low-income students at those schools who do not receive Cal Grants likely still have fees covered by institutional grant programs. Tuition or fee charges, then, at least in theory, are not a significant barrier to public college affordability for foster youth in California.

Tuition waiver programs do have other benefits for serving students. More so than a potpourri of financial aid programs, tuition waivers can send clear and influential messages to youth about their eligibility for financial aid, even though they are insufficient to ensure affordability by themselves.

California could send an early and clear message by guaranteeing a Cal Grant for foster youth.²⁴ Such a guarantee could be achieved by simply eliminating the Cal Grant application deadline and de facto age restriction. The state could still require high school graduation and a 2.0 GPA, sending the message that California will reward academic effort. The costs would be far outweighed by the financial returns to the state resulting from greater participation in higher education.

Extend foster youth supports to age 21. One way to improve college access and success for former foster youth is to extend foster care beyond age 18.²⁵ Rather than disappearing when a child turns 18, the state should remain a reliable and supportive resource. The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 allows states to choose to use federal dollars to support foster care placements through age 21. Research has shown that youth who remain in care past age 18 have much more positive educational trajectories, with fewer dropping out of school and more enrolling in two- and four-year colleges (Courtney and Dworsky, 2005). While the 2008 Act is now federal law, states must decide whether to participate in the extension of care. California should pass legislation (such as AB 12, introduced by Assemblymembers Jim Beall and Karen Bass in the 2008-09 legislative session) to ensure that foster youth are best supported in their pursuit of higher education.

Provide supportive adults with training on college opportunity and affordability. Youth learn about college and financial aid opportunities from adults with whom they have stable relationships. However, the adults that foster youth interact with most frequently have neither been tasked nor trained to provide this information to youth, and many youth miss out on it as a result. Child welfare workers and foster parents should receive training from the state on college options for foster youth, including financial aid availability, as these adults are best positioned to provide critical college-going information to the youth whom they serve.

²⁴ Previous attempts to guarantee Cal Grants for foster youth include AB 2489 (Leno) and AB 1532 (Bass), both during the 2005-06 legislative session.

²⁵ Foster youth in California are generally eligible for care until age 19 if they have not yet completed high school and plan to do so.

What colleges can do

The youth with whom we spoke had a lot to say about their experiences with financial aid and other student services offices. Their experiences illustrate just how obstructive additional requirements or steps can be for youth on the margins. Many colleges do have policies and practices that can make access to financial aid more difficult than it needs to be (Cochrane, 2007). College financial aid offices should examine their own policies and practices to see whether foster youth are well served by them, and whether there are areas where improvement is needed.

Postsecondary institutions can better serve foster youth by creating and expanding specific, targeted programs that acknowledge and account for the difficult circumstances youth may be dealing with. Many colleges, including almost all public colleges throughout the state, already have programs to identify, reach out to, and assist foster youth in accessing the resources they need to succeed. California College Pathways, operated out of the CSU Chancellor's Office, is a resource available to colleges and professionals interested in supporting foster youth college access and success. The Foster Youth Success Initiative led by the California Community Colleges Chancellor's Office is a statewide initiative that addresses the unique needs of foster youth. Through the initiative, California community colleges identify a faculty or staff member who acts as an advocate and repository of information and resources for the school's foster youth. The majority of CSU and UC campuses also have comprehensive support programs, including Guardian and Renaissance Scholars, which address the academic, financial, and social needs of former foster youth.

Conclusion

Former foster youth face a number of challenges in getting to college, including difficulty accessing sufficient financial aid. While there are state and federal grant programs to help them go to and complete college, a surprisingly small number of former foster youth at California's colleges are able to take full advantage of them. Many more foster youth do not pursue college at all, in part because they are unaware of their financial aid options and how to access them. All students deserve early and clear information about financial aid to help them make decisions about college, and full access to the aid for which they are eligible once they apply.

Helping former foster youth and other low-income students attend and succeed in college will reap significant social and economic returns, and lowering the hurdles to accessing financial aid is one important way to achieve that goal. It will require some investment at the federal, state, and institutional levels, but there are also low- or no-cost structural and procedural improvements that cannot wait for better budget years.

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John Burton Foundation for Children without Homes

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Policy Brief

Needs and Demographics of Former Foster Youth Entering California's THP-Plus Program: Findings from the Statewide Participant-Tracking System

BY SARA KIMBERLIN, AMY LEMLEY & MICHELE BYRNES

Executive Summary

In California, approximately 4,500 young adults "age out" of foster care every year when they reach 18, the legal age of adulthood. Research shows that former foster youth often experience poor outcomes as young adults, including low levels of employment and educational achievement, and high rates of homelessness, pregnancy, and criminal justice involvement. To address these issues, California's legislature created the Transitional Housing Placement Plus program (THP-Plus) in 2001. THP-Plus provides subsidized housing coupled with comprehensive supportive services for aged-out former foster youth age 18 to 24.

This report includes findings from an analysis of data collected about a sample of over 1,000 former foster youth who entered California's THP-Plus program during the first three quarters of fiscal year 2008-09. The analysis shows that a most youth do not enter THP-Plus directly after leaving foster care. Homelessness was a common experience among former foster youth entering the program. Many THP-Plus participants were not connected to work or school at program entrance, and they reported low levels of educational achievement and very low incomes. Positive findings included high rates of connections to caring adults and health-insurance coverage. Two subgroups of THP-Plus participants demonstrated greater needs at program entrance, namely older youth, age 21 to 24, and custodial parents, with parenting and financial responsibilities for a child as well as themselves.

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Overview of THP-Plus

The transition from adolescence to independent adulthood is a challenging period for many young people, but especially for abused and neglected youth in the foster-care system, who often lack the support of family and other caring adults. Currently, youth in California may remain in foster care until age 18 (or in some cases age 19), at which point they “age out” or “emancipate” from care, meaning they must exit the foster-care system due to age ineligibility. (Note that with the recent passage of Public Law 110-351, the federal Fostering Connections to Success and Increasing Adoptions Act, and California’s adoption of Assembly Bill 12, the California Foster Connections to Success Act, foster youth in California will soon be able to elect to remain in care until age 21.) In recent years, the number of youth aging out of foster care has reached an historic high, both nationally and in California. In 2005, nearly 25,000 youth aged out of foster care in the United States, up 41% since 1998. In California, a total of 4,493 young people aged out of foster care in 2007, representing an increase of 51% since 1998.

This rapid growth in the number of youth aging out of foster care is of particular concern given the challenges they face in their transition to adulthood. A study by researchers at the University of Chicago’s Chapin Hall Center for Children compared the outcomes of over 600 former foster youth from Iowa, Illinois and Wisconsin to those of young adults in the general population. The study found that 19-year-old former foster youth were nearly three times more likely than their peers in the general population to be out of work and school. They were twice as likely to be unable to pay their rent and were four times as likely to be evicted. Within less than two years of leaving foster care, significant numbers had been incarcerated and one in seven had experienced homelessness. Research specific to California has also found evidence of poor outcomes among former foster youth. A 2002 survey of California’s county welfare directors estimated that 65% of youth aging out of foster care in California had an imminent need for safe and stable housing.

These poor outcomes for recently aged-out foster youth are cause for serious concern, as they indicate a lack of preparation prior to youths’ transition out of care, and lack of economic and social support in early adulthood. Moreover, because the state serves as the legal parent for adolescents aging out of foster care, there is a special public responsibility to ensure that these youth are able to successfully transition to stable, productive adult lives.

California’s Transitional Housing Placement Plus program (THP-Plus) was created by the State Legislature through the passage of Assembly Bill 427 in 2001 to address these needs. Funded through the California Department of Social Services, THP-Plus provides up to 24 months of affordable housing, coupled with supportive services, for young adults age 18 to 24 who have aged out of foster care.

THP-Plus offers three different service models. The scattered-site model consists of individual rental units that are leased within larger rental properties, where youth live either alone or with a roommate. This model can include housing in college dormitories. Some scattered-site programs allow participants to assume the lease for the unit at completion of the THP-Plus program, while others require participants to vacate the housing unit at program completion. The single-site model consists of a single property in which all of the housing units or bedrooms are owned or leased by the THP-Plus provider. In the host-family model, a former foster youth lives in a family setting with one or more adults with whom they have a long-term caring, committed relationship. The host family most resembles the continuation of a placement with a foster family or kinship placement, but with an emphasis on preparing the youth for independent living.

THP-Plus programs subsidize the rental costs associated with these living arrangements and provide a range of specified supportive services, either directly or through referral. Services include case management, assistance in pursuing post-secondary education, job readiness training and support, mentoring and support for building permanent relationships with caring adults, and coordination with the county-administered Independent Living Program (ILP) to meet the goals outlined in the participant’s Transitional Independent Living Plan (TILP). In addition, THP-Plus programs assist participants with utilities, furnishings, food, and other practical necessities.

Throughout California, the THP-Plus program has expanded rapidly in the past five years. In fiscal year 2003-04, THP-Plus had a moment-in-time capacity of 50 youth. This figure grew to over 500 in 2007-08 and more than doubled to 1,300 in 2008-09. Much of this growth can be attributed to changes in the program since its inception. In 2005, the upper age limit of THP-Plus was changed from 21 to 24, and in 2006, a provision requiring counties to pay a 60% share of cost was removed, which made it financially possible for many more counties to participate in the program. Also in 2006, the THP-Plus State-wide Implementation Project was launched by a collaboration between the John Burton Foundation for Children Without Homes (the John Burton Foundation), the California Depart-

ment of Social Services, and the Corporation for Supportive Housing. The project's goal was to provide technical assistance to counties and service providers and advocacy to expand the number of former foster youth accessing THP-Plus statewide. The annual budget for THP-Plus in the 2008-09 fiscal year was \$40.8 million.

Methodology

The recent rapid growth of the THP-Plus program created a need for a systematic approach to data collection, in order to identify the characteristics of the young people receiving services and evaluate the impact of the program. As a partner in the THP-Plus Statewide Implementation Project, the John Burton Foundation, in consultation with counties and their contracted nonprofit service providers, led the process of developing a statewide system to collect consistent data about the demographics and outcomes of THP-Plus participants. This data-collection system was implemented during fiscal year 2008-09. Currently, data from 35 of the 41 California counties participating in THP-Plus, representing 90% of the total THP-Plus beds, is included on an ongoing basis in the statewide data-collection effort, making this system the most comprehensive current collection of data on former foster youth throughout California. Information collected through the THP-Plus data initiative includes demographics of program participants as well as outcomes related to housing, employment, education, criminal justice involvement and assets, collected for each participant at program entrance, exit, 6-months post-exit, and 12-months post-exit, as well as snapshot data collected each quarter for all participants enrolled during the quarter.

The data used for the analyses in this report comprises the data collected about THP-Plus participants at program entrance, for young adults who participated in the THP-Plus program during the first three quarters of fiscal year 2008-09 and whose data was entered into the statewide data-collection system. Because the data system was implemented part-way through the fiscal year, and because some counties and service providers are not currently participating in the system, this sample does not represent all young adults who participated in THP-Plus during the fiscal year. In addition, due to the logistics of data-collection start-up, a substantial proportion of participant records were missing key data elements and had to be excluded from some of the analyses. Thus, the resulting sample size is a maximum of 1,049 and a minimum of 338 for different analyses, with a sample of more than 700 for over four-fifths of the calculations; specific sample sizes are noted below as applicable.

Overall, the maximum sample is estimated to represent over 60% of the total population of former foster youth participating in THP-Plus statewide during the first three quarters of the fiscal year.

The results described below were obtained primarily through descriptive and bivariate analyses. Only findings that are statistically significant are reported, unless otherwise specified

Former Foster Youth at Entrance to THP-Plus

The young adults participating in THP-Plus reflect the geographic and demographic diversity of California's former foster youth. Data about their housing, employment, and school status at the time of enrollment in THP-Plus, as well as their assets and their involvement with the criminal justice system, demonstrate that these young people have substantial needs as they transition to independent adulthood

Demographics

The participants included in the sample were served by THP-Plus programs in 29 different California counties (n=1049). The largest geographic concentrations of participants were in San Diego County (24%), the San Francisco Bay Area (23%), Los Angeles County (13%), and Sacramento County (8%). Overall, participants were nearly evenly split between Northern California (52%) and Southern California (48%). Though not identical, the geographic distribution of counties providing THP-Plus services to the participants closely paralleled the distribution of counties of jurisdiction for these young people at the time that they aged out of foster care (n=968), indicating that most were accessing THP-Plus in or near the county where they were supervised as minors in foster care.

In terms of gender (n=1003), nearly two-thirds of the THP-Plus participants were female (65%) and just over one-third were male (35%). The disproportionate representation of young women in THP-Plus may largely reflect the demographics of California's population of aging-out foster youth, which has historically been disproportionately female; in each of fiscal years 2002-03 through 2006-07, females represented 58 to 59% of all youth aging out of foster care in the state. Self-identified lesbian, gay, bisexual, transgender, and questioning youth represented a small but significant 6% of THP-Plus participants (n=770).

The young adults participating in THP-Plus came from diverse racial/ethnic backgrounds (n=989). The largest proportion were Black (42%), followed by White non-Hispanic (23%), Hispanic (20%), and other (15%), including Native American, Asian, Pacific Islander, Multi-racial, or another race/ethnicity.

Two demographic categories of particular interest for the THP-Plus program, which will be explored in greater depth below, are age and parenting status. In terms of age (n=1049), most of the participants (82%) were 18 to 20 years old at the time they entered the program; a full 40% of participants were age 18. Older youth age 21 to 24 comprised 18% of the participants.

Finally, with respect to parenting status, a full quarter of the sample (25%) had given birth to or fathered a child prior to entering the THP-Plus program (n=746). Furthermore, at entrance to the program at least 12% of participants were custodial parents, living with and responsible for a child as well as themselves (n=1049).

THP-PLUS PROGRAMS REPRESENTED IN SAMPLE		
	%	<i>n</i>
San Francisco Bay Area	23%	1049
Sacramento County	8%	
Other Northern California	21%	
<i>Subtotal Northern California</i>	52%	
San Diego County	24%	
Los Angeles County	13%	
Other Southern California	11%	
<i>Subtotal Southern California</i>	48%	

PARTICIPANT DEMOGRAPHICS AT PROGRAM ENTRANCE		
	%	<i>n</i>
Female	65%	1003
Male	35%	
Black	42%	989
White non-Hispanic	23%	
Hispanic	20%	
Native American, Asian, Pacific Islander, Multi-racial, or Other	15%	
Custodial parent	12%	1049
Self-identified as lesbian, gay, bisexual or transgender	6%	770
Experienced homelessness prior to THP-Plus	39%	690
Age 18 to 20	82%	1049
Age 21 to 24	18%	

Housing

Participants were living in a variety of housing types immediately prior to entry to THP-Plus (n=749). Nearly one-third (30%) entered the program directly from foster care. Of these, the most common placement youth lived in prior to THP-Plus was a group home (37%), followed by a county foster home (25%), an FFA foster home (21%), Transitional Housing Placement Program (11%) or a kinship placement (6%).

The vast majority of program entrants did not enter THP-Plus directly from foster care (70%). Of these, the greater percentage were living with relatives or others for free (23%), renting their own or shared housing (15%), or staying in a supportive housing program (9%). However, nearly one-fifth (19%) entered THP-Plus directly from homelessness, an emergency shelter, or other unstable housing. Moreover, nearly two-fifths (39%) had experienced homelessness at some point prior to entering THP-Plus (n=690).

In terms of the type of housing into which the THP-Plus participants moved, two-thirds of the participants (66%) entered scattered-site THP-Plus housing, nearly one-third (29%) entered single-site housing programs, and 5% entered host-family placements (n=752). Two-thirds of the participants (66%) had the option to remain in the same housing when they eventually exited THP-Plus (n=725).

HOUSING IMMEDIATELY PRIOR TO THP-PLUS		
	%	<i>n</i>
Foster care	30%	749
Living with relative or others with free rent	23%	
Renting own or shared housing	15%	
Supportive housing program	9%	
Other housing	4%	
Homeless, emergency shelter, or other unstable housing	19%	

In terms of education, nearly two-fifths (39%) of THP-Plus participants were enrolled in school at entrance to the program, with 15% of participants attending high school or a high-school equivalency program, 22% attending community college, and 2% attending a four-year college (n=737). The highest educational achievement to date was reported for a smaller sample of program entrants (n=338), of which 30% had completed some high school; 69% had received a high school diploma, GED, or equivalent; and 1% had received an AA or AS degree. In addition, a small proportion of participants (7%) were enrolled in vocational training (n=702).

An important concept in the research on youth transitioning to adulthood is “connectedness,” or whether young adults are working and/or in school. Former foster youth have been found to have higher levels of “disconnectedness,” meaning they are neither working nor in school, than young adults in the general population. Among the THP-Plus participants included in the sample, almost two-thirds (64%) were “connected” at program entrance, including 20% who were both working and in school. In contrast, over one-third (36%) were “disconnected,” neither working nor in school (n=741).

Work and School

Employment and education are two areas in which research shows that former foster youth tend to have extremely poor outcomes. Thus, the work and school statuses of young people entering THP-Plus are particularly relevant to identifying their needs as they transition to adulthood.

With respect to employment status (n=737), at program entrance less than half of participants were working (45%). An equal proportion were seeking employment (45%), and a smaller proportion were unemployed and not seeking employment (10%). (Note that participants who were SSI-eligible or otherwise unable to work were excluded from this analysis.) The median wage reported for employed participants was \$8.50 per hour (n=302). Other income sources besides employment included public benefits (such as Food Stamps, CalWORKS, WIC, General Assistance, or SSI) for at least 23% of participants, and other types of financial support (such as educational grants or loans, child support, or family contributions) for at least 19% of participants (n=1049). Overall, 27% of participants had no reported income at entrance (n=591). For those with a non-zero income, the median monthly income from all sources was \$700, equivalent to an annual income of \$8,400.

Criminal Justice Involvement

A significant proportion of THP-Plus participants in the sample had been involved with the criminal justice system prior to entering THP-Plus. Nearly one-fifths (at least 17%) had been involved with the probation system as juveniles (n=1049). A smaller proportion had been involved with the adult criminal justice system. Almost one in ten (9%) had been incarcerated for an adult offense prior to THP-Plus entry, and 7% had received adult criminal convictions, mostly misdemeanors (n=654).

Assets

At entrance to THP-Plus, only about half of participants in the sample (54%) had bank accounts (n=726). On a more positive note, however, the vast majority (85%) had health insurance (n=743). This high proportion with health coverage may reflect the result of the policy that former foster youth are eligible to continue receiving MediCal coverage through age 21 in California. Another positive finding was that a very large proportion of young adults in the sample – a full 93% – reported having a permanent connection to a caring adult who could provide support, advice, and guidance (n=728).

WORK AND SCHOOL STATUS AT PROGRAM ENTRANCE		
	%	<i>n</i>
Employed	45%	737
Attending school	39%	737
Working and attending school	20%	720
“Connected” (working and/or in school)	64%	741
“Disconnected” (neither working nor in school)	36%	

THP-Plus Populations with Special Needs: Older Youth and Parenting Youth

Two significant subgroups of THP-Plus participants—older youth and parenting youth – appear to enter the program with greater disadvantages than most of the former foster youth served by THP-Plus. The profiles of these subgroups at entrance to THP-Plus are explored below.

Challenges Faced by Participants Age 21 to 24

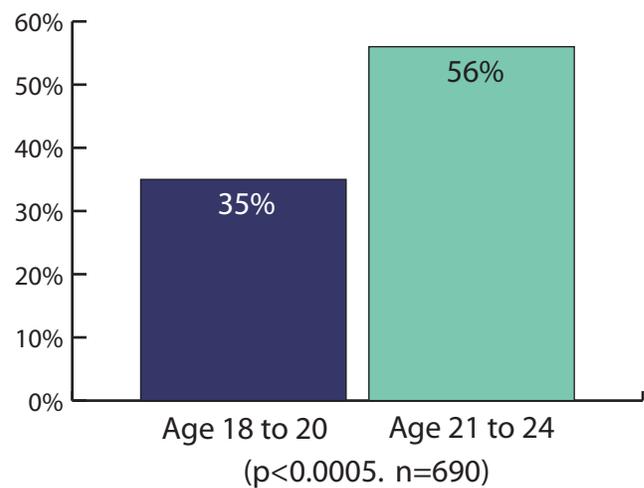
In 2005, the upper age limit for THP-Plus eligibility was increased from 21 to 24 years old. This extended age eligibility makes THP-Plus unusual among public services for former foster youth, as eligibility ends at age 21 for most such programs, including the Independent Living Program (ILP), extended MediCal coverage, and, soon, extended voluntary foster care.

Young adults age 21 to 24 comprise a relatively small proportion of THP-Plus participants, representing 18% of the sample analyzed (n=1049). However, county THP-Plus representatives and service providers have noted that the older young adults who access THP-Plus have a significant need for the program. Analysis of this sample confirms that THP-Plus participants age 21 to 24 faced greater challenges at program entrance than younger participants, age 18 to 20, particularly in the areas of parenting and homelessness.

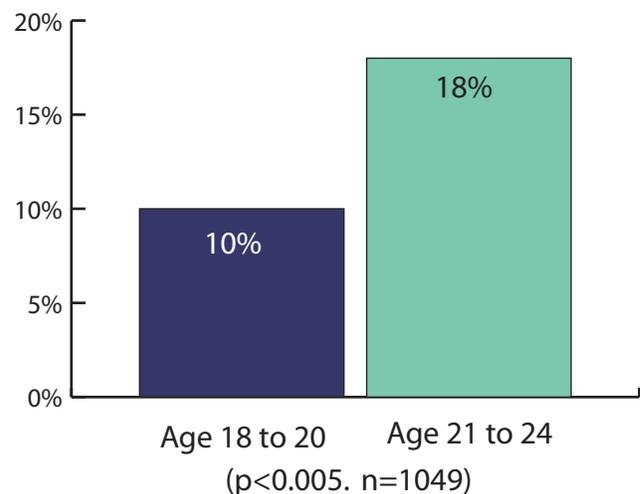
Compared to participants age 18 to 20, older participants were significantly more likely to have experienced homelessness prior to entering THP-Plus. Over half (56%) of participants age 21 to 24 had been homeless before, while only about one-third (35%) of participants age 18 to 20 had been homeless ($p<0.0005$, $n=690$). Greater prevalence of homelessness may indicate that older young adults had spent more time in unstable and unsafe living situations, with higher probability of risky lifestyles and potentially negative physical- and mental-health impacts.

Older youth entering THP-Plus were also significantly more likely to be custodial parents than younger participants. While 10% of participants age 18 to 20 were caring for a child, 18% of participants age 21 to 24 were custodial parents ($p<0.005$, $n=1049$). The financial and personal responsibilities of parenting may increase the challenges these young people face when attempting to establish self-sufficiency and invest in their long-term potential, as described right.

Experienced Homelessness Prior to THP-Plus



Custodial Parent at Entrance to THP-Plus

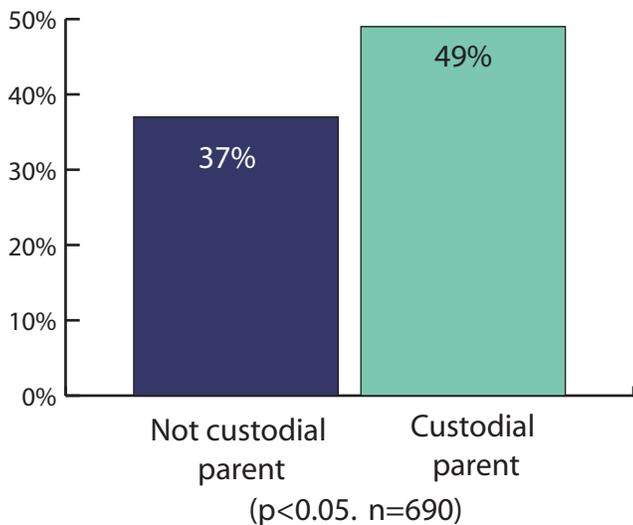


Challenges Faced by Custodial Parents

Of the THP-Plus participants included in the sample, 12% were custodial parents (n=1049), with responsibility for parenting and financially supporting a child as well as themselves. Though a relatively small proportion of the overall THP-Plus population, these individuals reported substantially greater needs in a variety of domains than participants who were not custodial parents.

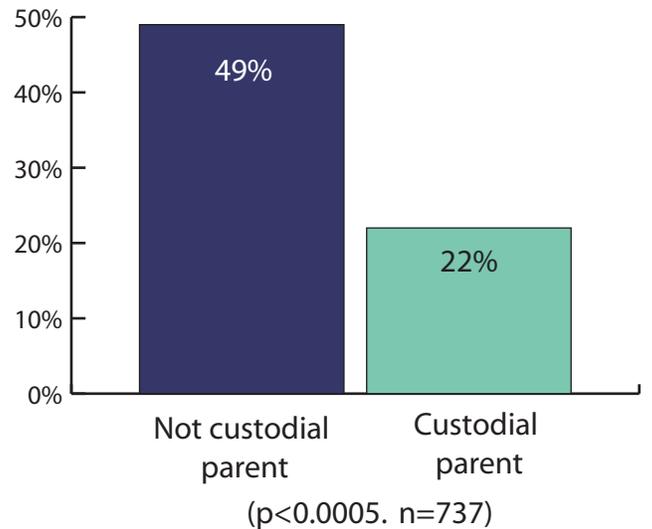
Like older youth, custodial parents in the sample were more likely to have experienced homelessness than non-parenting participants. Nearly half of custodial parents (49%) had been homeless at some point prior to entering THP-Plus, compared to 37% of participants who were not custodial parents ($p < 0.05$, $n = 690$).

Experienced Homelessness Prior to THP-Plus

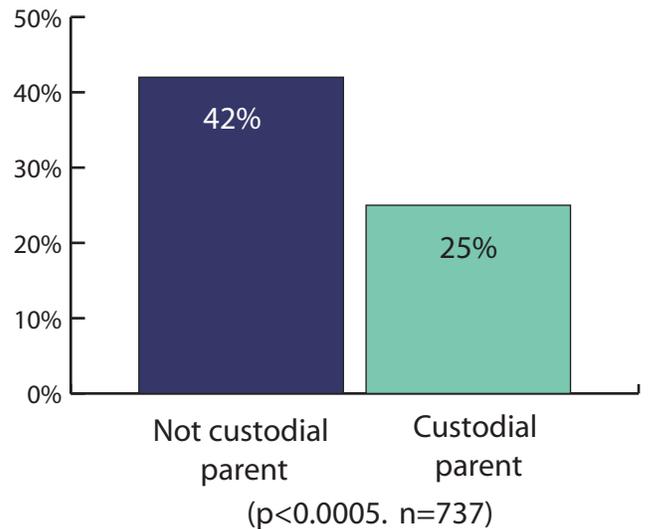


Parenting participants also reported much less participation in work and school than non-parenting participants. Only 22% of custodial parents were working at entrance to THP-Plus, compared to half (49%) of non-parenting participants ($p < 0.0005$, $n = 737$). Similarly, only 25% of custodial parents were in school at program entrance, versus over two-fifths (42%) of participants who were not custodial parents ($p < 0.0005$, $n = 737$). Not surprisingly, therefore, nearly twice as many custodial parents were “disconnected” from both work and school, 59% compared to 31% of non-parenting participants ($p < 0.0005$, $n = 741$). Lower rates of employment and school attendance for custodial parents are not surprising, as the financial and logistical constraints of child care may limit parents’ ability to participate in work and school. Nonetheless, this high rate of disconnectedness is of concern, as these young adults are not gaining the work experience and/or educational credentials that would enhance their future ability to adequately support themselves and their families.

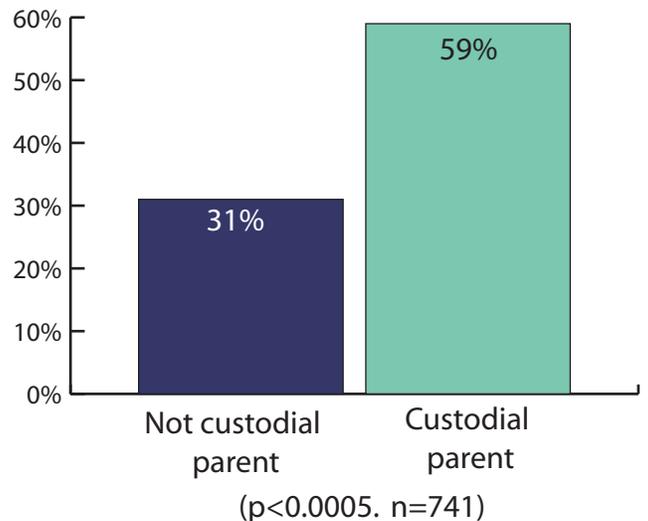
Employed at Entrance to THP-Plus



Attending School at Entrance to THP-Plus



“Disconnected” at Entrance to THP-Plus



Limitations

As noted above, the sample used for this analysis was a non-random sample of individuals entering the THP-Plus program. Though the sample represents a substantial proportion of the total THP-Plus program population, some counties and providers of THP-Plus services are not represented in the data set, and data entry into the system began part-way through the fiscal year. As a result, the sample may differ from the overall population of young adults in THP-Plus, and caution should be used in generalizing results. No other comprehensive data source exists for the THP-Plus program to allow for a general demographic comparison.

In addition, a substantial proportion of participant records were missing multiple data elements and had to be excluded from some analyses. Exploration of the demographics of participants with data missing on homelessness, employment, or education status showed that the records with missing data were largely similar to the records without missing data in terms of age and gender. Missing data was somewhat more common among Black and less common among White participants, with no substantial difference for Hispanic or Other Race participants. Individuals from THP-Plus programs in Los Angeles, San Bernardino, and San Francisco Counties were somewhat more likely to have data missing; otherwise the geographic distribution of records with missing data was similar to that of non-missing records. Participants with missing data were also less likely to be coded as custodial parents, but because of the way this question was structured, this finding may indicate that custodial parent status was actually unknown or not entered for many of the missing-data records. Also, due to the way responses were coded, the number of juvenile probation wards and individuals receiving public benefits or other non-employment income may be somewhat under-reported.

Finally, because the data for this analysis was drawn from administrative records for the THP-Plus program only, the results may not be generalizable to the overall population of former foster youth in California or nationally.

Implications

Most youth do not enter THP-Plus directly from foster care. Just one-third of participants lived in foster care immediately prior to entering THP-Plus. This relatively low percentage suggests a need for improved transition planning as well as ongoing concurrent planning as youth prepare for their legal discharge from foster care.

Homelessness was prevalent among THP-Plus participants at program entrance. Almost one-fifth of participants were homeless or living in an emergency shelter or other unstable housing immediately before entrance to THP-Plus, and nearly two-fifths had experienced homelessness at some point before entering the program. These high rates of homelessness indicate that a large proportion of THP-Plus participants have experienced highly unstable living situations with associated risks to their physical and mental health, and ability to establish safe and self-sufficient lifestyles.

Many THP-Plus participants were not connected to work or school at program entrance. Less than half of entering participants were working and only two-fifths were in school. Over one-third were “disconnected” from both work and school at entrance to THP-Plus. These figures are cause for concern, as connection to employment and/or education is the most effective path to long-term self-sufficiency for most transition-aged young adults.

Young adults entering THP-Plus demonstrated low levels of school achievement and very low incomes. Nearly one-third of participants had not completed a high-school credential before entering THP-Plus. Over one-quarter of participants with available data reported no income, and those with income had a median annualized income of \$8,400, below the federal poverty line. The median wage among those reporting wages was only \$8.50 per hour, below the living wage in California.

Participants entering THP-Plus showed high rates of permanent connections to adults and health insurance coverage. Over 90% of young adults reported that they had a connection to an adult who could provide support and guidance. A full 85% reported that they had health insurance. Both of these are positive findings, though it may be important to assess whether participants continue to enjoy high levels of health-insurance coverage after age 21, the upper age limit for automatic eligibility for MediCal among former foster youth in California.

Young people age 21 to 24, as well as custodial parents, entered THP-Plus with greater disadvantages than other participants. Older youth were 60% more likely to have experienced homelessness and 80% more likely to be custodial parents than participants age 18 to 20. More custodial parents had experienced homelessness and fewer were working or in school than participants who were not custodial parents. These findings indicate that older youth and custodial parents have high needs and may need to be targeted with more intensive services.

Further data analysis is needed. As THP-Plus data collection proceeds beyond this start-up year, the available sample will include valid data for a larger proportion of program participants, facilitating more complex and representative analyses of program participant characteristics and outcomes. There is a particular need for analysis of the possible impact of THP-Plus services, including assessment of changes in participant housing, employment, and education status from program entrance to exit. Comparison of the characteristics of THP-Plus program participants to research on former foster youth and youth in the general population would also enhance understanding of the population served and needs to be addressed by THP-Plus.

Acknowledgements

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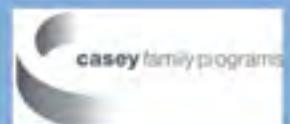
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Mythbusting

Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care

Kathleen McNaught



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INTRODUCTION

SCOPE

This publication focuses on meeting the education needs of children in the child welfare system. The issues of confidentiality and decision making are addressed only in the context of meeting education needs. Primarily, confidentiality refers to education records, but access to child welfare records is also discussed as it relates to education needs. Decision making refers to education decisions only.

GOALS

The four goals of this publication are to:

1. Provide context and explain why there is a need to address the education needs of children in foster care.

The benefits of addressing this issue are highlighted, as well as the negative results when systems fail to do so.

2. Debunk the myths about confidentiality and decision making. Myths are organized by topic and audience, including children, parents, judges, child representatives, and others involved in meeting the education needs of children in foster care. Some myths are unique to specific audiences, while others overlap.

3. Explain the main federal laws that affect confidentiality of education records and decision making.

Guidance is offered on applying these laws to improve the process of accessing and transferring records and making timely decisions about the education needs of children in foster care. A frequently asked questions (FAQs) format is used to help readers easily break down the important provision of each law.

4. Suggest strategies to overcome confidentiality and decision-making hurdles when addressing the education needs of children in foster care.

This section also highlights examples of successful approaches and programs that can be replicated in any community.

AUDIENCE

This publication is written for a broad audience:

- parents
- youth
- foster parents/caretakers
- educators
- judges
- children's attorneys
- guardians ad litem
- court appointed special advocates

HOW TO USE THIS DOCUMENT

This document can be used in a variety of ways, depending on the audience, level of knowledge, and need.

- **To find information for a particular audience:**

- ❑ Begin in [Section Two](#) where myths are organized by audience.
- ❑ Continue to obtain more in-depth information by following links throughout the document.

- **To learn specifics about various laws that affect confidentiality and decision making:**

- ❑ Begin in [Section Three](#).
- ❑ Then follow links to [Section Four](#) for examples of strategies and approaches related to the various laws.

- **To find out about a particular issue (e.g., special education decision making):**

- ❑ Use the bookmark function on the left of the screen to either see the myths related to this issue, or
- ❑ Jump ahead to the detailed discussion of the law or examples of strategies or programs in this area.

Icons are used throughout the document to help users understand where a link will take you.



takes you to [Section Three](#) and additional information about the leading relevant laws.



takes you to examples of promising practice and strategies to address the issues primarily found in [section four](#) but also to external websites when appropriate.



takes you to the [Resources](#) section.



takes you to a significant policy.

The document is a great resource when read in total, either in the online or printed version as it offers the big picture from the perspective of several audiences.

DISCLAIMER

This publication is not intended to be all encompassing. It is meant to help readers begin to understand some of the issues and questions related to confidentiality and decision making. When determining how these issues are addressed in a particular state or jurisdiction, consult state laws and regulations and other knowledgeable professionals for additional guidance. See the [Resources Section](#) at the end of this document for additional reading and research tools.

Issues & Barriers

NEED

Myth: Keeping children safe and finding them permanent families and connections will ensure future success.

Reality: While safety and permanency are critical to help children in foster care achieve success, meeting their education needs is an equally important well-being factor that cannot be left out of the equation.

Research shows children who obtain a solid education are more likely to succeed as adults. This especially applies to children involved in the child welfare system, whose educational needs are often overlooked. →

Myth: Meeting education needs is solely a well-being issue and has no impact on permanency.

Reality: Meeting the education needs of children in foster care has a strong positive effect on permanency for children, be that reunification, adoption, or another permanent plan. Successful education advocacy can result in:

- a decrease in stressors for the child, parent/caretaker, and caseworker involved in the case;
- increased stability in the foster care placement; and
- the empowerment of birth and preadoptive parents and permanent caretakers by improving their skills and knowledge about education advocacy. →

Myth: It is impossible to measure how addressing education needs impacts children in foster care.

Reality: Small, incremental changes resulting from improved education attention and advocacy for these children's education needs have been measured. Examples of these changes include:

- improved enrollment policies,
- fewer changes in school placements,
- more school advocacy, and
- improved school services for children.

Improving Education Outcomes

In California, the Foster Youth Services Program provides education services to children in foster care. Several studies found that when school programs focus on the education needs of children in care:

- educational performance improves,
- maladaptive behaviors decrease, and
- drop-out rates decline.

All of these aid successful transitions to employment or higher education.

[Click here](#) for more on this program.

Source: Ayasse, Robert H. "Addressing the Needs of Foster Children: The Foster Youth Services Program." *Social Work in Education* 17(4), 1995, 207-216.

Project Achieve: Helping Children Involved with the Child Welfare System

Project Achieve, an education advocacy program in a private New York City child welfare agency, found that:

- students whose families received both preventive services from the agency and education advocacy from Project Achieve were not placed into foster care placement.
- 21% of the cases in which Project Achieve intervened resulted in the child proceeding toward adoption or the agency closing the case without going to court.

[Click here](#) for more on Project Achieve.

Source: "Advocates for Children's Project Achieve: A Model Project Providing Education Advocacy for Children in the Child Welfare System." Advocates for Children of New York, Inc., March 2005, 35.

Are Foster Children Getting Enrolled in School?

The school board of Broward County, Florida discovered that:

- 12% of children in foster care were not enrolled in school by the 20th day of classes in September 2002.

After an extensive campaign to apprise child welfare and school system staff of the issues and ways to resolve the problem, an evaluation in September 2003 revealed that:

- 98% of the children in foster care were enrolled by the 20th day.

Source: See research brief available at: http://www.floridaschildrenfirst.org/04_reports/proj/Education/State/Broward/Broward_foster_care_report.pdf

Myth: Children in foster care do not need any additional attention paid to their education needs.

Reality: Numerous studies and reports show the bleaker picture when education needs are not met for children in foster care. The long-term effects are devastating: higher risks for homelessness, poverty, public assistance, and juvenile or adult court involvement.

Data from Casey Family Programs' Northwest Alumni Study (2005) on education outcomes for young adults formerly in foster care tell us:

- **Alumni obtain a G.E.D. in lieu of a high school diploma at a much higher percentage than the general population.** This leads to less likelihood of pursuing further education and lower job incomes.
- **Many alumni who begin higher education programs do not complete such programs.** This can be due to emotional problems, needing to work, pregnancy, and losing interest.
- **Alumni suffer from high rates of homelessness** (studies have shown anywhere from 11% to 22.2%), much greater than the general population (1%).¹

The short-term effects are equally alarming. The articles and studies listed at the end of this publication in the [Resources Section](#) repeatedly list the following education issues for children involved with the child welfare system:

- **Frequent school placement changes:** Children in foster care frequently move between child welfare placements. This often results in a need to change school placements.
- **Lengthy delays in getting education records transferred:** Because children in foster care often change placements, which can result in school changes, it is hard to ensure complete educational records follow them. Often jurisdictions require such record transfers, but provide no guidance on timelines for transferring school records. This problem can lead to delays in school enrollment.
- **Inability to gain access to education records:** Not only can it be difficult to facilitate the transfer of education records from one school to another, it can also be challenging for foster parents and other individuals involved in the child welfare system to gain access to the education records.
- **Missing, incomplete or inaccurate education records, once accessed:** Education records of children in foster care are not always kept up-to-date. Incomplete, inaccurate, or lost records prevent appropriate and timely school placements and services.
- **Failure to identify school issues and needs:** Youth in foster care who need regular, supportive education services or special education services, may not be identified for or receive these services. Lack of continuity in school placements, and the many adults involved with the child (foster parents/caretakers, caseworkers, guardians ad litem, attorneys) may result in a failure to identify and advocate for the child's academic needs.

- **Inappropriate special education services and placements:**

Many children involved in the child welfare system are never identified and assessed for special education services. There is also a reverse problem with children who do not need special education services being identified as needing them. Children in foster care are referred to special education over three times more frequently than their peers who are not in foster care.² Often, such referrals are made quickly without assessing the entire picture, and a child can be inappropriately placed in special education.

- **Higher rate of discipline, including suspensions and expulsions:** Children involved in the child welfare system are more likely to be suspended and expelled from school than non-child welfare system youth.³

- **Lack of involvement in extracurricular activities:** Often extracurricular activities are not options for children in foster care. Even when there is some level of education advocacy for the youth by their caretaker or caseworker, it does not usually include extracurricular activities. They are sometimes viewed as “not important” on a continuum of education needs. However to the children and youth involved, participating in extracurricular activities may be essential to become or stay engaged with school.

- **Higher drop-out rates:** Youth who have been forced to change schools and/or have lost earned credits because of midyear moves or lost or incomplete education records, often become frustrated and leave school before graduating. Youth in care may not have positive role models and may not see the importance of completing high school. Or, they may be too distracted by the instability in their family situation to focus on completing school.

- **Less frequent entry into and completion of postsecondary education:** Too little attention is paid to helping youth in foster care strive for and complete postsecondary education opportunities. A recent study of foster care alumni found that 42.7% of alumni had received some higher education, but only 20.6% had completed a degree or certificate program. Less than 16.1% had completed a vocational program and 1.8% had completed a bachelor’s or higher degree. Although this rate increased as alumni got older, it was still lower than for the general population.⁴

Barriers

For children in foster care to achieve academic success, judges, attorneys, CASAs, GALs, caseworkers, foster parents, schools, and other advocates in the child welfare and school systems must work together to overcome hurdles to meeting education needs. Two significant hurdles are **confidentiality concerns** and **not understanding who has education decision-making authority**. These barriers often cause the failure of or delays in appropriate education programming and delivery of services for youth in foster care. Overcoming these barriers is an important first step toward successfully addressing the education needs of children in foster care.

How Many Foster Children Leave Special Education?

A 2002 study of school children in New York City found that:

- only 1 in 50 children in foster care placed in special education returned to the regular classroom

versus

- 1 in 10 children not in foster care.

Source: Carter, Charlene. “Separate But Not Equal Why Do So Many Foster Youth Get Stuck in Special Ed?” September 9, 2002, available at: <http://www.youthcomm.org/FCYU-Features/FCYU-2002-09-6.htm>.

How Do Foster Children Perform in School?

A preliminary study from Los Angeles Unified School District (a school district that reports having approximately 7,500 students in the foster care system) compared performance of children in foster care to other students in the same schools and classrooms, and learning from the same teachers. Some of the results indicated children in foster care:

- performed half to one-third as well on standardized English language and math performance tests,
- were three times more likely to be expelled or suspended from school, and
- were half as likely to be in gifted programs.

Source: “Preliminary Analysis: Data Match Between the Los Angeles Unified School District and the Los Angeles Department of Children and Family Services.” Los Angeles, CA: Education Coordinating Council, 2005. (Unpublished study)

Confidentiality

Child welfare and education systems share responsibility to ensure children in the child welfare system receive an appropriate education. Both systems, and the numerous individuals involved with each system, need access to relevant information to ensure this education is provided. This typically will involve some level of information sharing, including exchanging records. However, confidentiality rules and regulations that control the release of education and child welfare records are often unclear, and can hinder the appropriate transfer and disclosure of information.

The competing goals of the child welfare and education systems add to the complexity of this issue. In addition, confidentiality laws and policies protect the privacy of the child and family, preserve their dignity, and guard them from needless embarrassment. Child welfare and education systems also try to access information to protect and serve children, and have mechanisms to share relevant information with each other. The conflict between confidentiality and protecting children's privacy creates hurdles to accessing and sharing records.

Information Sharing Tensions

- Protect privacy
- Preserve dignity
- Avoid embarrassment



- Protect child
- Ensure child receives appropriate services and education
- Support collaboration with other entities and agencies by sharing relevant information

A clearer understanding of the Family Educational Rights and Privacy Act (FERPA), the Child Abuse Prevention and Treatment Act (CAPTA), and provisions under Title IV-B and IV-E of the Social Security Act provide guidance and help overcome some record access hurdles.

Accessing records is an important issue in all states. The Child and Family Service Reviews (CFSRs), a federal review of all state child welfare systems, included “availability of school records” as a factor used in determining whether a state is meeting the education needs of children in foster care.⁵ Final reports from all 50 states indicate that 19 states have problems with missing educational records from case files or such records not being provided to foster parents; 13 states report school/agency cooperation and communication is a problem.⁶ Of these states, nine specifically addressed these problems in their Program Improvement Plans (PIPs). Examples of PIP action steps include:

- **Florida:** creating a model working agreement between the child welfare agency and the Department of Education to address confidentiality of information, promote information sharing, and involving school personnel in the case planning process;
- **Maryland:** Office of the Attorney General meetings with local school attorneys to discuss barriers workers face in obtaining education records;

[Click here](#) for more on Florida's effort.

- **South Carolina:** developing/implementing use of the Education and Health Passport for all foster children to help maintain children’s records regardless of placement;
- **Washington:** developing interagency agreements that include protocols for effective information sharing.

[Click here](#) for more on education and health passports.

Education Decision Making

■ Who is an “Education Decision Maker”?

An education decision maker is the individual with legal authority to make education decisions for a child. Typically this individual is a child’s parent, but when children are in foster care, someone other than the parent may have this authority. Unfortunately it is not always clear who has the authority.

■ What is the Difference Between an Education Decision Maker and an Education Advocate?

Confusion over who is the education decision maker affects more than the legal decision-making process. Education decision-making issues also affect general education advocacy for the child. We can usually assume the legal decision maker for the child will also be a strong education advocate. But in the child welfare system, education advocacy is not limited to just the individual with the right to make education decisions. Even if an individual is not the education decision maker, the individual can still play an important role in education advocacy for the child. The right person to take the lead in education advocacy may differ depending on the case, or even the education issue. Just because an individual is not the decision maker should not prevent them from being an education advocate for the child, and in fact some of the best education advocates (e.g., court appointed special advocates, guardians ad litem, teachers, school administrators) may not be the education decision maker in a child’s life.

Special Education Decision Making

■ Who is an Education Decision Maker Under the Individuals with Disabilities Education Act (IDEA)?

Determining the education decision maker is more complex when children in foster care have special education needs because additional rules apply. Confusion over roles and responsibilities abounds, including who can act as the parent and when a surrogate is needed. Often, children needing special education services are not appointed a surrogate, as required by IDEA. It is not always clear who is authorized to sign consent forms and IEPs. Appointed surrogates often do not know the child, and do not represent the best interest of the child. In states where foster parents can be appointed as the surrogate and the child later changes foster homes, the child loses that surrogate. These foster parents and others also often lack adequate training as surrogates.

Examples of Education Advocacy Role

- A **child welfare caseworker** (who cannot be the legal decision maker for a child with a disability qualifying under IDEA) can play an important role in attending Individual Education Plan (IEP) meetings and supplying necessary information to the IEP team.
- A **foster mother** who has raised several children with special needs and has years of experience advocating for special services in the school system may be the likely individual to take the lead in school advocacy, whether she is or is not the education decision maker.
- The **guardian ad litem or child attorney** may be the right individual to take the lead advocacy role for a child at risk for suspension or expulsion, because of their experience handling disciplinary proceedings and the similarities of those proceedings to court hearings.

Endnotes

¹ Casey Family Programs. “Improving Family Foster Care Findings from the Northwest Foster Care Alumni Study.” 2005, 35-37, available at:

<http://www.casey.org/Resources/Publications/NorthwestAlumniStudy.htm>

² Godsoe, Cynthia. “Caught Between Two Systems: How Exceptional Children in Out-of-Home Care are Denied Equality in Education.” *Yale Law & Policy Review* 19:81, 2000, 99.

³ Kortenkamp, Katherine & Jennifer Ehrle. “The Well-Being of Children Involved With the Child Welfare System: A National Overview.” The Urban Institute, January 2002, available at: http://www.urban.org/UploadedPDF/310413_anf_b43.pdf

⁴ Casey Family Programs. “Improving Family Foster Care Findings from the Northwest Foster Care Alumni Study.” 2005, 36, available at:

<http://www.casey.org/Resources/Publications/NorthwestAlumniStudy.htm>

⁵ 45 C.F.R. §1355.34(b)(iii)(B).

⁶ States with problems of records not being in the case file and/or educational records not being given to the foster parent(s) include: AL, AR, CO, FL, ID, IA, MD, MI, MN, NE, NV, NM, NY, OK, OR, PA, SD, WA, WV; AR noted poor record keeping, and RI noted delays in transfer of documents. States with problems in cooperation or communication between agencies and schools include: AL, FL, KY, MD, MI, MS, NE, NC, RI, SC, WA, WV, WY; NC specifically mentioned confidentiality problems.

Myths & Realities

The following are the most common myths among people involved in the child welfare and education systems related to **confidentiality**, **general education decision making**, and **special education decision making**. For each topic the myths are listed by audience type (see glossary for descriptions of these audiences).

GLOSSARY

Child

All children and youth currently in foster care and those emancipated from care.

Parent

Birth and adoptive parents.

Foster Parent/Caretaker

All placements provided through the child welfare agency, including placements with foster parents and relative caretakers.

Judge

Judicial officers who oversee child welfare cases.

Child Representative

Legal and lay child advocates, including child attorneys, guardians ad litem (GALs), court appointed special advocates (CASAs), etc.

Caseworker

Frontline caseworkers and supervisors in public and private child welfare agencies.

Educator

All staff in a school system that would interact or need to know information about a child in foster care. This includes teachers, administrators, school social workers, guidance counselors, etc.

CONFIDENTIALITY

Child Myths

#1: “The whole world knows everything about me!”

Child Realities

False, if the law is followed appropriately. However, children often correctly assume that all professionals talk to each other about everything, and fear that personal and painful details of their lives have been shared with everyone around them. Some children recall incidents at school when sensitive information was revealed over the loudspeaker for the entire school to hear. For example, announcing that the child’s social worker was there to see the child. This can be due to thoughtlessness or lack of training provided to teachers, school officials and administrators about the rights and needs of children in the foster care system.¹ When systems take confidentiality laws seriously, all parties will understand the parameters of what can and should be disclosed and what information is protected. The children will quickly understand their privacy will be respected and ultimately their trust will be gained.



[Click here](#) for more about specific confidentiality laws.



[Click here](#) for strategies to protect a child’s right to privacy.

2. “I can’t access my own education records.”

False. Youth age 18 and over have an independent right to access a copy of their education records. Youth under age 18 can access a copy of their records by obtaining consent from the person considered the parent under the Family Educational Rights and Privacy Act (FERPA).



[Click here](#) for more about the law.



[Click here](#) for an example of a youth education rights wallet card from California.

Parent Myths

1. “When the child welfare system takes custody of our child, we can no longer obtain information about our child’s education.”

False. Parents continue to retain the right to access education records related to their child, even when the child is not in their custody unless there is a court order or statute limiting access. The child welfare agency or the foster parent may also have a right to access. But, even if the child welfare agency and/or the foster parents are determined to be the parent under the Family Educational Rights and Privacy Act (FERPA) and have access, the parents still have an additional right to access. There may be a question in this situation over whether the parent still retains the right to challenge what is in the child’s records.



[Click here](#) for more about the law.

Foster Parent/Caretaker Myths

1. “We can automatically be considered the parent for the purpose of obtaining education records for children in our care.”

Not necessarily. You may be considered the parent under the Family Educational Rights and Privacy Act (FERPA) definition (person acting in the place of a parent in the absence of the parent), but this determination is not automatic. Much depends on how your state and jurisdiction interpret FERPA.



[Click here](#) for more about the law.



[Click here](#) for tools to search for state law.

2. “Caseworkers cannot share education records of children in our care with us.”

False. Federal law requires caseworkers to maintain education records as part of their case plan and share education records with foster care providers at the time of placement.



[Click here](#) for more about the law.

Judge Myths

1. “We have no authority to order schools to release education records for children who are under the court’s jurisdiction without parental consent.”

False. A court order for the education records is one of the exceptions to the Family Educational Rights and Privacy Act’s (FERPA) parental consent requirement.



[Click here](#) for more about the law.

Parent Realities

Foster Parent/Caretaker Realities

Judge Realities

Child's Representative Myths

Child's Representative Realities

#1. “We have an automatic legal right to obtain education records from a school when we are appointed by the court to be an advocate for a child in a child welfare case.”

False. Similar to caseworkers, there is no automatic legal right, even if state law provides that advocates have access to education records. You need to:

- obtain consent from the parents;
- obtain records through the child welfare agency or foster parent if they are viewed as the parent under the Family Educational Rights and Privacy Act (FERPA) and will grant you access; or
- obtain a court order allowing access.



[Click here](#) for more about the law.



[Click here](#) for examples.

Caseworker Myths

Caseworker Realities

#1. “We automatically have a right to access education records when our agency has custody of a child.”

False. While usually there will be a mechanism to access records, the right is not automatic. Typically your right to access can be obtained through consent of the parents, a determination that your agency is considered the parent for purposes of the Family Educational Rights and Privacy Act (FERPA), or through a court order allowing access.



[Click here](#) for more about the law.



[Click here](#) for examples of local and state provisions allowing agency access.

#2. “We have no right to access education records for a child we are working with unless we obtain parental consent.”

False. Parental consent is just one way for caseworkers and agencies to obtain the education records. Other ways include being considered the parent for purposes of FERPA, or through a court order allowing access.



[Click here](#) for more about the law.

#3. “We have no obligation to maintain education records as part of a child’s case file.”

False. Federal law requires child welfare agencies to maintain education records as part of the child welfare case file.



[Click here](#) for more about the law.



[Click here](#) for examples.

#4. “We can never share child welfare records with educators working with a child in our custody.”

Not necessarily. When a state either has a statute authorizing the sharing of foster care information with the school system or when the school system demonstrates a need for certain information to protect the child from abuse and neglect, certain child welfare records and information can be shared with educators working with children involved in the child welfare system.



[Click here](#) for more about the law.

#5 “We cannot share education records with foster parents.”

False. If the child welfare agency has received copies of the education records because they are being considered the parent under FERPA, then they are free to share the records with any appropriate individual working with the child, including foster parents. If the child welfare agency has received the records through a court order or parental consent, the release to the foster parent must be made clear in that consent or court order, otherwise it may be prohibited. Federal law requires states to include the child’s school record as part of the child welfare agency’s case plan and to have a system in place to supply those records to the foster care provider. Therefore, child welfare agency representatives should try to obtain the education records in a manner that allows them to share the records with the child’s caretaker.



[Click here](#) for more about the law.



[Click here](#) for more about sharing records with foster parents.

6. “When a child entering, or in, foster care must change schools, we play no role in the transfer of school records from the former to the new school. That is up to the schools to sort out.”

False. Caseworkers must play a role in expediting record transfers among schools or districts. Often caseworkers will be responsible for enrolling students in a new school and notifying the old school of the child’s move and need for records transfer.



[Click here](#) for more about the law.



[Click here](#) for state examples of a caseworker’s role in expediting record transfers.

Educator Myths

Educator Realities

1. “We should be able to access all information related to a student’s child welfare case.”

False. Child welfare records contain a great deal of private information about children and families, only some of which may be related to educators’ need to provide for the education of the child. States typically have mechanisms in place to allow child welfare agencies to share relevant information from a child welfare case with the school providing for that child’s education.



[Click here](#) for more about the law.

#2. “We can’t share education information with anyone without parental consent.”

False. Parental consent is just one way that educators can release records to individuals involved in the child welfare system. Schools can release records to child welfare agency representatives or foster parents if they are considered to be the parent under the Family Educational Rights and Privacy Act (FERPA) definition, or if there is a court order authorizing the release.



[Click here](#) for more about the law.

#3. “When confidential information from a child welfare case is shared with a school administrator, it should not be shared with any other staff.”

False. Important information about a student and issues related to the student’s education, need to be shared with all school staff that work with the student. If important information related to the student does not “trickle down” to the staff working directly with that student, information sharing does not achieve the intended benefit.

#4. “A child’s involvement in foster care is usually common knowledge among staff and peers.”

False. While sharing information among school staff who have a legitimate interest in working with a student is necessary, schools must be careful not to violate the privacy of students who are in foster care by sharing information with others who do not have a need to know.



[Click here](#) for more about the law.



[Click here](#) for examples of maintaining a student’s privacy.

#5. “Unless we receive notice from the parent, we hold no responsibility in getting education records to a new school when a child transfers out of our school.”

False. Schools must transfer records to a new school when a student is transferring. This transfer falls under an exception to FERPA and does not require consent of the parent.



[Click here](#) for more about expediting record transfers for youth in foster care.

#6. “We can never enroll a child into school without the required documentation (e.g., immunization records, birth certificate, etc.).”

False. Schools must immediately enroll students who are eligible under the McKinney Vento Act, regardless of certain records being produced at the time of enrollment. Certain children in foster care may be eligible under this federal law or eligible under state law that makes provisions for immediate enrollment for children in foster care.



[Click here](#) for more on the federal law.



[Click here](#) for more on example of state laws.

EDUCATION DECISION MAKING—GENERAL

Child Myths

Child Realities

1. “We never have a say in our own education decisions.”

False. Children’s opinions should be heard, considered, and voiced by whomever is acting as their education advocates. They should be given flexibility to choose classes, enroll in summer school, and other programs to ensure they graduate on time. When youth are over age 18, they have a clear say in their general education decisions, and may have power under state law to make special education decisions. Some states go further and give youth under age 18 control over certain education decisions (i.e., right to leave school at age 16).



[Click here](#) for examples of materials geared toward youth.

#2. “I don’t know whom to turn to as my advocate when I am having problems or issues at school.”

Too often this is true. The child welfare system needs to send clearer messages to children about who the education decision maker is, and who can advocate for them. Children need to be informed about who is making ultimate decisions as well as who can help them navigate school and education issues.



[Click here](#) for more about the law.

#3. “I don’t have a right or a say to bring up my educational status during permanency hearings.”

False. However, permanency and other hearings are often scheduled during school hours. Thus, children do not always get to attend and raise their concerns. Even if they do get to attend, they may think they are not allowed to raise questions about their education, especially if the judge, GAL, attorney, or caseworker does not bring it up. Children are definitely allowed, and should be encouraged to bring up all issues related to their schooling so they may be addressed in a timely and appropriate manner by the court, caseworkers, and attorneys. In addition to, or instead of, speaking themselves, children can ask their caseworker, attorney, GAL or CASA to voice their opinion in court.



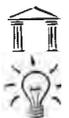
[Click here](#) for examples of ways education issues are being raised at court hearings.

Parent Myths

Parent Realities

#1. “Once a child is removed from our care, we no longer have a right to make education decisions.”

Not necessarily. Typically a parent’s right to make education decisions on behalf of their child continues unless there is a state law or court order that takes away that right.



[Click here](#) for more about the law.



[Click here](#) for examples of laws removing this authority.

#2. “We always remain our child’s education decision maker unless our parental rights have been terminated by the court.”

Not necessarily. Some states have provisions that allow courts to limit education decision-making rights before parental rights are terminated.



[Click here](#) for state law examples.

Foster Parent/Caretaker Myths

Foster Parent/Caretaker Realities

#1. “When a child is placed in our care, we are automatically given the right to make education decisions for the child.”

Not necessarily. The child’s parent may retain decision-making authority. Even if the parent’s education decision-making rights are limited, the court may designate someone else to make the decisions. The child welfare agency, for example, may have the authority (but note that caseworkers and child welfare agency staff may not make special education decisions). Remember, even if foster parents and caretakers are not the decision maker, there is still an advocacy role to play.



[Click here](#) for more about the law.



[Click here](#) for examples.

Judge Myths

Judge Realities

#1. “We can’t help determine the education decision maker for a child. That is the school’s decision.”

False. Judges can play an important role in determining the education decision maker for the child; this is not a decision that schools should make. This involves judges making decisions about when a parent’s education decision-making rights should be curtailed. While it is clear that this occurs at termination of parental rights, judges may also curtail education rights before termination, if it is warranted and in the best

interest of the child. In fact, judges often do this simply by ordering that a particular individual has the authority to make all education decisions for the child. Whether by termination of parental rights or other court order, once education rights are no longer with the parent, the judge needs to clarify who has taken over education decision-making authority. Judges may be in the best position to know someone who is knowledgeable about the child and is interested in the child's education to serve in this important role.



[Click here](#) for a state law example.

#2. “We can appoint a surrogate parent for a child in foster care, even if that child does not receive special education services.”

False. Surrogate parents can only be appointed when a child is receiving, or suspected of needing to receive, special education services. For children in general education, an education decision maker may need to be identified, but that person would not be the “surrogate parent” as that term is specific to IDEA and special education.



[Click here](#) for more about the law on special education and appointing surrogates.

Child's Representative Myths

Child's Representative Realities

#1. “As the court-appointed advocate for the child, we are entitled to make education decisions on the child's behalf.”

Not necessarily. Unless your appointment includes a court order specifically giving you education decision-making authority, you cannot be the education decision maker for the child. Remember, this does not mean that you cannot advocate for the child's education needs (in fact you should).



[Click here](#) for more about the law.



[Click here](#) for examples.

Caseworker Myths

Caseworker Realities

#1. “When a child is in our agency's custody, we're automatically empowered to make all education decisions about the child's education.”

Not necessarily. Look to state law to see what education decision-making powers are given to the child welfare agency when it obtains custody of the child. Typically states give agencies authority to enroll the child, but state law may not specify what other decisions the agency is empowered to make. Parents may still retain some education decision-making rights. It is important to distinguish this from IDEA, which specifically prohibits caseworkers from being the education decision maker.



[Click here](#) for more about the law.



[Click here](#) for examples.

#2. “When a child is in our agency's custody, we no longer need to involve the parent(s) of the child in education decision making.”

False. Regardless of whether the agency has the power to make general education decisions once a child is in agency custody, the agency has an obligation to work with the parents. Prior to a termination of parental rights, unless the agency has obtained a finding from the court that no reasonable efforts to reunify are necessary² (or education rights have

been limited by the court), part of reasonable efforts to reunify a family should include involving the parent in education decisions.



[Click here](#) for more about the law.



[Click here](#) for examples.

Educator Myths

#1. “When a caseworker or foster parent arrives at school with a child we automatically assume that caseworker stands in the shoes of the parent.”

False. While this may in fact happen, it is an inaccurate assumption for schools to make. The caseworker or foster parent may have parental type authority for certain issues, but the school needs to confirm that authority (i.e., by asking to see the court order).



[Click here](#) for more about the law.



[Click here](#) for examples.

#2. “We can appoint a surrogate parent for a child in foster care, even if that child does not receive special education services.”

False. Surrogate parents can only be appointed when a child is receiving, or suspected of needing to receive, special education services. For children in general education, an education decision maker may need to be identified, but that person would not be the “surrogate parent” as that term is specific to IDEA and special education.



[Click here](#) for more on special education and the appointment of surrogates.

EDUCATION DECISION MAKING—SPECIAL EDUCATION

Child Myths

Child Realities

#1. “There is no one in the special education process speaking up for me or voicing my opinion for me.”

Too often this is true. However, a child’s parent or surrogate should be considering the child’s views and sharing with members of the team what they believe to be in the best interest of the child’s education. Children and youth should also be part of the meeting whenever appropriate so they can raise their own issues and concerns.



[Click here](#) for more on the law.



[Click here](#) for unique example of improved advocacy for youth.

#2. “Once I enter special education, I cannot get out, nor do I have a right to request a reevaluation.”

False. Children have a right to be reevaluated to determine if they still need special education services. If such reevaluation is not being done, they should ask their parent or surrogate parent, as well as their teacher, social worker, and educational advocate (if they have one) to request a reevaluation immediately. In some circumstances, students who are age 18 or older have the power to make their own special education decisions in these cases. Thus, the child may ask the school for a reevaluation without going through a parent.

#3. “If I enter a new school, I have to get an entirely new evaluation and new education plan to obtain special education services at the new school.”

False. The law requires special education services to continue when a child moves. If delays occur because records are not transferred, the parent or surrogate should complain to the school or file a formal complaint with the state.



[Click here](#) for more about the law.

Parent Myths

#1. “We automatically lose parental decision-making rights under IDEA when our child enters the custody of the child welfare system”

False. Birth parents retain education decision-making rights under IDEA unless state law or regulation or court order limits those rights.



[Click here](#) for more on the law regarding decision-making authority under IDEA.

#2. “We always retain education decision-making rights for our child in special education, even when the child is not in our custody, as long as our parental rights have not been terminated.”

Not necessarily. Some states have statutes that allow for curtailing of parental education decision-making rights before terminating parental rights. Judges in other states rely on their authority to act in the best interest of the child to limit education decision-making rights of parents short of terminating parental rights.



[Click here](#) for state statute examples.

#3. “If we do not have education decision-making rights, then there is no role for us to play in education planning for our child and we may not even be allowed to participate in meetings.”

A parent without education decision-making rights *could* have a role in education planning. Because that parent may have valuable information and insight about the child (e.g., developmental history, strengths, and learning challenges), it is best practice for the school and/or the substitute education decision maker to include the parent when appropriate. Even if a birth parent is unable to attend a meeting there may be other ways for that parent to provide input to the team. For states that automatically limit education decision-making rights of the birth parents when a child enters child welfare agency custody, including the birth parent is critical as reunification may likely be the permanency goal for the child.



[Click here](#) for legal information about parents without decision-making authority playing an advocacy role.

#4. “If a surrogate parent is appointed, that means we do not have education decision-making rights”

It depends. While in MOST states, the appointment of a surrogate happens only after a determination that the birth parents’ education-decision making authority has been limited, in some states a surrogate can be appointed without a determination that the birth parents don’t have education decision-making rights. In these situations, a birth parent may retain rights related to participation and even decision making, even though there is a surrogate appointed to the child.



[Click here](#) for more about the law.



[Click here](#) for examples of different state interpretations of surrogate parents.

Parent Realities

Foster Parent/Caretaker Myths

Foster Parent/Caretaker Realities

#1. “When a child is placed in our care, we are automatically considered to be the education decision maker.”

Not necessarily. First, parents may retain education rights. If they don't, the foster parent or caretaker may meet the definition of parent and have education decision-making authority. Another option is that the foster parent may be appointed as a surrogate for the child, giving the foster parent decision-making authority as well.



[Click here](#) for more about the law.

[Click here](#) for examples.

#2. “We can only be the education decision maker if we have been formally appointed as the child's surrogate parent.”

Not necessarily. The 2004 IDEA statute clearly adds foster parent to the definition of parent without a need for a formal surrogate appointment. The regulations that predated the new IDEA gave additional requirements for when foster parents can be considered the parent, but these additional requirements may not be part of the new IDEA regulations when they become finalized in the near future. However, the new federal statute and proposed regulations do not prohibit states from appointing foster parents through the formal surrogate process. Therefore, some states (through their statutes or regulations) may require foster parents to be appointed as the surrogate in order to be the education decision maker for the child (e.g., Vermont).



[Click here](#) for more about the law.

[Click here](#) for examples.

3. “If we attend special education meetings and the parents are there and still hold education decision-making rights, we do not really have a role at the meeting or a right to speak.”

False. Foster parents can still play a role in education advocacy, even when they are not the education decision maker. They can raise issues (i.e., watch to see if timelines are being met if parent is not aware) and provide information to the team. As the child's day-to-day caretaker, the foster parent may have the best grasp of the child's current education needs.



[Click here](#) for more about the law.

Judge Myths

Judge Realities

#1. “We cannot appoint a surrogate parent for a child in special education. That is a decision that must be made by the school system.”

False. IDEA now clearly gives child welfare judges (in addition to the education agency) authority to appoint surrogate parents for children who need them. Judges are also specifically authorized to appoint a representative for the child when a child needs consent for an initial evaluation to determine eligibility under IDEA, under certain conditions.



[Click here](#) for more about the law.

[Click here](#) for examples.

#2. “Other than our new authority to appoint a surrogate parent when one is needed, there is no other role for us to play in clarifying decision-making authority under the Individuals with Disabilities Education Act (IDEA)?”

False. Similar to general education, judges can also play a role in determining who is viewed as the parent (and has decision-making authority) under IDEA. This is because some individuals in a child’s life may be automatically considered the parent under IDEA, and would not require a formal surrogate appointment.



[Click here](#) for more on the law.



[Click here](#) for more strategies.

Child’s Representative Myths

Child’s Representative Realities

#1. “We can never be appointed as a surrogate parent for a child we represent.”

Not necessarily. Some states’ statutes and regulations specify who can be a surrogate for a child in foster care, and include child representatives. States may allow child representatives to be the surrogate even without a specific statute or regulation. One concern for children’s attorneys who represent the child’s wishes (as opposed to using a best interest model) is the potential conflict between the role as surrogate (requiring best interest of the child) if your client disagrees with your position as the surrogate.



[Click here](#) for more about the law.



[Click here](#) for an example of a California statute specifying CASAs can be the surrogate.



[Click here](#) for example of Florida policy permitting guardians ad litem to serve as surrogate parents.

#2. “If we are not the surrogate for the child there is no role for us to play in special education advocacy for our client.”

False. Even when you are not the decision maker for the child there can still be a role to play to advocate for the child’s education needs and to oversee that the process is progressing appropriately.



[Click here](#) for more information on the law.



[Click here](#) for an example of an innovative program to improve special education advocacy.

Caseworker Myths

Caseworker Realities

#1. “We can always make special education decisions for a child in our agency’s custody.”

False. IDEA **prohibits** caseworkers from being the special education decision maker for the child.



[Click here](#) for more about the law.

#2. “Because we are forbidden from being the special education decision maker, there is no role for us to play in special education matters.”

False. There is a difference between being an advocate and being the legal education decision maker. Just because you are not permitted to be the legal education decision maker under IDEA, does not mean that you cannot play an important advocacy role in the child’s education.



[Click here](#) for more about the law.



[Click here](#) for examples of ways to improve advocacy.

#1. “When a child is in the custody of the child welfare system we cannot allow the parent to be part of education meetings.”

False. In fact, it is possible that for some cases where the child is in the custody of the child welfare system, the parent maintains education decision-making rights. Even if the parent does not maintain education decision-making rights, the parent still may be permitted to attend school meetings and be kept informed of school progress and decisions. Educators should also consider seeking input from the parent as they may have important information that is critical to the child’s education plan. Educators need to depend on child welfare system professionals to give them documentation about the parent’s legal status to make education decisions.



[Click here](#) for more about the law when parents retain decision-making authority.



[Click here](#) for examples of parents without decision-making authority playing advocacy role.

#2. “We must automatically appoint a surrogate parent for all children who have been removed from their parents and placed in foster care or a group home.”

Not necessarily. The proper procedure in these situations is very dependent on state law and regulations. For example, in some states (e.g., Arizona) it is the judge’s job to appoint the surrogate when appropriate, so the school system is not involved. However, in a majority of states, the school system may need to appoint a surrogate for the child. The school must first determine that no one meets the definition of parent already (this could include the birth parent, a foster parent, or someone else acting in the place of the parent). If another individual meets the IDEA definition of parent, then a surrogate may not need to be officially appointed, unless your state law requires those individuals who meet the definition of parent to be appointed as the surrogate (e.g., Vermont).



[Click here](#) for more about the law.



[Click here](#) for examples.

#3. “The education system is the only entity that can appoint a surrogate parent.”

This is clearly false in all states as of July 2005. Before that time, only a few states had provisions that allowed judges to appoint surrogates (e.g., Arizona). Now, the federal IDEA statute makes clear that the education agency and a child welfare judge can appoint surrogates.



[Click here](#) for discussion of new IDEA provisions related to judge’s appointing surrogate parents.



[Click here](#) for examples.

#4. “We only need to include the person meeting the definition of parent or the surrogate parent in special education meetings for the child. No one else in the child welfare case needs to be invited.”

False. Federal law requires the parent or surrogate to be invited. But the IDEA federal regulations also require schools to include (at the discretion of the parent or the school) people who have knowledge or special expertise regarding the child. Therefore, either the school or the parent (or surrogate) should invite anyone involved with the child (such as the foster parent or caseworker). If the meeting involves transition

planning, the school must invite (when appropriate and when the parent consents) a representative from any agency providing or paying for transition services. Since child welfare agencies have a responsibility to provide transition services to all older youth as part of the child welfare system case, this means a child welfare agency representative must be invited to a school meeting discussing a student's transition services as outlined in the child's education plan.



[Click here](#) for more about the law.

Endnotes

¹ “Promoting Educational Success for Young People in Foster Care,” National Foster Youth Advisory Council (2005), available at http://inpathways.net/adv_council_statement.pdf

² 45 C.F.R. §1356.21(b)(3).

Laws

This section highlights key federal laws addressing confidentiality and decision-making issues, and reviews common questions and answers about how these laws apply to meeting the education needs of children involved in the child welfare system.

Confidentiality

Family Educational Rights and Privacy Act (FERPA)

Q&A

Passed in 1974, this federal law protects the privacy interests of parents and students regarding students' education records.¹ Generally, FERPA requires states to provide for a parent's right to access their child's education records, and to keep those records confidential unless the parent consents to disclosure. FERPA specifies the following rights to parents:

- to prevent release of education records to third parties without their written consent;²
- to access and review their child's education records maintained by the school;³ and
- to a hearing challenging what is in the student's education record.⁴

¹ 20 U.S.C. §1233(g); 34 C.F.R. Part 99. FERPA has been amended several times since enacted in 1974, most recently by the No Child Left Behind Act of 2000.

² 20 U.S.C. §1232(g)(b).

³ 20 U.S.C. §1233(g)(a)(1)(A). The law requires states to establish procedures for giving parents access to this information, which can be no later than 45 days after a request is made. In addition to FERPA, IDEA also specifies a parent's right to access their child's educational records. 20 U.S.C. §1415(b)(1).

⁴ 20 U.S.C. §1233(g)(a)(2). This hearing can result in correction, deletion, or insertion of information if the record is inaccurate, misleading, or violates the student's privacy rights.

What are considered education records?

FERPA defines education records as those materials maintained by the educational agency or institution, containing personally identifiable information directly related to a student. However, the following are not included in this definition (and therefore not subject to FERPA restrictions):

- oral information based on personal observation or knowledge and not based on an education record. (i.e., caseworker contacts child's teacher to seek teacher's observations about the child's classroom behavior);
- records/notes solely possessed by the individual who created them, used only as a personal memory aid and not accessible or revealed to any other person except a temporary substitute for the individual. (i.e., classroom teacher keeps a "cheat sheet" at her desk to remind her of issues related to the students, and it is shared with substitute teachers); and
- records of the law enforcement unit of an educational agency or institution.

How does FERPA define parent?

The FERPA statute uses the term parent exclusively when talking about their rights under the law, without defining the term. The FERPA regulations define parent as "a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian."¹

Under what circumstances can education records be disclosed to individuals involved with the child welfare system by the education agency?

Generally, there are three ways for individuals involved with the child welfare system to obtain access to a student's education records (each is detailed below) under FERPA:

- parental consent (or consent of a youth over 18);
- child welfare agency personnel or foster parent being considered the parent; or
- through one of the [FERPA exceptions](#).

Child welfare agencies may need to take the lead in overcoming this confidentiality hurdle and using one of these methods to access records.



[Click here](#) for examples of strategies to obtain education records.

Defining the Parent FERPA vs. IDEA

The FERPA definition of parent:

The FERPA statute uses the term parent exclusively when talking about their rights under the law, without defining the term. The FERPA regulations define parent as “a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.”

34 C.F.R. §99.3.

IDEA 2004 includes the following definition of parent:

- (A) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent);
- (B) a guardian (but not the State if the child is a ward of the State);
- (C) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- (D)... an individual assigned ... to be a surrogate parent.

20 U.S.C. § 1402 (23).

What needs to happen to secure parental consent for education record disclosure?

Generally, when anyone in the child welfare system wants to access a child's education records, a first step is to gain parental consent. A parent working diligently toward reunification, and even parents who disagree with their children being out of their care, may nevertheless consent to release this education information, as the child welfare agency and the foster care provider will need to know how the child is functioning educationally.



[Click here](#) for a sample parental consent form.

Can a representative from the child welfare agency be considered the parent under FERPA?

A jurisdiction may consider a representative from the child welfare agency to be the parent for FERPA purposes when a child is in the agency's custody. This may be because the agency is considered the guardian of the child, and/or acting as the parent in the absence of the parent or guardian. Remember that FERPA does not put any restriction or clarification on “guardian” (in contrast, IDEA specifically excludes the child welfare agency from the term guardian). Nor does the law explain what it means for a parent to be absent, so that someone who is “acting in the place of a parent,” like the child welfare agency, can be considered the parent for FERPA purposes. Being “absent” could mean that the biological parent is unknown, cannot be found. It might even mean the biological parent is unable or unwilling to be involved with the child's education. But, even if the child welfare agency is considered a parent under FERPA in these situations, the biological parent will still be entitled to access the child's education records in addition to the agency.



[Click here](#) for examples of state and local interpretation of the parent definition.

Can a foster parent or caretaker be considered the parent under FERPA?

Jurisdictions may also consider a foster parent or other caretaker as the parent under FERPA and therefore grant each the right to access education records. This could be in addition to the parent or the child welfare agency. This interpretation is supported in the comments that preceded the FERPA regulations when they were first issued. In response to concern about the lack of a provision addressing the rights of foster parents to access education records, the United States Department of Education responded:

The regulations already define the term parent in §99.3 to include ‘a parent of a student and includes a natural parent, a guardian, or an individual acting as the parent in the absence of a parent or a guardian.’ Thus, foster parents who are acting as a child’s parent would have the rights afforded parents under FERPA with respect to that child’s education records.²

When child welfare agency personnel or a foster parent is considered the parent, under FERPA, what is the impact on the parent’s right to access the same education records?

When the child welfare agency or foster parent is considered the parent under FERPA, parents still maintain the right to access records. A 2002 federal circuit case, *Taylor v. Vermont Department of Education*³ clearly establishes that a noncustodial parent has the right to *access* education records. Although this is a child custody case, not a dependency court situation, an analogy can be made to dependency cases. Parents and the child welfare agency can both be considered the parent, and therefore each have the right to access, even if one or the other holds the legal right to make education decisions. However, birth parents will typically lose their right to access education records if their parental rights are terminated (as opposed to just a limiting of education decision-making rights).



[Click here](#) for full text of the *Taylor* opinion

What rights do youth age 18 and over have under FERPA?

When youth turn 18, they have the legal right to obtain a copy of their education records, and to consent to release these records.⁴ Youth are often unaware of these rights. Often no one has helped the youth obtain a complete set of education records because of frequent turnover of professionals in the child welfare system (e.g., attorneys, GALs, caseworkers). Youth need to be provided assistance to contact their last school of attendance to request a copy of their complete education file.



[Click here](#) for an example of efforts to help youth over 18 know their legal rights.

When youth turn 18, they have the legal right to obtain a copy of their education records, and to consent to the release of these records. Youth are often unaware of these rights.

What are the exceptions to FERPA?

Numerous exceptions exist to the requirement for written consent from the parent before disclosing education records.⁵ The most relevant exceptions to child welfare professionals that permit disclosure without prior consent are to:

- other school officials, including teachers, with legitimate educational interest in the child;⁶
- appropriate persons in connection with an emergency, when the information is needed to protect the health and safety of the student or other persons⁷ (Note: used for health and safety emergencies where immediate release of the information is necessary to control a serious situation);
- officials of other schools when a student is transferring schools;⁸
- state and local authorities within the department of juvenile justice, if your state statute permits disclosure⁹ (Note: currently only Florida and Illinois have such statutes); and
- appropriate persons when the release of information is needed to comply with a judicial order or subpoena.¹⁰

How can these FERPA exceptions assist individuals involved with the child welfare system to gain access to education records?

Of the FERPA exceptions the compliance with a judicial order or subpoena exception is most helpful to child welfare professionals seeking access to education files. Since the juvenile court is already involved in the case, mechanisms exist to obtain such orders from the court. Any party to the child welfare case can file a motion to request a court order to release records. These motions could be made in an expedited fashion if access to records is time sensitive.



[Click here](#) for some sample court order language.

Does it make a difference whether the child welfare system professionals gain access to records because they meet the definition of “parent” or whether they gain access through a FERPA exception?

Yes. When records are disclosed under an exception, the person or agency receiving the records may not redisclose the information, unless the redisclosure also fits under one of the FERPA exceptions. Entities that inappropriately redisclose information obtained under a FERPA exception may be barred from accessing education records from that school for a period of time.

Practically speaking, this means if a child welfare agency or foster parent is given access to education records through the court order exception, the agency or foster parent may not share the records with anyone (other than the parent or school who already have access to the records) who does not also fall under a FERPA exception.

In contrast, if the child welfare agency, foster parent, or other caretaker is considered the parent under FERPA, they are free to redisclose to whomever they choose. However, they must take into

account the agency's policies and procedures on releasing information related to a child in care.

Does FERPA permit disclosure of records among education staff and various education institutions?

FERPA specifically allows education institutions to share information among staff with a legitimate education interest in the child. Therefore, FERPA should never act as a barrier to having all school staff who work with the child and have a need to know from obtaining specifics about the child's education history or programming.

FERPA should act a barrier to sensitive information in a child's education record being accessed by all school staff and individuals who do **not** have a need to know about the child. FERPA also allows education institutions to share records with another education institution when a student is transferring schools. Therefore, FERPA should never act as a barrier to timely education record transfers when a child is transferring to a new school.

What happens if education records are inappropriately disclosed?

School systems that repeatedly violate disclosure laws as outlined under FERPA risk losing federal education funds.¹¹ While a parent has a right to file a complaint with the U.S. Department of Education for a FERPA violation, parents may not sue a school system for money damages based on these violations.¹²

Once records are obtained, what are the other roles/ rights of individuals involved with the child welfare system?

Obtaining copies of education records is important to ensuring a child's education history is appropriately understood and documented. With the high mobility rates for children in foster care, making sure that documentation from each school and each course completed (or even partially completed) exists is critical to helping that child successfully complete school. After obtaining a child's academic record, advocates should review the documents with the child and other professionals serving the child. Advocates should:

- understand the education history of the child and in turn better represent and serve the child; and
- ensure the school has accurate records of courses completed, child's education needs, etc. to be sure the school is programming appropriately for the child.



[Click here](#) to see examples of tools to assist with education advocacy

Who has responsibility to transfer education records when a child changes schools?

Primarily it is the school's responsibility to transfer records when a child changes schools. However, the old school must receive notice of

the child's transfer. Although state law may place some burden on the new school to contact the old school, individuals involved with the child welfare system can play a significant role by providing timely notice to the school of such school changes and helping to facilitate the transfer of records.

Remember that even if an individual has not yet established their right to access the education records, they can play an advocacy role by ensuring these records are transferred promptly. An individual with the right to access the records can play an active role in expediting the transfer of records (i.e., driving records to the new school).



[Click here](#) for examples of state laws and regulations that address timely education record transfers.

What can a child welfare advocate do upon determining records are missing or are inaccurate?

FERPA outlines procedures to delete, amend, or add information to records that are inaccurate or incomplete. Again, this right lies with the parent, someone that meets the FERPA definition of parent, or a child age 18 or over.

Guidance on record access and record amendments is found in a 2002 federal circuit case, *Taylor v. Vermont Department of Education*. *Taylor* addressed a noncustodial parent's right to amend or delete records under FERPA.¹³ While the case clearly established that a noncustodial parent has the right to *access* education records, it did not give the noncustodial parent the right to amend records because legal rights over education are with the custodial parent. Although *Taylor* is a domestic relations case, not a dependency court situation, an analogy can be made to dependency cases. Parents and the child welfare agency can both be considered the parent, and therefore each have the right to access, even if one or the other holds the legal right to make education decisions. However, the case seems to support an interpretation that only the person with legal education rights can delete, amend, or add information to the record.



[Click here](#) for full text of the *Taylor* opinion.

CAPTA was originally signed into federal law in 1974 and was amended and reauthorized in 2003. CAPTA provides guidance for state child protective services systems, including obligations to report and investigate child abuse and neglect. One purpose of CAPTA funding is to support and enhance collaboration among agencies (including linkages with education systems) around child abuse and neglect prevention and treatment services. CAPTA also includes requirements related to confidentiality and information sharing in child abuse and neglect cases.

What does CAPTA say about reporting child abuse and neglect?

CAPTA requires states to pass laws that impose mandatory reporting requirements by certain individuals and entities.¹⁴ State laws vary on who is required to report child abuse and neglect. For a summary of the mandatory reporting requirements in each state by the National Clearinghouse on Child Abuse and Neglect Information visit: <http://nccanch.acf.hhs.gov/general/legal/statutes/manda.cfm>.

For summaries of all state law provisions related to reporting procedures (visit: <http://nccanch.acf.hhs.gov/general/legal/statutes/repproc.cfm>) and reporting penalties for failure to report and false reporting (visit: <http://nccanch.acf.hhs.gov/general/legal/statutes/report.cfm>).

What does CAPTA say about collaboration between child welfare and education agencies?

CAPTA states that one purpose of receiving federal CAPTA funds is to improve the child protective services system of each state in “supporting and enhancing collaboration among public health agencies, the child protection system, and private community based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.”¹⁵

What does CAPTA say about confidentiality of foster care records?

The law requires states to have laws in place that protect the confidentiality of all records, but also specifies when these records can be shared.¹⁶ Individuals and entities listed as appropriate to share records with include:

- the subject of the report of abuse or neglect;
- federal state or local government entities that have a need for such information to carry out their responsibilities to protect children from abuse or neglect;
- a grand jury or court; and
- other entities or people specified by state law.

How could CAPTA be interpreted to allow foster care agencies to share information with the education system?

A state needs either:

- to have a statute authorizing the sharing of foster care information

with the school system; or

- to establish that the school system needs certain information to protect the child from abuse and neglect.

This later argument would base the release of foster care agency records to the education system on a broad interpretation of “protection from abuse and neglect” that would include all services provided by a school system to a child involved with the child abuse and neglect system.

Which states have statutes that allow for release of child welfare records to education personnel?

Many states specify in their state statutes or regulations that some school officials are permitted access to this foster care information. For a complete overview of state confidentiality provisions, including which states allow release to education professionals, see

<http://nccanch.acf.hhs.gov/general/legal/statutes/confide.pdf>.

Can CAPTA be interpreted to allow release of education records to individuals involved with the child welfare system?

CAPTA generally guides confidentiality of child welfare records and the release of those records. CAPTA can also apply to the release of education records to individuals involved with the child welfare system. CAPTA allows the state to share information with any government entity if the entity needs such information to carry out responsibilities to protect children from abuse and neglect. One could interpret this provision to require the state education department to release confidential education records to other state or local government agencies (e.g., child welfare agency). It would follow that the child welfare agency would need such information to carry out its responsibilities to protect children from abuse and neglect.

Adoption Assistance and Child Welfare Act (AACWA)?

AACWA is a federal law passed in 1980 that established programs of foster care and adoption assistance under Title IV-E of the Social Security Act and child welfare services and family preservation and support under Title IV-B of the Social Security Act. AACWA requires child welfare agencies to maintain confidentiality of information related to children and families under the act.

Q&A

What does AACWA require agencies to keep in their case plans related to education information?

AACWA requires agencies to keep health and education records as part of their written case plan, to the extent available and accessible, that include:

- names and addresses of the child’s health and educational providers;
- child’s grade level performance;
- child’s school record;
- assurances that the child’s placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement;
- record of the child’s immunizations;
- child’s known medical problems;

- child’s medications; and
- other relevant health and education information concerning the child, determined to be appropriate by the state agency.¹⁷



[Click here](#) for examples of state-specific efforts to ensure education records are part of a child welfare case file.

What does AACWA say about child welfare agencies sharing education records with foster parents and caretakers?

AACWA requires states to have a system in place to review and update a child’s education records, and to supply them to the foster care provider.¹⁸

McKinney Vento Act

The McKinney Vento Act is a federal law, most recently reauthorized as part of the No Child Left Behind Act of 2001, that ensures education access to children and youth who meet the definition of homeless. The act allows children and youth who are homeless to remain in their school of origin even if they are moved outside that school’s boundaries. The act also allows for immediate enrollment into a new school, even if typical required documentation, such as immunization records, birth certificates, or guardianship documentation is not immediately available.

[Click here](#) to learn more about the McKinney Vento Act

Q&A

How does the McKinney Vento Act define “children and youth who are homeless”?

The definition includes “children awaiting foster care placement.” The law and regulations do not provide further details about this definition, leaving it up to states to determine which children in foster care may be McKinney eligible. States have handled this issue in a variety of ways. Some states have created agreements between their state child welfare and education agencies as to how the “awaiting foster care placement” will be interpreted.



[Click here](#) for Massachusetts’ policy. (Scroll to Massachusetts and Children Awaiting Foster Care)



[Click here](#) for Connecticut’s policy.



[Click here](#) to see examples from other states that have passed legislation that either applies all, or many, of the McKinney Vento provisions to all children in foster care.

When do children in foster care need an education decision maker?

For children under age 18, it must be resolved whether the parent, foster parent, child welfare agency representative, or other individual makes education decisions for the child. The answer may differ from state to state, jurisdiction to jurisdiction, and case to case. The answer also may differ when dealing with regular education decisions or special education decisions.

When youth turn 18 they are no longer minors and can consent to their own general education decisions. In some states, youth over age 18 also have authority to make their own special education decisions (the law requires parents and youth over 18 to be notified by the school system, if this rule applies to your state).

Federal Law on General Education Decision Making

There is no federal law that speaks to how to determine who has education decision-making authority in a child welfare case. Advocates must look to state law, regulations, or policies (when they exist) for guidance on this issue.

[Click here](#) for tools to help search state laws and regulations.

Q&A

What are some of the important regular education decisions that must be made for children in foster care?

Regular education decisions can be as basic as who has the right to sign permission slips for a child in foster care. Even basic issues are complicated if it is unclear who has the authority to decide. Regular education decisions can also involve important decisions about what school to attend (e.g., charter schools) and services for which the child may be entitled. Some examples of regular education decisions include:

- *McKinney Vento*: If a child in foster care is considered eligible under McKinney Vento, decisions need to be made whether to keep the child in their school of origin or seek immediate enrollment in a new school.
- *No Child Left Behind*: Children attending schools that are designated in need of improvement for a number of consecutive years may have a right to transfer to a higher functioning school and/or a right to supplemental education services. The child's education decision maker would need to determine if a transfer is appropriate for the child and what supplemental education services to access.

When a child is in the custody of a child welfare agency, who is responsible for making regular, day-to-day education decisions?

When a child enters foster care, the child welfare agency typically assumes responsibility for enrolling the child in school.¹⁹ However, absent a specific state statute or court order authorizing the agency to make education decisions on the child's behalf, the parent(s) needs to be involved in every step of the process and in education decisions. If there is a question at any point about the parents' availability, willingness, or ability to make important education decisions, consult state law or policies for guidance on when and how courts may intervene.

What do you do when the parent is viewed as the decision maker and you feel someone else should be making decisions?

Seek a court order clarifying who is authorized to make education decisions on behalf of the child. This may involve asking the court to curtail the parent's education decision-making rights and clarify who should be making education decisions for the child.



[Click here](#) for an example of a CA law related to limitation of parents right to make education decisions.



[Click here](#) for an example of a CA court form: Order Limiting Parent's Right to Make Education Decisions and Appointment of Responsible Adult (JV-535 Form).

Who is the decision maker when parental rights have been terminated but the child is not yet in a permanent placement?

Termination of parental rights in a child welfare case will clearly limit the parent's right to make education decisions. This should make the question of who has decision-making rights easier, but sometimes it is still unclear. State law or a child welfare court should clarify who makes decisions when the parent's rights are clearly extinguished.

EDUCATION DECISION MAKING—SPECIAL EDUCATION

Individuals with Disabilities Education Act (IDEA)

IDEA is a federal law first enacted in 1975 as the Education for All Handicapped Children's Act (EAHCA), and has been amended and reauthorized numerous times over the years, most recently in 2004.¹ IDEA provides federal dollars to states to ensure all children with disabilities that impact their ability to succeed in school receive a free, appropriate, public education in the least restrictive environment possible. IDEA sets certain criteria for special education services that must be met, but states have some room for variations in their own policies.

¹ 20 U.S.C. § 1400 et. seq.

Q&A

If a child in foster care is in need of or receiving special education services, does this affect who is the education decision maker?

Yes, IDEA guides decision-making authority for children eligible for special education services, including children in foster care. These rules about who is the education decision maker can be complicated and may vary from state to state, but the federal law establishes some basic principles and criteria.

How does IDEA define parent?

The 2004 reauthorization of IDEA includes the following definition of parent:

- (A) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent);
- (B) a guardian (but not the State if the child is a ward of the State);
- (C) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- (D) ... an individual assigned ... to be a surrogate parent.²⁰

A determination must be made to see if someone in the child's life meets the definition of parent under IDEA. This can be the parent, even if the child is not currently in their custody, but can also be a relative, foster parent, or other caretaker. A representative of the child welfare agency can not be considered the parent because of the specific exclusion under (B) above. If no one else meets the definition of parent under IDEA, then a surrogate parent will need to be appointed.²¹

Is this the only time a surrogate can be appointed?

It depends on your state law and regulations. Some states will only appoint surrogates when there is no one else that meets the definition of parent, while other states will appoint surrogates whenever the child is in the custody of the child welfare agency or meets their state definition of ward of the state (see more on this below).



[Click here](#) for examples of various state provisions on decision making and surrogate appointments.

How does IDEA define *ward of the state*?

The 2004 reauthorization for the first time defines *ward of the state*. This definition is important, because the new law gives juvenile court judges some authority to appoint decision makers for children who meet this definition. (See below) *Ward of the state* is defined as “a child who, as determined by the state where the child resides, is a foster child, is a ward of the state, or is in the custody of a public child welfare agency.”²² The definition includes an exception, that “the term does not include a foster child who has a foster parent who meets the definition of a parent in paragraph (23).”²³

What does the reauthorized IDEA definition of *ward of the state* mean?

This provision means that a foster child who already has a foster parent who can act as the parent will not be considered a ward of the state because that foster child already has a clear education decision maker. The new statute does not clearly distinguish between a foster parent who can act as the parent and one who cannot.

Doesn't the new definition of parent mean any foster parent can act as the parent under IDEA?

While this may be an understandable misreading of the statute, it does not appear that the intent of the new statute was to automatically have all foster parents meet the definition of parent. The definition of ward of the state implies that not all foster parents can act as the parent. Final regulations for the new IDEA statute will need to resolve this confusion. The draft regulations attempt to resolve this issue by clarifying that parents take priority over others that meet the definition of parent.²⁴ While this clarification would resolve the issue that parents and foster parents are not equally considered the parent in all circumstances, it does not resolve when a foster parent meets the definition of parent and when they do not. The upcoming final regulations may further clarify this issue.

Who else, besides foster parents, can ‘act as the parent’ without the need for an appointment as a surrogate?

As we see from the definition of parent, adoptive parents and guardians explicitly meet the definition. In addition, the statute includes:

“an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare”

This provision can be interpreted broadly to include any caretaker where the child resides, or anyone with legal responsibility for the child. For example, California law created the designation of a “responsible adult,” allowing courts to appoint any individual they deemed

appropriate to make education decision for the child.



[Click here](#) for more information about CA law on appointing an education decision maker when the child is eligible for special education.



[Click here](#) for information about CA court forms related to appointing a surrogate parent.

What is a surrogate and when do you know one is needed?

The IDEA statute requires states to have procedural safeguards in place for the special education process, including “... procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the state, including the assignment of an individual to act as a surrogate for the parents, which surrogate shall not be an employee of the state educational agency, the local educational agency, or any other agency that is involved in the education and care of the child.”²⁵

Schools (and now judges, see below) must decide whether a surrogate is needed in light of the laws and regulations in their state. Federal law provides the three situations where a surrogate may be appointed:

- parents are not known,
- agency cannot locate, OR
- child is a ward of the state.

In other words, just because a child’s parent is unknown, can’t be located or the child is a ward of the state, may not automatically mean a state must appoint a surrogate. If someone else in the child’s life meets the definition of parent, state law can allow that individual to serve as the parent without a surrogate needing to be appointed. On the other hand, a state may chose to automatically appoint surrogate when any of those three situations occur.

Remember, the possibility to appoint a surrogate under IDEA only applies when a child is eligible for special education or suspected of being eligible and needs to be assessed. Children not in special education and who are not suspected of being eligible for special education will not be eligible for appointment of a surrogate.

How are surrogates appointed?

Under the 2004 reauthorization of IDEA, federal law now permits the appointment of a surrogate for wards of the state to not only be made by the education agency, but alternatively by a judge overseeing the child’s case.²⁶ This is a significant change as the court can now determine who the most appropriate individual is to act as the child’s education decision maker. The court will ideally be familiar with the child’s history and the adults involved in his/her life and will therefore be in a better position to determine who should make educational decisions. State law and regulations, local policies and procedures may determine other specifics about surrogate appointments in individual jurisdiction.



[Click here](#) for an Arizona statute that gives judges exclusive authority to appoint surrogates.



[Click here](#) for a California statute giving the court priority over the education agency in appointing the special education decision maker under IDEA (through the responsible adult appointment provision).



[Click here](#) to see an example of California form JV-536 (Response to JV-535 – Appointment of Surrogate) used when school needs to appoint surrogate (only used in CA when court is unable to appoint a person to act as the parent for purposes of IDEA).

Who can be appointed as a surrogate?

Schools and judges can appoint anyone to be a surrogate parent for the child who meet the criteria listed in the upcoming final regulations.

The draft regulations contain the following criteria for both school and judge appointed surrogates:

- cannot be an employee of an agency that is involved with the education or care of the child (but a surrogate will not be considered an employee merely because they are paid by the agency to serve as surrogate).

The draft regulations have the following additional criteria for school-appointed surrogates:

- has no personal or professional interest that conflicts with the interest of the child he or she represents; and
- has knowledge and skills that ensure adequate representation of the child.

Consult the forthcoming final regulations to determine if there are changes to these criteria.

Best practice dictates that an individual with knowledge about the child, and with whom the child has a relationship, would be a better person to appoint than a stranger. While schools often have pools of individuals available to appoint as surrogates, these individuals would not have any prior knowledge of the child. Schools are free to appoint someone already in the child's life, but may need help identifying such a person. Foster parents, caseworkers, child attorneys or GALs should work with the school and suggest appropriate individuals to be appointed as surrogates. Some states make such preferences part of their law and regulations.



[Click here](#) to see example of a CA law that requires the education agency to give preference to relative caregivers, foster parents, and CASAs when appointing a surrogate.

With the 2004 reauthorization of IDEA, judges can now alternatively appoint surrogates. This should help ensure surrogates known to the child are filling this role. The juvenile court is in a better position than the school to know the adults involved with the child and who may be well suited to be the surrogate parent. Through court reports and

court hearings the judge has the opportunity to know if there is a relative, foster parent, CASA, or other adult support person available and willing to be the surrogate.

How quickly should surrogates be appointed?

A new provision in the 2004 reauthorization provides that “States shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 days after there is a determination by the agency that the child needs a surrogate.”²⁷ Best practice calls for appointing surrogates as soon as possible to prevent unnecessary delay in the child receiving appropriate evaluations and/or services.

What are the special procedures under IDEA for wards of the state obtaining an initial evaluation to determine if they are eligible for special education services?

Under the 2004 reauthorized IDEA, specific rules are set up for initially evaluating wards of the state.²⁸ The law requires education agencies to make reasonable efforts to obtain informed consent for the initial evaluation from the parent when the child is a ward of the state and is not residing with their parent. However, the law provides three exceptions, which allow the school to conduct an initial evaluation on a ward of the state without parental consent if:

- Despite reasonable efforts, the agency cannot discover the whereabouts of the parent;
- Parental rights have been terminated; or
- The rights of the parent to make educational decisions have been subrogated by the judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.²⁹

What happens when a student with an Individual Education Plan (IEP), or a student in the middle of an evaluation, transfers to a new school?

IDEA 2004 clarifies that when children with IEPs transfer to a new school, the new school must provide “services comparable to those described in the previously held IEP” and ensure the child is receiving a free appropriate public education (FAPE) until the new school formally adopts the old IEP or negotiates a new IEP with the parent.³⁰

When a student is in the process of an evaluation and moves schools, the evaluation should still be completed within 60 days or whatever timeline designated by state law. In the case of a school move, the school may extend the timeline, but only if the parent agrees and the school ensures prompt completion of the evaluation.

What are the knowledge and skill requirements to be a surrogate?

The proposed IDEA regulations require surrogate parents to have “knowledge and skills that ensure adequate representation of the child, however they do not expand with specifics on this requirement”³¹ Some

states provide specific requirements, but not many do so in the detail needed to ensure quality representation by surrogate parents.



[Click here](#) for examples from CA law and Indiana’s administrative code on requirements of a surrogate.

How can states recruit and train surrogate parents?

The current federal regulations allow states to use IDEA funds to recruit and train surrogate parents.³² Even if this direct language is removed from the final regulations yet to be released, other language in IDEA supports the use of IDEA funds for the legitimate and important purpose of recruiting and training surrogate parents.

What rights do individuals involved in the child welfare system have if they are not the education decision maker under IDEA?

Individuals involved in the child welfare system who have contact with and knowledge of the child, should be part of the special education process. These individuals can, and should be invited by the school or the parent or surrogate to participate in all parts of the special education process.

The conference report accompanying the reauthorized IDEA statute specified that the intent was for IDEA assessments to be made “in collaboration with parents (including foster parents) and, where applicable, surrogate parents, homeless liaisons...court appointed special advocates, a guardian *ad litem* or a judge.”³³

As for participation in IEP meetings, the federal regulations require the parent (or surrogate) or the agency to invite “other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate...”³⁴

If the meeting involves transition planning, “to the extent appropriate” and “with the consent of the parents or a child who has reached the age of majority” the education agency “must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.”³⁵

Who has the right to file for mediation, a due process hearing, or a state department of education complaint under IDEA?

Only the education decision maker can file for mediation and or due process if they do not agree with the education decisions reached by the education team. However, even when individuals involved with a child under IDEA are not the education decision makers, they may still be able to file complaints under IDEA to the state department of education.



[Click here](#) to learn of a unique provision in NY regulations about special representation for children (education GALs) in due process hearings.

Endnotes

¹ 34 C.F.R. §99.3.

² 61 Fed. Reg 59291, 59294 (1996). Comments to FERPA regulations.

³ 313 F.3d 768 (2d Cir. 2002).

⁴ 20 U.S.C. §1232(g)(d); 34 C.F.R. § 99.3 and 99.5.

⁵ For a complete list of exceptions, refer to the FERPA statute and regulations.

⁶ 20 U.S.C. §1232(g)(b)(1)(A).

⁷ 20 U.S.C. §1232(g)(b)(1)(I).

⁸ 20 U.S.C. §1232(g)(b)(1)(B).

⁹ 20 U.S.C. §1232(g)(b)(1)(E).

To date only Illinois and Florida have adopted such statutes.

¹⁰ 20 U.S.C. §1232(g)(b)(1)(J).

¹¹ 20 U.S.C. §123(g)(d). To date, no state has ever lost federal funding for violating FERPA.

¹² *Gonzaga v. John Doe*, 536 U.S. 273 (2002) (Supreme Court ruled that students and parents may not sue for damages under 42 U.S.C. § 1983 to enforce provisions of the Family Educational Rights and Privacy Act (FERPA)).

¹³ 313 F.3d 768 (2d Cir. 2002).

¹⁴ 42 U.S.C. §5106(a)(b)(2) (2003).

¹⁵ 42 U.S.C. §5106(a)(a)(14) (2003).

¹⁶ 42 U.S.C. §5106(a)(b)(2)((A)(viii)-(ix) (2003). Specifically the statute requires states to certify that they have in effect and are enforcing a state law or program that include: “methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child’s parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this title shall only be made available to— individuals who are the subject of the report; Federal, State, or local government entities, or any agent of such entities, as described in clause (ix); child abuse citizen review panels; child fatality review panels; a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose; (ix) Provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;”

¹⁷ 42 U.S.C. §675(1)(c). The term “case plan” means a written document which includes at least the following: ... (c) To the extent available and accessible, the health and education records of the child, including — (i) the names and addresses of the child’s health and educational providers; (ii) the child’s grade level performance; (iii) the child’s school record; (iv) assurances that the child’s placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement; (v) a record of the child’s immunizations; (vi) the child’s known medical problems; (vii) the child’s medications; and (viii) any other relevant health and education information concerning the child determined to be appropriate by the State agency.

¹⁸ 42 U.S.C. § 675 (5)(D).

“(5) The term “case review system” means a procedure for assuring that ... (D) a child’s health and education record (as described in paragraph (1)(A)) is reviewed and updated, and supplied to the foster parent or foster care provider with whom the child is placed, at the time of each placement of the child in

foster care.”

¹⁹ For example, see New York City Chancellor’s Regulation A-101, granting foster parents and agencies the right to enroll a student.

²⁰ 20 U.S.C. § 1402 (23).

²¹ For support of this interpretation, see *Converse County School Dist. No. Two v. Pratt*, 993 F. Supp. 848 (D.Wyo. 1997).

²² 20 U.S.C. § 1402 (36)(A).

²³ 201 U.S.C. § 1402 (36)(B).

²⁴ IDEA Regulations, 70 Fed. Reg. 35782, 35839 (Proposed June 21, 2005)(to be codified at 34 C.F.R. §300.30(b)(1).

²⁵ 20 U.S.C. §1415(b)(2).

²⁶ 20 U.S.C. §1415(b)(2)(A)(i).

²⁷ 20 U.S.C. §1415(b)(1)(B).

²⁸ 20 U.S.C. § 1414(a)(1)(D)(iii).

²⁹ 20 U.S.C. §1414(a)(1)(D)(iii)(II)(aa)-(cc).

³⁰ 20 U.S.C. §1414 (2)(C)(i)-(ii).

³¹ IDEA Regulations, 70 Fed. Reg. 35782, 35874 (Proposed June 21, 2005)(to be codified at 34 C.F.R. §300.519(d)(2)(iii)).

³² 34 C.F.R. §300.370(a)(1) and (b)(2).

³³ H.R. Rep. No. 108-779, pt. 151, p. 35. Available at: http://thomas.loc.gov/cgi-bin/cpquery/?&dbname=cp108&&r_n=hr779.108&&sel=TOC_542193

³⁴ IDEA Regulations, 70 Fed. Reg. 35782, 35866 (Proposed June 21, 2005) (to be codified at 34 C.F.R. § 300.321(a)(6)).

³⁵ IDEA Regulations, 70 Fed. Reg. 35782, 35866 (Proposed June 21, 2005) (to be codified at 34 C.F.R. § 300.321 (b)(3)).

Promising Practices

This section shares strategies and examples of promising practices used in the field. They are designed to illustrate the information-sharing and education decision making concepts described in the earlier sections.

... communities must unite around the importance of allowing the child welfare system to access education information about a child who is in the custody of the child welfare system.

Strategies to Encourage Information Sharing and Overcome Confidentiality Barriers

Establish the importance of sharing education information with the child welfare system

As a starting principal, communities must unite around the importance of allowing the child welfare system to access education information about a child who is in the custody of the child welfare system. Getting consensus on this issue may involve extensive efforts to encourage collaboration in your community. This may be through creation of committees or interdisciplinary task forces, or other means to bring all necessary entities to the table. Once the issue of sharing important information is addressed, it may be important to memorialize this goal.

■ **Example: Florida statute requiring statewide interagency agreement**

Florida HB 723 passed in 2004 (creating section 39.0016 of the Florida Statutes) requiring state and county agencies to enter into interagency agreements between education, child welfare, and other key stakeholders. This law has led to the establishment of the first-ever statewide interagency agreement in Florida. In this agreement, Florida addresses the issue of confidentiality and provides mechanisms for agencies to overcome the barriers. See the following excerpts:

“Each Party agrees:

- a) to promote to the fullest extent permissible and in compliance with federal law, Florida Statutes, and Administrative Rules, ... the sharing of information on children known to the department, when it is relevant to their educational growth including post secondary pursuits, job training, employment and other benefit;
- b) that it may be necessary to restrict information sharing due to statutory prohibitions other than those enunciated in section

39.202, Florida Statutes. It is understood that the sharing of student records with parental or custodial consent does not abrogate the confidentiality of the records as to other non-designated parties;

...

e) DCF shall take all steps necessary to promote consent by the court, natural parent(s) and/or legal guardians of the children to enable school districts and AWI staff to provide to DCF the educational and job training records for children known to the department. Local School Districts have consent forms for this purpose....¹

- **Example: Standardized forms for parental consent to release education records.** See [Appendix A](#).

Pursue legislative or regulatory changes to clarify how individuals involved in the child welfare system can obtain access to education records.

Under FERPA, the definition of “parent” found in the federal regulations leaves room for state interpretation. Some states and jurisdictions have overcome the potential FERPA barrier for child welfare professions by including those individuals in the definition of parent.

- **Example: New York City Board of Education regulation—definition of parent includes representative from foster care agency**

The New York City Board of Education regulations related to access to education records use the following definition of parent:

Parent means a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian, *including the representative of a foster care agency, who provides ongoing custodial care* (emphasis added).²

By specifically adding the representative from the foster care agency to the definition of parent, the regulation makes clear that education records can be shared.

- **Example: Florida education code definition of parent**

Florida’s statute related to education defines parent as:

either or both parents of a student, any guardian of a student, any person in a parental relationship, or any person exercising supervisory authority over a student in place of the parent.³

Schools base disclosure of education records to child welfare agencies on the “supervisory authority” provision.

Other states have attempted to clarify who is entitled to access education records through state legislation and regulations. While these efforts are commendable, there still needs clarification as to how these statutes comply with FERPA (i.e., do these individuals meet the definition of parent or is access being acquired through the court order exception).

■ **Example: Washington state statutory provision allowing child welfare agency and GALs access to education records RCW § 28A.150.510 and RCW § 13.34.105**

A Washington State law establishes the child welfare agencies' ability to access education records, when requested. The law states:

“... education records shall be released upon request to the department of social and health services provided that the department of social and health services certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of social and health services is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department of social and health services to provide residential care to the student.”⁴

Another Washington State law also establishes that guardians ad litem have a right to access education records through their court order of appointment. The language of the statute is as follows:

“the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian *ad litem* to inspect and copy any records relating to the child or children involved in the case without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.”⁵

Both of these statutes establish the intent that child welfare agencies and GALs be permitted access to education records. However, both need to be read in light of FERPA. The child welfare agency statute can be resolved with FERPA by interpreting this provision as establishing that the child welfare agency is viewed as the parent for FERPA purposes. However, the addition of the no-redisclosure (except to caregivers) provision, adds some limitations to the child welfare agency as “parent” that would not otherwise be required under FERPA (note: FERPA would require no redisclosure if the release of education records was through a FERPA exception).

As for the GAL statute, in light of the final clause (unless otherwise specifically prohibited by law), it would still be important to show that this disclosure is compliant with FERPA. This can be done by reiterating the intent of this statute in a court order appointing the GAL.

Improve court attention to confidentiality barriers and methods to make information sharing between child welfare and education agencies easier.

It is critical that courts consider FERPA requirements when issuing orders related to access of education records. Use of forms or standard language can help alleviate FERPA concerns.

- **Example: Sample court order language that complies with FERPA**

[Click here](#) for some sample court order language.

Create training materials that help break down information sharing obstacles.

- **Example: Washington State's Field Guide for Information Sharing**

This guide provides basic information on the information-sharing law in Washington State and is designed to help foster parents, educators, guardians ad litem, CASAs, social workers or birth parents. The guide includes a decision-making tree that takes readers step-by-step through the appropriate analysis of when and what information can and cannot be shared.

[Click here](#) to see copy of the Field Guide.

Create methods for the child welfare agency to keep education records for children in foster care complete and easy to access and transfer as children move placements and schools.

- **Example: Requiring key documents to be kept in the child welfare agency file**

For states lacking McKinney-Vento type legislation ensuring immediate enrollment when children in foster care have to change schools, other steps can be taken to expedite enrollment. Pennsylvania is revising its child welfare regulations to require child welfare agencies to keep copies of the records required for school enrollment (e.g., birth certificate, immunization records, etc), in the child's child welfare agency file. Therefore, delays should never be the result of the child welfare agency not having needed documentation to enroll the child in a new school. While this type of reform should help cases for children already in the child welfare system (i.e., caseworker should have had an opportunity to ensure those documents are in file), it does not address speedy enrollment for a child new to both child welfare and a school placement (McKinney-Vento type legislation is still needed for that).

- **Example: Health and education passports and e-passports**
California: California established a health and education passport for children in foster care as part of its state Education Code in the late 1980s.⁶ This passport ensures education records follow children as they change child welfare placements and schools. The passport includes information on grade level performance and school records. Within 30 days of placement the child welfare agency must provide the caregiver with the passport. Both caregivers and child welfare agency workers are responsible for updating the information.

[Click here](#) for more information about California's health and education passport.

[Click here](#) for more information about the Washington State passport program.

Washington: In 1997, Washington State established a similar program called the “Foster Care Passport Program.” As in California, the passport includes educational information. The goal is to keep foster parents, caseworkers, social workers, court personnel, and others up to date with the child’s needs.⁷ Improvements that have been made to the system include automated, computerized educational data transfers so passport information remains current. The educational database includes information on grade level, any disabilities, enrollment status, and grade point average. A confidential identification number is used in accordance with confidentiality guidelines for access to student records.

While creating mechanisms like the education passport programs is a positive step to systematizing information exchange, the programs can only be successful if the information contained in the passports is updated timely. States with passport programs report that education information is often not updated, due to factors such as case overload, and inability to get records from schools.

[Click here](#) for a copy of this unsuccessful 2002 senate bill and then enter S2657. While this bill did not become law, federal action on this issue may be seen in the future.

Federal Effort: In 2002, an unsuccessful attempt was made at the federal level (Senate Bill 2657 from the 107th Congress) to enact legislation that would have supported states in creating health and education passports for youth in foster care and youth aging out of care. The provision would have allowed up to 10 states to receive federal grants to create, among other things, an electronic opportunity passport for youth. The passport could consist of an electronic card or secure internet database and would contain vital information, including school transcripts.

Improve efforts to respect child’s right to privacy related to involvement in child welfare system, while allowing important information to be exchanged with schools to ensure quality education and programming.

Inherent in the need to share information across systems is the need to balance this openness with respect for the child’s right to privacy about personal details of his or her life and family, including involvement in the foster care system. Efforts must be made to discover and implement strategies that will allow for information exchange that limits the privacy impact on youth.

■ Example: Broward County, Florida’s efforts

One example of how minimal efforts can help protect a child’s right to privacy is the use of a specially selected color registration form to be used when enrolling youth who are in foster care. In this way a caseworker does not need to arrive at the school wearing a child welfare identification badge, or announce in the registration office in front of other teachers or students that a student in foster care is being enrolled. The foster parent or caseworker merely presents a registration form of the designated color. All registration office workers in the district have been trained to know the form represents a child in foster care.

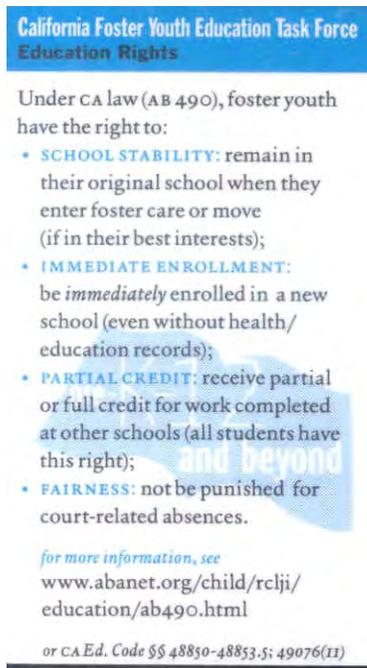
Ensure youth over age 18 understand their legal rights.

It is not enough to develop strategies to overcome confidentiality concerns; the information needs to be conveyed to youth- particularly youth over age 18 and aging out of care.

■ Example: CA education rights wallet card

California has just completed a wallet card designed to quickly inform youth of their basic rights related to their education. This small, laminated card is being distributed statewide to youth in care and aging out of the foster care system.

For more information on how to receive a copy of the card or online version contact Erin Saberi with Casey Family programs at her email: esaberi@casey.org



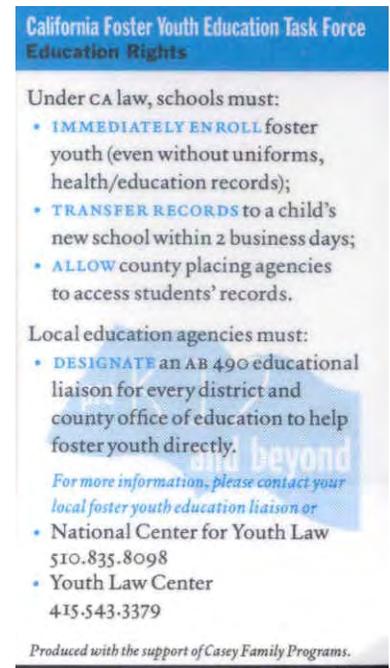
**California Foster Youth Education Task Force
Education Rights**

Under CA law (AB 490), foster youth have the right to:

- **SCHOOL STABILITY:** remain in their original school when they enter foster care or move (if in their best interests);
- **IMMEDIATE ENROLLMENT:** be *immediately* enrolled in a new school (even without health/education records);
- **PARTIAL CREDIT:** receive partial or full credit for work completed at other schools (all students have this right);
- **FAIRNESS:** not be punished for court-related absences.

for more information, see
www.abanet.org/child/rc/education/ab490.html

or CA Ed. Code §§ 48850-48853.5; 49076(1)



**California Foster Youth Education Task Force
Education Rights**

Under CA law, schools must:

- **IMMEDIATELY ENROLL** foster youth (even without uniforms, health/education records);
- **TRANSFER RECORDS** to a child's new school within 2 business days;
- **ALLOW** county placing agencies to access students' records.

Local education agencies must:

- **DESIGNATE** an AB 490 educational liaison for every district and county office of education to help foster youth directly.

For more information, please contact your local foster youth education liaison or

- National Center for Youth Law
510.835.8098
- Youth Law Center
415.543.3379

Produced with the support of Casey Family Programs.

Create procedures that expedite the transfer of education records when a child changes schools.

One important purpose of allowing the child welfare system access to education records for children in the state's custody is to ensure the child welfare agency has all necessary information to arrange for a change in school placement. It is well known that children who enter or remain in foster care often must endure school moves. States have been making efforts around the issue of speedy education record transfers to ensure that record transfer delays do not slow enrollment.

[Click here](#) for more information about AB490.

■ Example: California—AB490

California law include the following provisions related to record transfers:

Duty of Placing Agency to Notify School District of Date of Transfer:

As soon as the county placing agency becomes aware of the need to transfer a pupil in foster care out of his or her current school, the county placing agency shall notify the local educational agency of the date that the pupil will be leaving the school and request that the pupil be transferred out.⁸

Duty of Local Education Agency to Transfer Records:

Upon receiving a transfer request from a county placing agency or new local educational agency, the local educational agency shall, within two business days, transfer the pupil out of school and deliver the educational information and records (including determination of seat time, full or partial credits earned, classes, grades, immunizations, and IEP).⁹

Duty of New District to Request Records:

The foster care liaison for the new school shall, within two business days of the foster child's request for enrollment, contact the school last attended to obtain all records.¹⁰

Click here for PA:

- [regulations](#)
- [Department of Education circular discussing implementation of new enrollment regulations](#)
- [child welfare agency bulletin discussing implementation](#)

■ **Example: Pennsylvania enrollment regulations**

In 2004, Pennsylvania passed new enrollment regulations to expedite record transfers for all youth. These regulations should have a positive effect on children in foster care who experience frequent school moves. The regulations provide the following:

- A school district or charter school shall normally enroll a child the next business day, but no later than five business days of application.
- Application must be made by the parent, guardian, or other person having control or charge of the student.
- The new school district must request educational records from the old school districts. Old school district shall forward records within 10 business days of receiving such a request.¹¹

Click here for this VA legislation.

■ **Example: Virginia Statute § 63.2-900(D)**

In 2005, Virginia passed new legislation that requires the sending and receiving school districts to expedite the transfer of education records when they receive notice that a foster care placement has caused a child in foster care to be moved to a new school district.¹² A school system memorandum on implementation of this law construes this to mean immediate.

Click here for this MD legislation.

■ **Example: Maryland SB 426**

Effective July 1, 2005, a new law in Maryland requires educational records to be transferred within five (5) school days for any child in agency care that changes to a new school.

Create procedures that ensure children in foster care can remain in school of origin even when they no longer reside in the schools jurisdiction, or, if remaining is not feasible, then immediate enrollment in a new school

While stabilizing school enrollment may seem like a different issue than confidentiality and access to education records, it is closely related. If a child does not need to change schools, then the access and transfer of records issues are dramatically decreased. Likewise, if enrollment in a new school is automatic, access to records issues do not become barriers to enrollment.

- **Example: State laws that incorporate some or all McKinney-Vento type provisions for children in the child welfare system.** A number of states have passed McKinney-Vento type legislation to specifically address education issues for children in the foster care system. See the following examples for their treatment of the right to remain in the school of origin and the provision of transportation:

[Click here](#) for more information about CA AB490.

- **California AB 490:** Went into effect January 2004. Allows for children in foster care to remain in the school of origin and gives youth the right to transportation but is silent on what agency is required to provide such transportation. Also requires immediate enrollment in new school.

[Click here](#) for the full text of the DE legislation.

- **Delaware HB 279:** Went into effect Summer 2005, all children in foster care are included in the definition of “awaiting foster care placement” and are therefore eligible under McKinney-Vento (meaning right to remain in school of origin with education agency responsible for transportation as well as right to immediate enrollment).

[Click here](#) for the full text of the OR legislation and frequently asked questions about the new law.

- **Oregon HB 3075:** Passed in Summer 2005. Allows youth in foster care to remain in school of origin if determined by the juvenile court to be in the child’s best interest to do so. Law requires child welfare agency to be responsible for transportation.

Decision-Making Authority

Pursue legislative or regulatory changes to clarify the court’s authority to curtail a parent’s education decision-making authority before terminating parental rights, and to appoint an alternative education decision maker.

Clarifying decision-making authority for children in the foster care system is a critical component of meeting education needs. Very few states have clear statutory guidance on determining who is the decision-maker. A fundamental principle is that a birth parent retains decision-making authority unless that authority has been limited in some way. However, without guidance on appropriate methods to limit that authority, in addition to methods to appoint a replacement decision maker, states may be left scrambling to resolve this issue.

- **Example: California’s “responsible adult” statute**
California law allows courts to limit the parent’s rights to make education decisions for children that have been adjudicated dependent. The law requires the court to not impose limits that exceed what is necessary to protect the child. The law also requires the limitation to be addressed in a court order.

In addition to the right to limit education rights, the law also allows the court to appoint a replacement education decision maker. California law refers to this individual as the “responsible adult.”

Full text of the relevant provisions follows:

“In all cases in which a minor is adjudged a dependent child of the court... the court may limit the control to be exercised over the dependent child by any parent or guardian and shall by its order clearly and specifically set forth all those limitations. Any limitation on the right of the parent or guardian to make educational decisions for the child shall be specifically addressed in the court order. The limitations may not exceed those necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make education decisions for the child until one of the following occurs:

- (1) The minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself, or is deemed by the court to be incompetent.
- (2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section.
- (3) The right of the parent or guardian to make educational decisions for the minor is fully restored.
- (4) A successor guardian or conservator is appointed.
- (5) The child is placed into a planned permanent living arrangement...”¹³

In 2005, California law was further amended to allow the court to temporarily limit a parent’s education decision-making authority before the adjudication and disposition hearing.¹⁴

■ **Example: California Court Rules regarding who is appointed as responsible adult**

In California, state court rules specifically recognize that when designating a responsible adult to serve as educational representative for a child “the court should consider appointing a responsible adult relative, non-relative extended family members, foster parent, family friend, mentor, or Court-Appointed Special Advocate” as the education decision maker.¹⁵

■ **Example: Maryland limited guardianship provision**

In Maryland, state law allows the court to limit a parent’s education decision-making authority beginning at the dispositional phase of a child abuse and neglect case. The statute reads: “the court may...grant limited guardianship to the [child welfare agency] or an individual or both for specific purposes including medical and educational purposes or for other appropriate services if a parent is unavailable, unwilling or unable to consent to services that are in the best interest of the child.”¹⁶

Ensure issues of education needs, including decision-making authority, are raised at all appropriate court hearings.

The NCJFCJ checklist can be found at <http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/judicialeducationchecklist.pdf>

The technical assistance brief can be found at <http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/judicialeducationtabrief.pdf>

[Click here](#) for a copy of JV-535.

[Click here](#) for more on special education application of this form.

■ **Example: NCJFCJ education checklist**

A newly released judicial tool has been created through the joint efforts of Casey Family Programs, Team Child, and the National Council of Juvenile and Family Court Judges (NCJFCJ). This education checklist reviews key information that judges need to know to ensure a child's education needs are being met. The checklist is accompanied by a more detailed technical assistance brief, providing judges additional insight into the items on the list. The checklist may also be used as a template for states and jurisdictions interested in tailoring the checklist to specific state law, regulation, and practice.

■ **Example: Use of court forms to assist in decision-maker determination**

In California, the state courts have created court forms to assist in clarifying appropriate practices when addressing the educational needs of children in foster care. One form, JV535: "Order Limiting Parents' Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile," allows the court to limit either or both parents' education decision-making rights as well as specifically state who is making education decisions. This includes when a caretaker can be considered the parent without a court appointment as well as when an individual is appointed as the "responsible adult." This "responsible adult" appointment can be for both general education and special education students.

Improve education advocacy and training among practitioners

Many states have created training materials specific to their law and jurisdiction. But there are advocacy training tools for other states to use as a framework to aid state training efforts.

■ **Training for child welfare system**

Example: Team Child Advocacy Manual

TeamChild, a nonprofit organization in Washington State, with support from Casey Family Programs, created a "Toolkit for Change," a guide providing resources to help states establish education advocacy programs. Based on the successful training and outreach that TeamChild and Casey provided to foster parents, caseworkers, and juvenile courts in Washington, the Toolkit provides templates for training materials, brochures, and a comprehensive resource manual for advocates including user-friendly guidance for advocacy in special education and disciplinary proceedings, and enrollment issues. The Toolkit also contains instructions on tailoring the material to other states' unique laws and needs, without starting from scratch. The Toolkit is designed to be useful for a variety of different state needs, be it initial trainings for child welfare professionals, or to help create a direct advocacy program.

[Click here](#) for an on-line version of the Manual.

For more information on the Toolkit e-mail questions@teamchild.org or call 206/381-1741.

For more information about Endless Dreams, contact Debbie Staub at Casey Family Programs at dstaub@casey.org.

To see a copy of this manual, visit <http://www.nfpainc.org/training/onlineTraining.cfm?page=4>

For more information and examples of jurisdictions using liaisons see p. 88 of *A Road Map For Learning* at <http://www.casey.org/resources/Publications/RoadMapForLearning.htm>.

[Click here](#) for a full report on Project Achieve.

■ **Training for education system**

Example: Endless Dreams

Casey Family Programs has created a curriculum, Endless Dreams, for school teachers, administrators, and other staff about the unique needs and academic challenges of youth in out-of-home care in order to improve education outcomes. The curriculum consists of a video, training materials, and additional resource tools to aid trainers in educating school staff.

■ **Training for Foster Parents:**

The National Foster Parent Association has created an advocacy manual to help train foster parents to be better education advocates for children in their care.

Designate additional staff resources, so specific attention can be paid to education issues for children involved with the child welfare system.

■ **Example: Liaisons**

It is essential that the school system, child welfare agency, and court communicate regularly. One way to foster communication is to designate staff members to serve as liaisons between the school system, child welfare agency, and the court. Designated liaisons within school systems not only should be the point people when education issues arise, but they can also initiate systemic reform, and educate school administrators and staff about the foster care system and the issues these children face. Schools must first know about the unique needs of children in foster care before they can be expected to aid these children. Such communication is especially important in special education cases. States such as Texas, have hired education specialists in regional offices throughout the state and they are employed by the Department of Family and Protective Services.

■ **Example: Internal education units or staff within child welfare agencies**

Advocates for Children, New York City—Project Achieve
Advocates for Children (AFC) created Project Achieve in New York City as a model for bringing AFC's education expertise and advocacy directly to families and staff members at foster care and preventive services agencies. Key components of the project include: providing individual case assistance and advocacy; building the capacity of agency service staff to identify and solve routine school-related issues; and empowering and educating birth and foster parents and, where appropriate, young people, to navigate education agencies and service providers, and to be actively involved in educational planning and progress.

Special Education Decision-Making Authority

Understand how special education decision-making authority and surrogate appointments occur in your state or jurisdiction.

IDEA provides some guidance to states related to who can be considered the parent under IDEA and when surrogates need to be appointed. However, the federal law is subject to interpretation by the states, as is evidenced by the numerous variations in how and when surrogates are appointed.

- **Example: California law designates preferences for individuals involved with the child welfare system to be appointed as child’s surrogate.**

California law mandates that education agencies give preference to relative caregivers, foster parents, and CASAs when appointing a surrogate for a child in foster care.¹⁷

- **Example: Florida policy to allow guardians ad litem to serve as surrogate parents.**

The Florida Department of Education has issued a policy paper addressing common questions related to surrogate parents and has issued the following policy related to guardians ad litem.¹⁸ The policy states that if a guardian ad litem meets the legal criteria for serving as a surrogate that is listed in the federal IDEA regulations then they are permitted to serve in this role.

- **Example: Only judges appoint surrogates in Arizona**

Prior to the new federal provision in IDEA, Arizona already had given judges the statutory authority to appoint surrogate parents for children in foster care. “A petition for the appointment of a surrogate parent for a child with a disability shall be made to a court of competent jurisdiction...”¹⁹

[Click here](#) for CA form JV 535.

[Click here](#) for CA form JV536.

Create court tools that address decision-making issues for students eligible, or potentially eligible for special education.

- **Example: California court forms: JV 535 and JV 536**

As discussed above, the JV 535 form (Order Limiting Parents’ Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative-Juvenile) can be used by the court to specify who has decision-making authority for a child who is receiving either general or special education services. Should the court be unable to identify a “responsible adult” to act as the special education decision maker, the court then must refer the child to the education agency to appoint a surrogate parent (by the education agency). The education agency must notify the court within 21 calendar days of the appointment, via JV536 form (LEA Response to JV-535 – Appointment of a Surrogate), of the identity of the appointed surrogate.

Institute training requirements for foster parents, caretakers, and surrogates related to their role as education decision makers.

Regardless of who is the education decision maker for the child, that individual needs to be trained in special education advocacy. States are urged to provide, and sometimes require, individuals working with children in foster care, to have this necessary special education training.

■ Example: Florida statute Section 39.0016(5)

(5) The department shall incorporate an education component into all training programs of the department regarding children known to the department. Such training shall be coordinated with the Department of Education and the local school districts. The department shall offer opportunities for education personnel to participate in such training. Such coordination shall include, but not be limited to, notice of training sessions, opportunities to purchase training materials, proposals to avoid duplication of services by offering joint training, and incorporation of materials available from the Department of Education and local school districts into the department training when appropriate. The department training components shall include:

- (a) Training for surrogate parents to include how an ability to learn of a child known to the department is affected by abuse, abandonment, neglect, and removal from the home.
- (b) Training for parents in cases in which reunification is the goal, or for preadoptive parents when adoption is the goal, so that such parents learn how to access the services the child known to the department needs and the importance of their involvement in the education of the child known to the department.
- (c) Training for caseworkers and foster parents to include information on the right of the child known to the department to an education, the role of an education in the development and adjustment of a child known to the department, the proper ways to access education and related services for the child known to the department, and the importance and strategies for parental involvement in education for the success of the child known to the department.
- (d) Training of caseworkers regarding the services and information available through the Department of Education and local school districts, including, but not limited to, the current Sunshine State Standards, the Surrogate Parent Training Manual, and other resources accessible through the Department of Education or local school districts to facilitate educational access for a child known to the department.

■ Example: Tennessee foster parent training

Tennessee has an Administrative Policy for its child welfare agency that requires foster parents to have two hours of in-service training per year on education services/issues for the child in child welfare agency's custody.²⁰

Improve education advocacy related to special education in your community

Children in foster care need strong education advocates, regardless of whether the advocates are the children’s ultimate decision makers. There are numerous individuals who can play an advocacy role for the child. Some communities are creating unique programs or mechanisms to ensure quality advocacy for the child.

- **Example: Collaborations between child welfare advocates and students pursuing advanced degrees in education**

In Los Angeles County, the Children’s Law Center, with the assistance of the Juvenile Court, has formed a collaboration with California State University, Los Angeles to develop an education advocacy program allowing educators seeking advanced degrees to assist children’s attorneys in child welfare cases to identify and acquire the most appropriate resources for clients with special needs that might otherwise remain unmet.

- **Example: Education GAL provision from New York regulations**

Regulations in New York contain a unique provision to ensure the rights of a student are protected in a due process hearing. The hearing officer may appoint a guardian ad litem for the child in certain circumstances. The language of the regulation follows:

“(ix) In the event the impartial hearing officer determines that the interests of the parent are opposed to or are inconsistent with those of the student, or that for any other reason the interests of the student would best be protected by appointment of a guardian ad litem, the impartial hearing officer shall appoint a guardian ad litem to protect the interests of such student, unless a surrogate parent shall have previously been assigned. The impartial hearing officer shall ensure that the procedural due process rights afforded to the student’s parent pursuant to this section are preserved throughout the hearing whenever a guardian ad litem is appointed.”²¹

Institute judicial training on new IDEA provisions that give child welfare system judges specific authority.

It is critical to train judges involved in child welfare cases on the IDEA, especially in light of recent judge provisions clearly granting juvenile courts more authority related to determining education decision-making authority.

Consider establishing minimum requirements of surrogates.

Some states have chosen to expand on the federal requirements for individuals appointed to serve as surrogates for children. Especially in situations where the surrogate is a stranger to the child, it is important to set basic expectations for individuals serving this role.

- **Example: California Government Code regarding surrogate parent duties**

California legislation expanded on the role of the surrogate parent,

specifying some minimum duties of someone serving in that role. Although it does not cover all duties and best practices of a surrogate parent, it is a positive example of how state law can be used to expand on the “knowledge and skill” general requirement in the federal regulations.

California law specifically *requires* surrogates to:

- Meet with the child at least one time.

The law also provides that the surrogate *may*:

- Meet with the child on additional occasions.
- Attend the child’s individualized education program meetings.
- Review the child’s educational records.
- Consult with persons involved in the child’s education.
- Sign any consent relating to individualized education program purposes.²²

■ **Example: Indiana’s Administrative Code**

Indiana’s administrative code provides specific responsibilities of a surrogate parent:

- Participate in case conferences or other parent-teacher conferences.
- Grant or deny written permission for evaluation, services or change of placement.
- Access and review the student’s educational record.
- Request mediation, a due process hearing, or file a complaint.
- Exercise on behalf of the student any other rights that a parent may exercise under this article.²³

Endnotes

¹Excerpts from Sharing of Information. From Florida Statewide Interagency Agreement, §2.06.

²NYC: New York City Board of Education, Regulations of the Chancellor, A-820 III (D)- (Student Records: Confidentiality, Access, Disclosure and Retention).

³ Fla. Code Ch. 29 §1000.21(5).

⁴ Wash. Rev. Code §28A.150.510.

⁵ Wash. Rev. Code §13.34.105.

⁶ Cal. Welf. and Inst. Code §16010.

⁷ Ibid, 28.

⁸ Cal. Educ. Code § 49069.5(c).

⁹ Cal. Educ. Code § 49069.5 (d) and (e); Cal. Educ. Code § 48853.5(d)(4)(C).

¹⁰ Cal. Educ. Code § 48853.5(d)(4)(c).

¹¹ 22 Pa. Code Ch. 11.11.

¹² Va. Stat. Ann. § 22.1-189(E).

¹³ Cal. Welf. & Inst. Code § 361(a).

¹⁴ Cal. Welf. & Inst. Code § 319(g)(1).

¹⁵ Cal. Rules of Court, Rule 1499(c)(1).

¹⁶ Md. Code Ann., Cts. and Jud. Proc. §3-819(c)(ii).

¹⁷ Cal. Govt. Code §7579.5(b). "When appointing a surrogate parent, the local educational agency shall, as a first preference, select a relative caretaker, foster parent, or court-appointed special advocate, if any of these individuals exists and is willing and able to serve. If none of these individuals is willing or able to act as a surrogate parent, the local educational agency shall select the surrogate parent of its choice. If the child is moved from the home of the relative caretaker or foster parent who has been appointed as a surrogate parent, the local educational agency shall appoint another surrogate parent if a new appointment is necessary to ensure adequate representation of the child."

¹⁸ Florida Technical Assistance Paper, available at http://floridaschildrenfirst.org/fcf_051_education.htm

¹⁹ Ariz. Rev. Stat. §15-763.01

²⁰ www.state.tn.us/youth/policies/Chapter%2021%20Education/21-14%20Serving%20the%20Educational%20Needs%20of%20the%20Child-Youth%20in%20.pdf

²¹ 8 N.Y. Comp. Codes R. & Regs. tit.8 §200.5(i)(3)(ix).

²² Cal Gov. Code §7579.5(d)

²³ Ind. Admin. Code tit. 511, 7-24-2.

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Resources

Sources for Searching State Statutes

www.statescape.com

Allows for searching all state codes by topic, keyword, or bill number, legislative and bill tracking available. Bill searching is free, but you have to register for it.

<http://straylight.law.cornell.edu/states/>

Allows for searching by state or by topic or keyword. Links to Lexis/Nexis table of contents for individual state codes, but the service is free. When you pick a topic, it lists a chart of the 50 states and where in their code the provisions regarding that topic are found. Helpful for going to the state websites themselves and finding the topic. Excellent place to start state legislation searches if you don't have Lexis or Westlaw.

www.findlaw.com

Links to individual state's code, regulations, and constitutions.

www.prairienet.org/~scruffy/f.htm

Searching is limited to whatever searching each state has provided on its site.

www.business.com/directory/law/state_law/

Sources for Researching State Education Regulations or Policies

U.S. Department of Education

Click on desired state:

Alabama	Hawaii	Massachusetts	New Mexico	South Dakota
Alaska	Idaho	Michigan	New York	Tennessee
Arizona	Illinois	Minnesota	North Carolina	Texas
Arkansas	Indiana	Mississippi	North Dakota	Utah
California	Iowa	Missouri	Ohio	Vermont
Colorado	Kansas	Montana	Oklahoma	Virginia
Connecticut	Kentucky	Nebraska	Oregon	Washington
Delaware	Louisiana	Nevada	Pennsylvania	West Virginia
Florida	Maine	New Hampshire	Rhode Island	Wisconsin
Georgia	Maryland	New Jersey	South Carolina	Wyoming
				District of Columbia

Studies, Reports, Articles

<http://www.advocatesforchildren.org/pubs/ProjectAchievefinal.doc>

Advocates for Children’s *Project Achieve*: A Model Project Providing Education Advocacy for Children in the Child Welfare System

by the Advocates for Children of New York, Inc. (March 2005)

This report summarizes findings from *Project Achieve*, a project piloted at a private foster care agency in New York City from Fall 2002-Spring 2004. The project is being replicated at two more sites. Project components include staff support, technical assistance, and case assistance. The findings include positive and long-term effects, including an increased ability of agency staff to identify educational problems, less emergency situations, and the development of training programs, protocols, and materials.

http://www.clcla.org/Images/pdfs/pdfs_whatsnew_columns/DJ%20Forum_Treating.pdf

Treating Problems Piecemeal Won’t Help Foster Children

by Miriam Krinsky

Children’s Law Center of Los Angeles (February 2005)

This article reflects on the problems our child welfare system has with sharing information and coordinating services. There is often a lack of collaboration and communication when addressing the needs of children in foster care. The article also describes several collaboration models, including, the Children’s Cabinet in Arizona which includes all government agencies that provide services to children in foster care, with the goal to coordinate services.

<http://www.casey.org/Resources/Publications/RoadMapForLearning.htm>

A Road Map for Learning: Improving Educational Outcomes in Foster Care

by Casey Family Programs (2004)

This publication is divided into five main topics and 11 objectives for helping children in care succeed in their educational aspirations. Topics include transfer, collaboration, services, preparation, and public policy. Each objective includes background information, resources, checklists, and steps for meeting the objective.

http://www.clcla.org/Images/pdfs/pdfs_whatsnew_columns/Collaborative.pdf

Educating All Foster Children Will Require Collaborative Spirit

by Miriam Krinsky

Children’s Law Center of Los Angeles (2004)

This article describes the education hurdles many children in foster care face, including school placement changes, delays in transferring and enrollment, and problems receiving credits. It discusses the need for: data and statistics on educational progress and outcomes for children in foster care, free exchange of data, and adequate training on laws, roles, and responsibilities of different systems that help children in foster care meet education goals. These were some of the issues tackled at the 2004 Los Angeles Education Summit.

Child Abuse and Neglect, Volume 28,
pp. 917-923 (2004).

Article available for purchase at

<http://www.sciencedirect.com/>

[http://www.youthlaw.org/downloads/
YLN_Education.pdf](http://www.youthlaw.org/downloads/YLN_Education.pdf)

[http://www.vera.org/publication_pdf/
241_452.pdf](http://www.vera.org/publication_pdf/241_452.pdf)

[http://www.abanet.org/child/rclji/education/
educationsummitreport2004.doc](http://www.abanet.org/child/rclji/education/educationsummitreport2004.doc)

Understanding the Plight of Foster Youth and Improving Their Educational Opportunities

by Andrea G. Zetlin, Lois A. Weinberg (2004)

This article describes barriers children in foster care face to receiving full educational opportunities, and examples of how to improve their educational outcomes. Topics include the effects of abuse and neglect on education, how transfers and mobility affect performance in school, how schools and other agencies can minimize such problems, and programs that address the education needs of these children.

Advocates Seek Improvements in Education for Foster Youth

by Sara Woodward

National Center for Youth Law (October-December 2004)

This article summarizes several ways states and the federal government are meeting the education needs of children in foster care. Examples include expanding the definition of “homeless” under the McKinney-Vento Homeless Assistance Act and individual state Departments of Social Services and Education’s interpretations of “awaiting foster care placement.”

Foster Children and Education: How You Can Create A Positive Educational Experience For the Foster Children

Vera Institute of Justice (July 2004)

This publication focuses on the individual and systemic barriers children in foster care struggle with to attain a proper education. The publication is divided into three parts: 1) meeting the challenges of educating children in foster care, 2) the role of adult involvement, and 3) steps to get children in foster care enrolled in school, including timely and efficient school transfers. Checklists and sample forms are included.

2004 Los Angeles Education Summit Report and Recommendations on “Closing the Education Achievement Gap for Foster and Probation Youth” (May 2004)

The 2004 Los Angeles Education Summit focused on overcoming barriers that cause an achievement gap for Los Angeles’ youth in foster care. This report highlights the discussion and recommendations of participants in eight areas: 1) role of judiciary, 2) empowering caregivers, 3) probation youth, 4) special education, 5) nonpublic schools, 6) early childhood education, 7) school stability, and 8) data collection.

Learning Curves: Education Advocacy for Children in Foster Care

Kathleen McNaught

American Bar Association, Center on Children and the Law
2004

This book is a culmination of an article series that appeared in the ABA Child Law Practice and addresses numerous topics, including: General education advocacy strategies; Education rights and key federal laws; Special education process; Educational needs of young children; How school discipline policies impact children in foster care; and Creative approaches to address education barriers for children in foster care. It includes at-a-glance practice tips, commonly used psychological tests, education advocacy resources, and excerpts from key federal laws and regulations.

Transition Planning for Foster Youth with Disabilities: Are We Falling Short?

Fostering Futures Project (Spring 2004)

This publication focuses on the lack of or poor transition planning for children in foster care and how this effect life after foster care. The publication focuses on five key factors: 1) lack of a consistent advocate, 2) lack of child welfare involvement in special education, 3) lack of awareness by educators, 4) lack of integrated child welfare and school transition planning, 5) foster parents' need for information about the special education process. Recommendations to address these factors are described, including 1) appointing and training educational surrogates, 2) promoting high expectations for youth, and 3) training professionals appropriately.

Connected by 25: A Plan For Investing in Successful Futures For Foster Youth

Youth in Transition Funders Group Foster Care Work Group (March 2004)

This publication provides tools and strategies for building the economic and financial capacity and well-being of children in foster care and those aging out. These strategies include educational attainment, access to workforce development, financial literacy, encouraging savings, and promoting entrepreneurship. The publication then provides national, community, and individual methods to achieve results, and methods to measure and assess performance. An appendix lists publications, organizations, and initiatives for each of the five strategies.

Assessing The Effects of Foster Care: Early Results From the Casey National Alumni Study

Casey Family Programs (2003)

This study analyzes outcomes for foster alumni served by Casey Family Programs over a 20-year period, from 1996 to 1998. The study showed many alumni graduated from high school and retained employment. It found a correlation between outcomes and the characteristics of alumni and services provided to them. These characteristics and services

include completing high school, existence of academic hurdles, use of alcohol and drugs, participation in clubs while in care, gender, ethnicity, and completion of life skills programs.

Available from the Children’s Law Center of Los Angeles at 323/980-1700, or <http://www.clcla.org>

The Court, Advocates and DCFS Work Together to Improve Educational Outcomes for Dependent Youth

by Miriam Krinsky

Children’s Law Center of Los Angeles (2003)

This article summarizes the issues discussed during the first education summit in Los Angeles in May, 2003. Topics discussed include 1) the need for coordination among stakeholders, 2) school stability, and 3) legislative reform.

<http://www.ncsl.org/programs/cyf/cpieducate.pdf>

Educating Children in Foster Care

by Steve Christian

National Conference of State Legislatures (December 2003)

This article summarizes statistics on the academic success and performance of children in foster care, major obstacles to success, and state programs and initiatives that promote the education of children in foster care.

<http://www.cwla.org/articles/cwjabstracts.htm#0307>

Educational Experiences and Aspirations of Older Youth in Foster Care

by Curtis McMillen, Wendy Auslander, Diane Elze, Tony White, and Ronald Thompson

Child Welfare League of America (July/August 2003)

This publication documents the results of a study of 262 adolescents in foster care in a county in the Midwest who were enrolled in an independent living program. The study focused on questions such as if the adolescents planned to finish high school or go onto college, whether they had positive experiences in high school, and what problems with peers and teachers they encountered.

<http://www.abanet.org/child/rclji/education/2003educationsummitrecommendations.doc>

2003 Los Angeles Education Summit on Needs and Challenges Facing Foster Youth: “Identifying Obstacles and Forging Solutions” (May 2003)

This report is a summary of this first-ever summit focusing on identifying key issues, challenges, and reforms related to the educational needs of foster youth in LA County. These challenges include 1) ensuring school and placement stability, 2) accessing and transferring education records, crafting effective enrollment/disenrollment procedures, handling issues with school credits, 3) administering non-public schools, 4) developing an academic support network for foster youth, and 5) creating a foster youth literacy initiative. The report highlights recommendations for action in each of these areas.

<http://www.ylc.org/GettingOutofth%20RedZone-October2003.pdf>

Getting Out Of The “Red Zone” Youth From The Juvenile Justice And Child Welfare Systems Speak Out About The Obstacles To Completing Their Education, And What Could Help

by Sue Burrell

Youth Law Center, Expanding Educational Opportunities for Vulnerable Youth Project (April 2003)

This study identifies the issues faced by children in the juvenile justice and child welfare systems in meeting their educational and employment goals. It suggests methods for change. Interviews and focus groups were used to determine the issues. This six-year project, includes studies in three sites. Work has been ongoing in the first site, Fresno County, California.

<http://www.aap.org/advocacy/hfca/FosteringFuturesAwareness1.pdf>

Are We Ignoring Foster Youth With Disabilities?: An Awareness Document For Parents, Professionals and Youth

Fostering Futures Project (Spring 2003)

This report investigates children in foster care and special education, and how that affects academic achievement in six areas: 1) special education needs are overlooked or unknown, 2) children in care are less likely to receive needed services, 3) children in care suffer from social isolation, 4) children in care do not have educational advocates, 5) there is no coordination of transition planning in child welfare and special education, and 6) inadequate information exists on such youth.

<http://www.cwla.org/pubs/pubdetails.asp?PUBID=8676>

Improving Educational Outcomes for Youth in Care: A National Collaboration

by Elisabeth Yu, Pamela Day, and Millicent Williams
Child Welfare League of America (2002)

This publication describes the educational experiences of children in care, including the higher risk of low achievement, the effect of placement stability versus instability, and other factors that affect educational attainment, such as collaboration between agencies and schools, the positive effect of high educational attainment, what children in care believe is needed to succeed academically, and how systems can create a positive educational experience for such children.

<http://www.childtrends.org/files/FosterCareRB.pdf>

Youth Who “Age Out” of Foster Care: Troubled Lives, Troubling Prospects

by Richard Wertheimer
Child Trends (December 2002)

This brief reflects on the enormous hurdles children in foster care face to be successful adults. It summarizes general trends in foster care, common characteristics of these children, characteristics of those aging out, and how programs can better meet the needs of this population, including comprehensive independent living programs that provide the skills and resources to help youth transition successfully. The brief summarizes a report entitled “Aging Out of Foster Care: Young Adults with Special Needs.”

<http://www.youthcomm.org/FCYU-Features/FCYU-2002-09-6.htm>

Separate But Not Equal: Why Do So Many Foster Youth Get Stuck in Special Ed?

by Charlene Carter
Youth Communication (September 2002)

This article describes the problems many children in foster care face when they are improperly placed in special education. It is very hard to get out of special education once placed, and many suffer academically and do not graduate from high school.

Available for purchase at the California Western Law Review at 619/525-1477. or lawreview@cwsl.edu

Adding Insult to Injury: California's Cruel Indifference To The Developmental Needs Of Abused And Neglected Children From Birth To Three

by Jennifer R. Meiselman Titus
California Western Law Review, Volume 39 (Fall 2002)

This article critiques California's current Early Intervention System and proposes reforms to ensure that abused and neglected children from birth to age three get the stability they need for normal brain development. Suggested reforms include appointing an educational advocate who oversees the process and connects with all interested parties, limiting parental involvement to participation instead of parental control of education decisions after children have been removed from the home, and providing services from a single center for the duration of the case.

http://vera.org/publication_pdf/169_280.pdf

What Keeps Children In Foster Care From Succeeding in School? Views of Early Adolescents and the Adults in Their Lives

by Marni Finkelstein, Mark Wamsley, and Doreen Miranda
Vera Institute of Justice (July 2002)

This study draws on interviews with foster children and adults to better understand how being in foster care affects a child's education on a day-to-day basis. Researchers interviewed 25 children in foster care and 54 key adults in their lives (school staff, foster parents, and caseworkers) to learn what they regard as obstacles to the children's educational success. The study includes excerpts from the interviews with foster children and adults to provide a more complete overview of the obstacles foster children face in schools. After discussing the perceptions of each group of participants, the report concludes with several recommendations for reform.

http://www.fosterclub.org/training/upload/fosterclub_219.pdf

Education Issues Brief: Improving Special Education for Children with Disabilities in Foster Care

by Claire van Wingerden, John Emerson, and Dennis Ichikawa
Casey Family Programs (June 2002)

This publication summarizes the educational needs and issues of children foster care, and suggests methods to improve outcomes. These areas of need include coordination between the child welfare and education systems, consistent and timely tracking of children and transfer of their school records, early intervention, using education advocates and surrogates, and improving transition and mental health services.

<http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/EducationalOutcomes/improvingeducationaloutcomesfulldoc.pdf>

Improving Educational Outcomes For Youth in Foster Care: Perspectives from Judges and Program Specialists

by Melissa Litchfield, Sophia I. Gatowski, Maureen McKissick
National Council of Juvenile and Family Court Judges (June 2002)

This publication summarizes survey information provided from judges and program specialists on how educational needs of children in foster care are currently being met and areas for improvement. Also studied is how educational experiences are related to transition into independence, and what practices exist that increase the chances of positive experiences and successful transitions.

http://www.urban.org/UploadedPDF/310413_anf_b43.pdf

The Well-Being of Children Involved with the Child Welfare System: A National Overview

by Katherine Kortenkamp and Jennifer Ehrle
The Urban Institute (January 2002)

This brief focuses on the well-being of at-risk children in foster care, and compares children within foster care as well as at-risk children not in foster care. The brief explores four main areas of well-being: 1) behavior/emotional issues, 2) school experiences, 3) health, and 4) well-being of care providers and interactions with the children. The brief includes information and findings in both narrative and table format.

Child Welfare, Volume 80, Number 6
(November/December 2001)

Abstract available at

http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=11817658&dopt=Abstract

Foster Youth Transitions to Adulthood: A Longitudinal View of Youth Leaving Care

by Mark E. Courtney, Irving Piliavin, Andrew Grogan-Kaylor,
and Ande Nesmith (November/December 2001)

This article presents the early descriptive findings of a study investigating the post care experiences of a group of youth formerly in out-of-home care in Wisconsin. The study involved a series of three interviews with youth who had experienced relatively long out-of-home placements. The article summarizes the findings of the first two of three waves of interviews conducted when youth were about to age out of foster care and 12 to 18 months after leaving care, and concludes with preliminary observations about what the findings might mean for child welfare practice.

<http://www.wsipp.wa.gov/rptfiles/FCEDReportES.pdf>

Educational Attainment of Foster Youth: Achievement and Graduation Outcomes for Children in State Care

by Mason Burley and Mina Halpern
Washington State Institute for Public Policy (November 2001)

This report focuses on the population of children in foster and group homes in Washington state. It summarizes existing studies of how children in foster care achieve academically, compares test scores of children in foster care against their non foster care peers, graduation rates and likelihood of graduation of children in foster care against their non foster care peers, and how to promote information sharing and the positive impact that would have on the educational outcomes for children in foster care.

<http://cssr.berkeley.edu/BASSC/pdfs/educf27.pdf>

Education for Foster Children: Removing Barriers to Academic Success

Bay Area Social Services Consortium (April 2001)

This study of Bay Area children in foster care focuses on: 1) if educational services are received or not, and if so, if they are timely, 2) the relationship between foster care placement and receipt of services, and 3) how model programs can help children in foster care meet their educational goals. The study includes statistics compiled from telephone surveys and case file reviews on topics that include enrollment of children in foster care in school and level of cooperation between schools and agencies. Examples of discussion areas are children with special education needs, difficulties in transferring records, and responsibility for enrolling children in school. Finally, the study includes recommendations to schools, child welfare agencies, and legislatures.

http://www.csef-air.org/publications/related/LCI_final.pdf

Education of Foster Group Home Children, Whose Responsibility Is It? Study of the Educational Placement of Children Residing in Group Homes

California Department of Education (January 2001)

This report focuses on the education placements of children in group homes in California, the levels and types of coordination between agencies and how this affects the education of children in group homes. The report was compiled based on surveys, interviews, and site visits. Report findings include the need for more collaboration and the creation of a statewide information system.

School Social Work Journal, Volume 24, Issue 2, pp. 68-88 (2000). Available for purchase at <http://lyceumbooks.com/sswjournal.htm>

Assessing the Educational Outcomes of Children in Long-Term Foster Care: First Findings

by Sherri Seyfried, Peter J. Pecora, A. Chris Downs, Phyllis Levine, and John Emerson

This article summarizes existing data on the education of children in foster care, and summarizes a study of 312 older children in 26 child welfare agencies across 14 states. The study focused on the stability of placement of children in the Casey Family long-term foster care program, and how they functioned emotionally, physically, and academically. Academic indicators included attendance, special education, and disruptions due to suspensions, transfers, and dropouts.

Journal of Child and Family Studies, Volume 9, Number 1, pp. 87-103 (2000). Available for purchase at <http://www.springerlink.com>

Behavior Problems, Academic Skill Delays and School Failure Among School-Aged Children in Foster Care: Their Relationship to Placement Characteristics

by Bonnie T. Zima, Regina Bussing, Stephanny Freeman, Xiaowei Yang, Thomas R. Belin, and Steven R. Forness (2000)

This study is based on interviews with foster parents, children in foster care, and teachers from a sample of 302 children, ages six to 12 in foster care. The article summarizes the relationship between behavior, problems in school, and school placement. The results indicated high percentages of students having these problems, but not always a strong relationship with placement.

Yale Law and Policy Review, Volume 19:81,
pp. 81-164 (2000).
Available for purchase at
<http://www.yale.edu/ylpr/>

[http://www.advocatesforchildren.org/pubs/
FCrep7-11.doc](http://www.advocatesforchildren.org/pubs/FCrep7-11.doc)

[http://www.advocatesforchildren.org/pubs/
foster.doc](http://www.advocatesforchildren.org/pubs/foster.doc)

Child Abuse and Neglect, Volume 21,
Issue 9, pp. 889-905 (1997).
Available for purchase at
<http://www.sciencedirect.com>

Caught Between Two Systems: How Exceptional Children in Out-of-Home Care Are Denied Equality in Education

by Cynthia Godsoe (2000)

This article considers the relationship between children in foster care and at-risk children in education, specifically focusing on special education. Topics include shared risk factors of children in foster care and in special education, positive and negative roles of special education, and how these children can help themselves attain full educational opportunities and rights.

Educational Neglect: The Delivery of Educational Services to Children in New York City's Foster Care System

Advocates for Children, Inc. (July 2000)

This report focuses on the relationship between placement in foster care and poor academic performance, specifically looking at children in foster care in New York City. Topics include 1) current research on foster care and academics, 2) how children in foster care receive education services in New York City, 3) hurdles children in foster care face with schooling, and 4) how to meet the educational needs of this population. The report summarizes over 280 surveys filled out by foster children, foster parents, social workers, attorneys, and others. The survey questions focused on enrollment, continuity of services, and quality of services.

The Educational Needs of Children in Foster Care: The Need For System Reform

The Child Welfare Fund (November 1998)

This publication is based on surveys, focus groups, and interviews of staff and parents at the Center Without Walls on the educational needs of children in foster care. It reveals the hurdles to school placements and their impact on educational attainment by children in foster care in New York City. Survey results indicated parents want to be involved in school decision making for their children, but need support. Poor interagency collaboration when providing special education services, and poor information sharing between parents and professionals are also problems. Issues related to school placements include enrollment delays, denial of enrollment without immunization papers, and loss of school records. Negative results include inappropriate classroom placements, decisions made by people unfamiliar with the specific child, and other unmet needs.

Problems in Educating Abused And Neglected Children With Disabilities

by Lois A. Weinberg (1997)

This article summarizes a study to determine whether abused or neglected children have their special education needs met appropriately. The study was based on interviews and case file reviews of 12 children with special education needs. Findings included hurdles related to 1)

identifying children appropriately, 2) meeting timelines, 3) inadequate resources, 4) knowledge, and 5) coordination.

Child and Adolescent Social Work Journal, Volume 14, Number 1, pp. 41-53 (February 1997).

Available for purchase at
<http://www.springerlink.com>

Journal of Emotional and Behavioral Disorders, Volume 4, Number 1, pp. 30-39 (January 1996).

Available for purchase at
http://www.proedinc.com/store/index.php?mode=product_detail&id=jebd-2

Oregon Law Review, Volume 74, p. 1339 (Winter, 1995).

Available for purchase at
<http://www.law.uoregon.edu/org/olr/subscriptions.php>

Social Work in Education, Volume 17, Number 4, p. 207 (1995)

Available for purchase at
<http://www.naswpress.org/publications/journals/children/csintro.html>

What Happens to Foster Kids: Educational Experiences of a Random Sample of Foster Care Youth and a Matched Group of Non-Foster Care Youth

by Wendy Whiting Blome (February 1997)

This article discusses a study using data from 1980 to 1986 comparing the high school and after high school experiences of a sample of 167 children in foster care with children not in foster care. The study findings indicate that children in foster care have a much higher drop-out rate, discipline and disruption problems, and are less likely to attend higher education.

School-Related Problems of Special Education Foster Care Students with Emotional or Behavioral Disorders: A Comparison to Other Groups

by Karen Shelly Smucker, James M. Kauffman, and Donald W. Ball

This study investigated and compared the school-related problems of 1) children in foster care and special education because of emotional or behavior disorders, 2) children in either foster care or in special education because of emotional or behavior disorders, and 3) children who were not in either category. The study was conducted in a mid-Atlantic school district of 75,000 students. Findings included that 1) children who were in both placements had the most school problems, 2) children in neither category had the least problems, and 3) children just in foster care did not experience more issues than children just in special education, or vice versa.

The Individuals With Disabilities Education Act (IDEA): Parental Involvement and The Surrogate Appointment Process

by Tara J. Parillo (1995)

This article describes the surrogate appointment process and analyzes its effectiveness. Beginning with an overview of the requirements of parental involvement under IDEA, the article goes on to describe when a surrogate is necessary, the process for appointing a surrogate, and the duties and responsibilities a surrogate assumes. The author identifies three problems with the surrogate appointment process including difficulties in monitoring compliance with the IDEA surrogate requirements, failure of the states to adequately implement the appointment requirements under the IDEA, too much control over the process by educational agencies. Improvements are suggested.

Addressing the Needs of Foster Children: The Foster Youth Services Program

by Robert H. Ayasse (1995)

This article describes the Foster Youth Services program in California. Key components of the FYS programs that help children succeed in school include records tracking, tutorial assistance and counseling. The

article highlights one program that employs a social worker to facilitate interagency cooperation and communication, includes examples of youth who participated in FYS programs, and notes the positive effects the programs had in helping foster children achieve academic success.

Oxford Review of Education, Volume 20, Number 3, pp. 267-279 (1994).

Available for purchase at

<http://www.tandf.co.uk/journals/titles/03054985.asp>

Child Abuse and Neglect, Volume 17, pp. 581-589 (1993).

Available for purchase at

<http://www.sciencedirect.com/>

Developmental Psychology, Volume 29, Number 1, pp. 53-62 (1993).

<http://content.apa.org/journals/dev/29/1/53.htm>

Child Abuse and Neglect Volume 18, Issue 7 (1994).

Abstract available at

http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=7522940&dopt=Abstract

Available for purchase at

<http://www.sciencedirect.com/>

Educating Children in Residential and Foster Care

by Sonia Jackson (1994)

This article reviews the consistent findings that although education is crucial to a successful adult life, children in foster care and residential care do not always receive the resources and attention they need to succeed in school. The article highlights several initiatives to address these findings.

Maltreatment and The School-Aged Child: School Performance Consequences

by P. David Kurtz, James M. Gaudin, Jr., John S. Wodarski, and Phyllis T. Howing (1993)

This article is based on a study of 139 school children located in nine Georgia counties. The child subjects had either been abused, neglected, or neither. The study focused on school performance, development, and adaptive behavior. Findings included that abused children had problems in school and development, and neglected children suffered developmentally. Both groups, though, had high strengths in adaptive behavior.

School Performance and Disciplinary Problems Among Abused and Neglected Children

by John Eckenrode, Molly Laird, and John Doris (1993)

This article summarizes a study of the relationship between abuse and neglect and achievement and disciplinary problems in school. The study compared 420 maltreated children in kindergarten to twelfth grade with 420 nonmaltreated children in kindergarten to twelfth grade. Results showed maltreated children scored lower on standardized tests, were more likely to repeat a grade, and had higher rates of discipline problems and suspensions.

School Performance Of Children in Kinship Care

by Richard J. Sawyer and Howard Dubowitz

The Academy for Educational Development (1994)

This study focused on the school performance of children placed in kinship care in Baltimore City on a given day in April 1989. Teacher, caseworker, and school questionnaires, as well as standardized test results were used to determine that children in kinship care suffer from academic, cognitive, and language deficits. They are frequently placed in special education, and perform poorly in core areas including reading and math.

Appendix A:
CONSENT TO RELEASE OF EDUCATION RECORDS

Child's/Student's Name (First, Middle, Last)

Child's/Student's Date of Birth

Name of Last School Attended

Physical Location of School

Child's/Student's SSN, if known

In accordance with the Family Educational Rights and Privacy Act of 1974 and Arizona State law, I/we authorize any school, district, individual or entity maintaining records as to the child named above, to release records to, and discuss them with representatives or agents of the Arizona Department of Economic Security.

The Department, its attorney, other agents, foster care providers or other persons/entities having physical custody of the child, an educational representative, including a surrogate parent, and members of any multidisciplinary team working on or implementing a case or service plan for the above named child, may receive and review/use any and all education (including special education and early intervention) records, including, but not limited to, attendance, academic, medical, social, psychological, discipline, developmental, speech-language, achievement test, and other records of the above named child.

I/we understand that the Department may use and share these records with the Court, the Foster Care Review Board, a guardian ad litem for the child, an attorney for the child or for the parent(s)/legal guardian(s), a court appointed special advocate or educational representative, including a surrogate parent for the child, or a Citizen Aide Ombudsman, as appropriate. I/we understand that Department use of any records is governed by A.R.S. ' 8-807 and other applicable state and federal laws.

Signature of Parent/Guardian/Date

Signature of Parent/Guardian/Date

Print Full Name of Parent/Guardian

Print Full Name of Parent/Guardian

The Court and Children’s Education Representation of the Child’s Educational Rights

At all hearings, including detention, disposition, and review hearings, the court must consider the child’s educational needs and whether those needs are being met (5.651)

GENERAL

- The parent or guardian holds educational rights
- Is the parent or guardian meeting the child’s needs?
- If not, the court must limit educational rights (5.650 (a))
 - ❖ The court may temporarily limit educational rights (Welf. & Inst. Code § 319(f))
 - ❖ If educational rights are temporarily limited at detention, the court must reconsider the order limiting those rights at disposition
- The court has an ongoing duty to oversee the child’s education regardless of who hold education rights

INITIAL EVALUATIONS: INDIVIDUALS WITH DISABILITIES EDUCATION ACT (I.D.E.A.) (5.650 (a)(2))

- Parental or guardian consent or appointment of an educational representative is not required to begin the child’s initial evaluation if:
 - ❖ The court has limited or temporarily limited the parents’ educational rights, parental rights have been terminated, or the guardianship has been set aside and consent for an initial assessment has been given by an individual appointed by the court to represent the child

COURT ORDERS

- When the court determines that the child is in need of any assessments, evaluations, or services, the court must direct an appropriate person to take the necessary steps to request those assessments, evaluations, or services (5.650 (a)(3))
- After limiting educational rights the court must use Judicial Council form JV-535 to document one of the following: (5.650 (b))
 - ❖ Appointment of an educational representative
 - ❖ Determination that the child’s caregiver may make educational decisions¹
 - ❖ Determination that a responsible adult to serve as an educational representative cannot be identified and:
 - Referral to the local educational agency (LEA) for appointment of a surrogate parent or
 - Determination by the court that the court will make educational decisions for the child

COMMUNICATION WITH THE LEA (5.650 (d))

- If the court cannot identify an educational representative and the child is or may be eligible for special education and related services, the court must refer to the LEA
 - ❖ Judicial Council forms JV- 535 and JV-536 must be served on the LEA no later than **seven calendar days** after the date of the court’s order (5.650 (d)(2))
 - ❖ The LEA must make reasonable efforts to assign a surrogate parent within **30 calendar days** after the court’s referral (5.650 (d)(3))
- If the LEA appoints, it must notify the court, social worker or probation officer
- If the LEA does not appoint within 30 days of receipt of the JV-535, within the next seven calendar days it must notify the court on form JV-536 of the following:
 - ❖ Its inability to appoint a surrogate parent and (5.650 (d)(3)(B)(i))
 - ❖ Its continuing reasonable efforts to assign a surrogate parent (5.650 (d)(3)(B)(ii))

¹ The court can determine that the caregiver may act as the educational representative if the court has ordered a permanent plan for the child, the court has limited the parent’s or guardian’s educational rights, and the caregiver is not otherwise excluded from making education decisions by the court.

*This checklist is based on laws in effect at the time of publication — December 1, 2007. Federal and state laws can change at any time. The checklist was compiled by the Administrative Office of the Courts’ Center for Families, Children & the Courts, 455 Golden Gate Avenue, San Francisco, California 94102, 415-865-7739.

The Court and Children's Education: Authority and Responsibility of Educational Representative

REPRESENTATION

The educational representative is responsible for representing the child regarding: (5.650 (f)) *Please Review rule 5.651(f) for complete listing of responsibilities and authority.*

- 1) The identification, evaluation, and educational placement of the child (5.650 (f)(1))
- 2) The provision of the child's free appropriate public education (FAPE) (5.650 (f)(1))
- 3) Stability of placement (5.650 (f)(1)(A))
- 4) Access to academic resources, services, and extracurricular and enrichment activities (5.650 (f)(1)(C))
- 5) School disciplinary matters (5.650 (f)(1)(E))
- 6) Meeting with the child *at least once*; and as often as necessary to make educational decisions that are in the best interest of the child (5.650 (f)(2)(A))
- 7) Being culturally sensitive to the child (5.650 (f)(2)(B))
- 8) Acting as the parent in regards to Family Education Rights and Privacy Act (FERPA) (5.650 (f)(3)(A))
- 9) Attending educational meetings, consulting with persons involved in the child's education, and signing any consents to education-related services and plans (5.650 (f)(3)(D))
- 10) Consenting to the child's individualized education program, nonemergency medical services, mental health treatment services, and occupational or physical therapy services provided under chapter 26.5 of title 1 of the Government Code (5.650 (f)(3)(E))

NOTICE AND PARTICIPATION

The court has discretion regarding the educational representative's and surrogate parent's attendance and participation in hearings and mediation (5.650 (j))

- 1) If permitted by the court, the educational representative or surrogate parent may attend and participate in hearings and mediation as they affect the child's education, including:
 - a) All regularly scheduled juvenile hearings
 - b) Joint assessment hearings
 - c) Joinder proceedings
- 2) The educational representative or surrogate parent may use Judicial Council form JV-537 to explain the child's educational needs

RESIGNATION AND TERMINATION

If the educational representative resigns or surrogate parent resigns or is terminated: (5.650 (d)(4), (g)(2))

- 1) The educational representative must notify the court and the child's attorney. Judicial Council form JV-537 may be used for this purpose.
- 2) If the surrogate parent resigns or is terminated, the local education agency must notify the court and the child's attorney within seven calendar days. Judicial Council form JV-536 must be used for this purpose.
- 3) The child's attorney may request a hearing for appointment of a new educational representative.
 - a) Judicial Council form JV-539 may be used for this purpose.
 - b) A hearing must be set within 14 days of receipt of the request.
- 4) The court on its own motion may set a hearing appointment of a new educational representative.

The Court and Children's Education Required Information & Findings and Orders

COURT REPORTS: To the extent the information is available, the court must ensure that the reports prepared by social worker and probation officer reports include the following information about:
(5.651(c))

The Child: (5.651 (c) (1))

- 1) Age (5.651 (c) (1))
- 2) Behavior (5.651 (c) (1))
- 3) Educational and developmental achievement (5.651 (c) (1))
- 4) Any discrepancies in these achievements (5.651 (c) (1))
- 5) Educational, physical, mental health, or developmental needs (5.651 (c) (2))
- 6) Participation in developmentally appropriate extracurricular and social activities (5.651 (c) (3))
- 7) Attendance in a comprehensive, regular, public or private school (5.651 (c) (4))
- 8) Any physical, mental, or learning-related disabilities or other special education needs, and any need for special education and related services (5.651 (c) (5))
- 9) If 0 to 3 years old whether: (5.651 (c) (6))
 - a) The child may be eligible for or is already receiving early intervention services
 - b) Those services are appropriate
- 10) If between 3 and 5 years whether: (5.651 (c) (7))
 - a) The child is or may be eligible for special education services
 - b) The child is receiving the early educational opportunities
- 11) Whether the child is receiving appropriate services through a current IEP (5.651 (c) (8))
- 12) Whether the child is or may be eligible for regional center services or is already receiving regional center services (5.651 (c) (9))
 - a) Copies of the current individual family plan (IFP) and the current life quality assessments LQA should be attached for a child who is a regional center client.

Educational Rights:

- 1) Whether educational rights have been or should be limited (5.651 (c)(10))
- 2) The reason the reporter recommends limiting educational rights (5.651 (c)(11))
- 3) The actions the parent or guardian may take to restore education rights that are limited (5.651 (c)(11))
- 4) If the rights have been limited, who now holds educational rights (5.651 (c)(12))

Recommendations and Services:

- 1) The recommendations and case plan goals for the parent and child to meet the child's identified educational, physical, mental health, and developmental needs (5.651 (c)(13))
- 2) Whether there is a recommendation that the court direct an appropriate person to take the necessary steps for the child to begin receiving services (5.651 (c)(14))
- 3) In the case of joint assessments, a separate statement by each of the two departments regarding whether: (5.651 (c)(15))
 - a) Either believes that the child may have a disability and
 - b) The child is in need of special education and related services or requires evaluation

The Court and Children's Education Required Information & Findings and Orders

COURT REVIEW & FINDINGS AND ORDERS

Initial or detention hearing

To the extent the information is available, the court must consider (5.651 (b)):

- 1) Whether the child was enrolled in, and is attending, the child's school of origin (5.651 (b)(1)(B))
- 2) If the child is no longer attending the school of origin, whether the educational liaison (5.651 (b)(1)(C))
 - a) Recommends that the child's right to attend the school of origin be waived
 - b) Provided a written explanation for recommendation
 - c) Without obtaining a waiver, the child was not afforded his or her right to attend his or her school of origin
- 3) Who holds educational rights (5.651 (b)(1)(A))
- 4) Whether the parent's or guardian's educational rights should be temporarily limited (5.651 (b)(1)(D))
- 5) Whether the out-of-home placement: (5.651 (b)(1)(E))
 - a) Is the environment best suited to meet the unique needs of the child
 - b) Promotes educational stability through proximity to the child's school

Disposition and all regularly scheduled review hearings

The court must address and determine (5.651 (b)(2)):

- 1) The child's general and special education needs
- 2) Identify a plan for meeting those needs
- 3) Provide a clear, written statement using Judicial Council form JV-535, specifying the person who holds the educational rights for the child
- 4) Whether the child's educational, physical, mental health, and developmental needs are being met (5.651 (b)(2)(A))
- 5) Whether there are services, assessments, or evaluations, including those for special education and related services, the child may need (5.651 (b)(2)(B))
- 6) The person responsible for taking the necessary steps for the child to begin receiving any necessary assessments, evaluations, or services (5.651 (b)(2)(C))
- 7) Whether the educational rights of the parents should be limited: (5.651 (b)(2)(E))
 - a) If no, the court must direct the parent to his or her educational rights and responsibilities as provided in rule 5.650(e) and (f)
 - b) If yes, the court must determine who will hold the child's educational rights and:
 - i) Explain to the parent or guardian why the court is limiting his or her educational rights and
 - ii) Direct the parent or guardian to the rights and responsibilities of the education representative as provided in rule 5.650(e) and (f)
- 8) If the child's educational placement *changed* during the reporting period whether: (5.651 (b)(2)(D))
 - a) The child's educational records, including any evaluations of a child with a disability, were transferred to the new educational placement within two business days of the request for the child's enrollment in the new educational placement
 - b) The child is enrolled in and attending school

The Court and Children's Education: Change of Placement

CHANGE OF PLACEMENT That Would Result in Removal from the School of Origin

- 1) At any hearing that follows such a removal, the court must find that the social worker or probation officer: (5.651(e)(1))
 - a) Notified the court, the child's attorney, and the educational representative or surrogate parent within 24 hours of the determination that the proposed placement or change of placement would result in a removal from the school of origin
 - b) If the child has a disability and active IEP, notified the prior and receiving LEA at least 10 days prior to move
- 2) After receipt of the notice the child's attorney must, as appropriate, discuss the proposed move with the child and the person who holds educational rights (5.651(e)(2))
- 3) If removal disputed, the child must be allowed to remain in the school of origin pending this hearing and pending any disagreement between the child, parent, guardian, or educational representative and the school district (5.651(e)(3))
- 4) The attorney or person holding educational rights may request a hearing which will be no later than seven calendar days after form JV-539 was filed (5.651(e)(2)(A), (B))
 - a) Form JV-539 must be filed no later than two court days after receipt of the notice
- 5) The court on its own motion may direct the clerk to set a hearing (5.651(e)(2)(C))

REPORT-CONTENTS (5.651(e) (4))

Within **two** days of the filing of form JV-539 a report must be filed that addresses:

- 1) Whether the educational liaison: (5.651(e)(4))
 - a) Consulted with the parent and child before recommending the rights be waived
 - b) Provided them a written explanation stating the basis for the recommendation
- 2) Whether the child has been allowed to continue his or her education in the school of origin for the duration of the academic school year (5.651(e)(4)(A))
- 3) Whether the child has been afforded the right to remain in the school of origin pending any dispute about the proposed removal (5.651(e)(4)(B))
- 4) The extent of compliance with the information sharing and other AB 490 requirements (5.651(e)(4)(C))
- 5) How the proposed change serves the best interest of the child (5.651(e)(4))
- 6) Responses to the change of placement by specified individuals (5.651(e)(4)(E), (F))
- 7) A statement from the social worker or probation officer confirming that the child was not placed in a program or school based on the child's status as a child in foster care (5.651(e)(4)(G))

HEARING TO REVIEW PROPOSED CHANGE

The court must: (5.651(f))

- 1) Determine whether the proposed placement meets legal requirements (5.651(f)(1)(A))
- 2) Determine the actions necessary to ensure the child's educational and disability rights (5.651(f)(1)(B))
- 3) Consider:
 - a) If the educational rights holder believes that remaining in the school of origin is in the child's best interest (5.651(f)(2)(A))
 - b) How the proposed change will affect the stability of child's school placement and access to resources (5.651(f)(2)(B))
 - c) If the proposed school would allow placement in the least restrictive educational program (5.651(f)(2)(C))
 - d) If the child has the educational supports necessary to meet state academic standards (5.651(f)(2)(D))
- 4) Make the necessary findings and orders to enforce these rights (the court may make its findings and orders on form JV-538) (5.651(f)(3))

Education—Glossary of terms

Americans With Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.

The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment.

Title I addresses employment discrimination. Title II addresses activities of State and local governments. Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, private schools, doctors' offices, homeless shelters, transportation depots, day care centers, and recreation facilities.

Drug addiction is an impairment under the ADA. A public entity may base a decision to withhold services or benefits in most cases on the fact that a person is engaged in the current and illegal use of drugs. Title II prohibits discrimination against persons with drug addictions based solely on the fact that they previously illegally used controlled substances. Protected individuals include persons who have successfully completed a supervised drug rehabilitation program or have otherwise been rehabilitated successfully and who are not engaging in current illegal use of drugs. Additionally, discrimination is prohibited against an individual who is currently participating in a supervised rehabilitation program and is not engaging in current illegal use of drugs.

Assembly Bill 490 (AB 490) (Steinberg; Stats. 2003, ch. 862)

Effective January 1, 2004, AB 490 imposes new duties and rights related to the education of dependents and wards in foster care. Under this Act foster youth are ensured access to the same opportunities to meet academic achievement standards to which all students are held, maintain stable school placements, be placed in the least restrictive educational placement, and have access to the same academic resources, services and extracurricular and enrichment activities as all other children.

Assembly Bill 1858 (AB 1858) (Steinberg, Stats. 2004, ch. 914)

Effective January 1, 2005, AB 1858 imposes new standards for students educated at a nonpublic schools (NPS). The Act's key provisions include: requiring the qualification of NPS staff to be equivalent to that of public school staff, Ed. Code section 56366.1(n)(1); prohibiting a Licensed Children's Institution (LCI)/Group Home from requiring as a condition of admission or residency that a child be identified as an individual with special needs or attend an affiliated NPS; Ed. Code sections 56155.7; 56366.9; when a child who resides in a foster home or LCI is placed in a NPS, the Local Education Agency (LEA) must address at the annual IEP Team Meeting whether the NPS placement continues to

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be the least restrictive environment for the child; Ed. Code section 56157(c); requiring NPS to have and abide by a written policy for student discipline that is consistent with state and federal law; Ed. Code section 56366.10(d); providing that any funds received by an NPS from an LEA for education of an individual with exceptional needs are for those purposes only and not the cost of the residential program; Ed. Code section 56366.1(1)(1).

Educational liaison, Education Code § 48853.5

Every local education agency must have an educational liaison for foster children (includes dependents and wards). The liaison shall: (1) Ensure and facilitate proper school placement, enrollment and checkout from school; (2) Assist foster children when transferring schools including ensuring proper transfer of credits, records, and grades; and (3) The liaison for the new school shall, within two business days of the foster child's request for enrollment, contact the school last attended by the foster child to obtain all academic and other records. The school liaison for the school last attended shall provide all records to the new school within two business days of receiving the request.

The educational liaison may not supersede the authority granted under state and federal law to a parent or guardian retaining educational rights, a responsible adult appointed by the court to represent the child pursuant to Welfare and Institutions Code section 361 or 726, a surrogate parent, or a foster parent exercising the authority granted under Section 56055. The role of the educational liaison is advisory with respect to placement decisions and determination of school of origin.

Free, Appropriate, Public Education (FAPE), 20 U.S.C. § 1408 (8)

FAPE means special education and related services that have been provided at public expense, under public supervision and direction, and without charge; meet the standards of the State educational agency; include an appropriate preschool, elementary school, or secondary school education in the State involved; and are provided in conformity with the individualized education program required under 20 U.S.C. section 1414(d).

Individualized Family Service Plan (IFSP), 20 U.S.C. § 1436

The process of developing the Individualized Family Service Plan (IFSP) is similar to that of developing an IEP. However, in addition to an individual determination of the child's needs and related services, the IFSP also includes family support services, nutrition services, and case management. An IFSP must contain information about: The infant's or toddler's present levels of development; the family's resources, priorities and concerns relating to enhancing the development of the infant or toddler; the major outcomes expected to be achieved; the specific early intervention services necessary to meet the unique needs of the infant or toddler and the family; the natural environments in which the early intervention services will be provided; the date the services will begin and their anticipated duration; the identification of the service coordinator, from the profession most immediately relevant to the infant's or toddler's family's needs, who will be responsible for the coordination and implementation of the plan with the other agencies and persons; and the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

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Individualized Education Program (IEP); 20 U.S.C. § 1401 (14)

The IEP means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with 20 U.S.C. section 1414(d). The IEP sets out the plan for the child's special education needs and any related services.

Individuals With Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.

The IDEA ensures services to children with disabilities throughout the nation. Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C. Children and youth (ages 3-21) receive special education and related services under IDEA Part B. The IDEA aims to ensure that all children receive a FAPE and special services to assist in meeting their educational needs.

Initial evaluation, 34 C.F.R. section 300.301

Each public agency must conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability. The initial evaluation must be conducted within 60 days of receiving consent for the evaluation, or within the State's timeframe, and must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.

Life Quality Assessment, Welf. & Inst. Code section 4570

The Legislature requires Life Quality Assessments be conducted for all consumers of regional center services. The respective area board must conduct life quality assessments with consumers living in out-of-home placements, supported living arrangements, or independent living arrangements no less than once every three years or more frequently upon the request of a consumer, or, when appropriate, a family member. If a consumer who is eligible to receive a life quality assessment is a dependent of a juvenile court pursuant to Welfare and Institutions Code sections 300, 600, or 602, the assessment may be conducted with the consent of the court or social services agency. The assessment shall be conducted within 90 days prior to a consumer's triennial individual program plan meeting, so that the consumer and regional center may use this information as part of the planning process.

Local Education Agency (LEA), 20 U.S.C. section 1401 (19)

LEA means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

School of origin, Ed. Code § 48853.5 (e)

School of origin means the school that the foster child attended when permanently housed or the school in which the foster child was last enrolled. If the school the foster child attended when permanently housed is different from the school in which the foster child was last enrolled, or if there is some other school that the foster child attended with

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which the foster child is connected and which the foster child attended within the immediately preceding 15 months, the liaison, in consultation with and the agreement of the foster child and the person holding the right to make educational decisions for the foster child, shall determine, in the best interests of the foster child, the school that shall be deemed the school of origin.

Section 504 of the Rehabilitation Act (Section 504), 29 U.S.C. § 701 et. seq.; 34 C.F.R. § 104 et. seq

Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability, and specifically protects the rights of individuals with disabilities in programs and activities that receive federal funds from the U.S. Department of Education. The nondiscrimination requirements of the law also apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS). Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services.

Under this law, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

Section 504 requires a school district to provide a FAPE to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual needs.

Surrogate Parent, 34 C.F.R. section 300.519; Cal. Gov. Code section 7579.5(d)

Once a surrogate parent is chosen by the school district to act on behalf of a child with a disability in the special education process, the surrogate parent serves as the child's parent and has all parental rights available to a parent. The surrogate parent may represent the child in matters related to the identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in all other matters related to the provision of FAPE to the child. A surrogate parent can give written consent to the IEP, including non-emergency medical services, mental health treatment services, and occupational or physical therapy services. In short, the surrogate parent may give or withhold any consent related to a child's IEP.

2008 California Rules of Court

Rule 5.650. Appointment of educational representative

(a) Parent's or guardian's educational rights limited (§§ 319, 361, 366, 366.27, 726; 20 U.S.C. § 1415; 34 C.F.R. §§ 300.519, 300.300)

The court may limit a parent's or guardian's right to make educational decisions for a child who is declared a dependent or ward of the court under section 300, 601, or 602, but the limitations may not exceed those necessary to protect the child. Before disposition, the court may temporarily limit a parent's or guardian's right to make educational decisions under section 319(g). The court may limit a parent's or guardian's educational rights regardless of whether the child is, or may be eligible for, special education and related services.

- (1) If the court temporarily limits the parent's or guardian's right to make educational decisions under section 319(g), the court must reconsider the need, if any, to limit educational rights at the disposition hearing.
- (2) The child's initial evaluation for special education services need not be postponed to await parental or guardian consent or appointment of an educational representative if one or more of the following circumstances are met:
 - (A) The court has limited or temporarily limited the educational rights of the parent or guardian, and consent for an initial assessment has been given by an individual appointed by the court to represent the child;
 - (B) The local education agency cannot discover the whereabouts of the parent or guardian; or
 - (C) The parent's rights have been terminated or the guardianship has been set aside.
- (3) If the court determines that the child is in need of any assessments, evaluations, or services, including special education, mental health, and other related services, the court must direct an appropriate person to take the necessary steps to request those assessments, evaluations, or services.

(Subd (a) amended effective January 1, 2008; previously amended effective January 1, 2004, and January 1, 2007.)

(b) Appointment of educational representative (§§ 319, 361, 366, 366.27, 726; 20 U.S.C. § 1415; 34 C.F.R. § 300.519)

The court must use *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs* (form JV-535) when it limits the rights of a parent or guardian to make educational decisions for the child. In its order, the court must document that one of the following actions in (1) or (2) has been taken, or, in the alternative, that a finding under (3) has been made:

- (1) The court has appointed an educational representative for the child;

- (2) The court has ordered a permanent plan for the child, and the court finds that the foster parent, relative caregiver, or nonrelative extended family member may exercise educational rights as provided in Education Code section 56055 and rule 5.502(13) and is not prohibited from exercising educational rights by section 361 or 726 or by 34 Code of Federal Regulations section 300.519 or 303.19; or
- (3) The court cannot identify a responsible adult to serve as the child's educational representative; and
 - (A) The child is or may be eligible for special education and related services, and the court is referring the child to the responsible local educational agency for appointment of a surrogate parent under section 361 or 726, title 20 United States Code section 1415, and rules 5.502 and 5.650; or
 - (B) The child is not eligible for special education and related services, there is no foster parent to exercise the authority granted by section 56055 of the Education Code, and the court will, with the input of any interested person, make educational decisions for the child.

(Subd (b) amended effective January 1, 2008; adopted effective January 1, 2004; previously amended effective January 1, 2007.)

(c) Limits on appointment (§§ 361, 726; Ed. Code, § 56055; Gov. Code, § 7579.5(i)-(j); 34 C.F.R. §§ 300.519, 303.19)

- (1) The court should consider appointing a responsible adult relative, nonrelative extended family member, foster parent, family friend, mentor, or CASA volunteer as the educational representative if one is available and willing to serve.
- (2) The court may not appoint any individual as the educational representative if that person is excluded under, or would have a conflict of interest as defined by section 361(a) or 726(b); Education Code section 56055; Government Code section 7579.5(i)-(j); title 20 United States Code section 1415(b)(2); or 34 Code of Federal Regulations section 300.519 or 303.19.

(Subd (c) amended effective January 1, 2008; adopted effective January 1, 2004; previously amended effective January 1, 2007.)

(d) Referral to local educational agency to appoint a surrogate parent for a child who is or may be eligible for special education and related services (§§ 361, 726; Gov. Code, § 7579.5; 20 U.S.C. § 1415)

- (1) If the court has limited a parent's or guardian's right to make educational decisions for a child but cannot identify an educational representative for the child and the child is or may be eligible for special education and related services or already has an individualized education program, the court must use form JV-535 to refer the child to the responsible local educational agency for prompt appointment of a surrogate parent under Government Code section 7579.5.

- (2) If the court refers a child to the local educational agency for appointment of a surrogate parent, the court must order that *Local Educational Agency Response to JV-535-Appointment of Surrogate Parent* (form JV-536) be served by first-class mail on the local educational agency along with form JV-535, no later than seven calendar days after the date of the order.
- (3) The court must direct the local education agency that when the local education agency receives form JV-535, requesting prompt appointment of a surrogate parent, the local education agency must make reasonable efforts to assign a surrogate parent within 30 calendar days after the court's referral.
 - (A) Whenever the local educational agency appoints a surrogate parent for a dependent or ward under Government Code section 7579.5(a)(1), it must notify the court on form JV-536 within seven calendar days of the appointment and must send copies of the notice to the social worker or probation officer identified on the form.
 - (B) If the local education agency does not appoint a surrogate parent within 30 days of receipt of the form, within the next seven calendar days it must notify the court on form JV-536 of the following:
 - (i) Its inability to appoint a surrogate parent; and
 - (ii) Its continuing reasonable efforts to assign a surrogate parent.
- (4) Whenever the surrogate parent resigns or the local education agency terminates the appointment of a surrogate parent for a dependent or ward under Government Code section 7579.5(h) or replaces the surrogate parent for any other reason, it must notify the court and the child's attorney on form JV-536 within seven calendar days of the resignation, termination, or replacement. The child's attorney may request a hearing for appointment of a new educational representative by filing *Request for Hearing Regarding Child's Education* (form JV-539) and must provide notice of the hearing as provided in (g)(2). The court on its own motion may direct the clerk to set a hearing.

(Subd (d) amended effective January 1, 2008; adopted as subd (b) effective July 1, 2002; previously amended and relettered effective January 1, 2004; previously amended effective January 1, 2007.)

(e) Transfer of parent's or guardian's educational rights to educational representative

When an educational representative is appointed, the educational rights of the parent or guardian—including the right to notice of educational meetings and activities, participation in educational meetings and activities, and decisionmaking authority regarding the child's education, including the authority under title 20 United States Code sections 1232g and 1401(23), 34 Code of Federal Regulations section 300.30, and Education Code section 56028—are transferred to the educational representative.

- (1) When returning a child to a parent or guardian, the court must consider the child's educational needs. The parent's or guardian's educational rights are reinstated when the court returns custody to the parent or guardian unless the court finds that the parent is not able to act in the child's best interest regarding education.

- (2) If the court appoints a guardian for the child under rule 5.735 or 5.815, all of the parent's or guardian's educational rights transfer to the newly appointed guardian unless the court determines that the guardian is not able to act in the child's best interest regarding education.

(Subd (e) amended effective January 1, 2008; adopted effective January 1, 2004; previously amended effective January 1, 2007.)

(f) Authority and responsibilities of educational representative (§§ 319, 360, 361, 635, 706.5, 726; Ed. Code, § 56055; Gov. Code, § 7579.5; 34 C.F.R. § 300.519)

- (1) The educational representative is responsible for representing the child in the identification, evaluation, and educational placement of the child and with the provision of the child's free, appropriate public education. This includes representing the child in all matters relating to the child's education including:
 - (A) The stability of the child's school placement;
 - (B) Placement in the least restrictive educational program appropriate to the child's individual needs;
 - (C) The child's access to academic resources, services, and extracurricular and enrichment activities;
 - (D) The child's access to educational supports necessary to meet state academic achievement standards;
 - (E) School disciplinary matters; and
 - (F) Other aspects of the provision of a free, appropriate public education.
- (2) The educational representative has the following additional responsibilities:
 - (A) Meeting with the child at least once and as often as necessary to make educational decisions that are in the best interest of the child;
 - (B) Being culturally sensitive to the child;
 - (C) Complying with federal and state confidentiality laws including section 827 and Government Code section 7579.1(f);
 - (D) Participating in, and making decisions regarding, all matters affecting the child's educational needs in a manner consistent with the child's best interest; and
 - (E) Having knowledge and skills that ensure adequate representation of the child.
- (3) The educational representative acts as the parent or guardian in all educational matters regarding the child and has a right to the following:

- (A) To the rights afforded the parent or guardian under the Family Education Rights and Privacy Act, title 20 United States Code section 1232g;
- (B) To the rights of a parent relating to school discipline issues, meetings, and proceedings;
- (C) To represent a child with exceptional needs in matters relating to identification and assessment of those needs, instructional planning and development, educational placement, reviewing and revising the individualized education program, and other aspects of the provision of a free, appropriate public education;
- (D) To attend the child's individualized education program and other educational meetings, to consult with persons involved in the child's education, and to sign any consents to education-related services and plans; and
- (E) Notwithstanding any other provision of law, to consent to the child's individualized education program, nonemergency medical services, mental health treatment services, and occupational or physical therapy services provided under chapter 26.5 of title 1 of the Government Code.

(Subd (f) adopted effective January 1, 2008.)

(g) Educational representative's term of service (§§ 361, 726; Gov. Code § 7579.5)

- (1) The educational representative must make educational decisions for the child until:
 - (A) The court restores the right of the parent or guardian to make educational decisions for the child;
 - (B) The child reaches 18 years of age, unless the child chooses not to make his or her own educational decisions or is deemed incompetent by the court;
 - (C) The court appoints another educational representative for the child under this rule;
 - (D) The court appoints a successor guardian or conservator; or
 - (E) The court finds that the foster parent, relative caregiver, or nonrelative extended family member may make educational decisions for the child under Education Code section 56055(a) because:
 - (i) em] The child is placed in a planned permanent living arrangement under section 366.21(g)(3), 366.22, 366.26, 727.3(b)(5), or 727.3(b)(6);
 - (ii) The court has limited the parent's or guardian's educational rights; and
 - (iii) The foster parent, relative caregiver, or nonrelative extended family member is not otherwise excluded from making education decisions by the court, by section 361 or 726, or by 34 Code of Federal Regulations section 300.519 or 303.19.

- (2) If the educational representative resigns from the appointment, he or she must provide notice to the court and to the child's attorney and may use *Educational Representative or Surrogate Parent Information* (form JV-537) to provide this notice. Once notice is received, the child's attorney may request a hearing for appointment of a new educational representative by filing form JV-539 and must provide notice of the hearing to the following: the parents or guardians, unless otherwise indicated on the most recent form JV-535; the social worker; the probation officer; the Court Appointed Special Advocate (CASA) volunteer; and all other persons required to be given notice under section 293. The hearing must be set within 14 days of receipt of the request for hearing. The court on its own motion may direct the clerk to set a hearing.

(Subd (g) adopted effective January 1, 2008.)

(h) Service of order

The clerk will provide a copy of the completed form JV-535 and any received form JV-536 or JV-537 to the child if 10 years or older, the child's attorney, the social worker and the probation officer, the foster youth liaison, as defined in Education Code section 48853.5, and the educational representative at the end of the proceeding or no later than seven calendar days after the date of the order. The clerk will make the form available to the parents or guardians, unless otherwise indicated on the form; the CASA volunteer; and, if requested, all other persons provided notice under section 293. Whoever is directed by the court on form JV-535 must provide a copy of the form to the local education agency.

(Subd (h) adopted effective January 1, 2008.)

(i) Education and training of educational representative

If the educational representative asks for assistance in obtaining education and training in the laws incorporated in rule 5.651(a), the court must direct the clerk, social worker, or probation officer to inform the educational representative of all available resources, including resources available through the California Department of Education and the local education agency.

(Subd (i) adopted effective January 1, 2008.)

(j) Notice and participation in juvenile court hearings

- (1) The educational representative must receive notice of all juvenile court hearings regarding or affecting the child's education. This includes the notice and participation provided in rule 5.530 for all regularly scheduled juvenile hearings, rule 5.512 for joint assessment hearings, and rule 5.575 for joinder proceedings.
- (2) The educational representative may use form JV-537 to explain the child's educational needs. The court may allow the educational representative to be present for the purposes of participating in the portions of the juvenile court hearing that concern the child's education, including school placement, and of responding to questions or issues raised by the form. The court may allow the educational representative to participate in any mediation as provided in rule 5.518.

(Subd (j) adopted effective January 1, 2008.)

Rule 5.650 amended effective January 1, 2008; adopted as rule 1499 effective July 1, 2002; previously amended effective January 1, 2004; previously amended and renumbered effective January 1, 2007.

Advisory Committee Comment

Under the Individuals With Disabilities Education Act (IDEA), the court may appoint a surrogate parent for a child to represent the child in all matters relating to the identification, evaluation, and educational placement of the child and to the provision of the child's free, appropriate public education. (20 U.S.C. § 1415(b)(2); 34 C.F.R. § 300.519.) Under Welfare and Institutions Code sections 361 and 726, the court may appoint a responsible adult as an educational representative to represent the child's educational needs when the parent's educational rights have been limited. When the court appoints an educational representative, that person is responsible for representing all the child's educational needs, including any special education and related services needs. When making this appointment, the court and all court participants are encouraged to look to all persons in the child's life, including relatives, nonrelated extended family members, and those persons with whom the child has an important relationship, to represent the child's educational needs.

If the court cannot find anyone to appoint as the child's educational representative and special education needs are not indicated, sections 361 and 726 state that the court can make education decisions for the child with the input of interested persons. However, if the court cannot find someone to appoint as educational representative and special education is indicated, the court must refer the matter to the local education agency (LEA) for appointment of a surrogate parent. Sections 361 and 726 do not permit the court to make educational decisions for a child in these cases. The surrogate parent assigned by the LEA acts as a parent for the purpose of making educational decisions on behalf of the child. (Gov. Code, § 7579.5(c); Ed. Code, § 56028; 34 C.F.R. § 300.30(b)(2); see 20 U.S.C. §§ 1401(9), 1414(d).)

Rule 5.651. Educational rights of children before the juvenile court

(a) Applicability (§§ 213.5, 319, 358, 358.1, 364, 366.21, 366.22, 366.23, 366.26, 366.28, 366.3, 727.2, 11404.1; Gov. Code, § 7579.1; 20 U.S.C. § 1400 et seq.; 29 U.S.C. § 794; 42 U.S.C. § 12101 et seq.)

This rule has the following applicability and incorporates the rights established by the following laws:

- (1) The rule applies to all children for whom petitions have been filed under section 300, 601, or 602;
- (2) The rule applies to every hearing before the court affecting or related to the child's education, including detention, jurisdiction, disposition, and all regularly scheduled review hearings; and
- (3) The rule incorporates the rights established by the following laws: the Individuals With Disabilities Education Act (20 U.S.C. § 1400 et seq.), the Americans With Disabilities Act (42 U.S.C. § 12101 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), and the education rights of foster children as provided in Assembly Bill 490 (Stats. 2003, ch. 862) and Assembly Bill 1858 (Stats. 2004, ch. 914).

(b) Conduct of hearings related to, or that may affect, a child's education

- (1) To the extent the information is available, at the initial or detention hearing the court must consider:
 - (A) Who holds educational rights;
 - (B) If the child was enrolled in, and is attending, the child's school of origin as defined in Education Code section 48853.5(e);
 - (C) If the child is no longer attending the school of origin, whether:
 - (i) In accordance with the child's best interest, the educational liaison, as defined in Education Code section 48853.5(b), in consultation with, and with the agreement of, the child and the parent or guardian or other educational representative, recommends that the child's right to attend the school of origin be waived;
 - (ii) Prior to making any recommendation to move a foster child from his or her school of origin, the educational liaison provided the child and the person holding the right to make educational decisions for the child with a written explanation stating the basis for the recommendation and how this recommendation serves the foster child's best interest as provided in Education Code section 48853.5(d)(3);

- (iii) Without obtaining a waiver, the child was not afforded his or her right to attend his or her school of origin under Education Code section 48853.5(d)(1); and
 - (iv) The child was immediately enrolled in the new school as provided in Education Code section 48853.5(d)(4).
 - (D) Whether the parent's or guardian's educational rights should be temporarily limited; and
 - (E) Taking into account other statutory considerations regarding placement, whether the out-of-home placement:
 - (i) Is the environment best suited to meet the unique needs of children with disabilities and to serve the child's best interest if he or she has a disability; and
 - (ii) Promotes educational stability through proximity to the child's school.
- (2) At the disposition hearing and at all subsequent hearings provided for in (a), the juvenile court must address and determine the child's general and special education needs, identify a plan for meeting those needs, and provide a clear, written statement using *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs* (form JV-535), specifying the person who holds the educational rights for the child. The court's findings and orders must address the following:
 - (A) Whether the child's educational, physical, mental health, and developmental needs are being met;
 - (B) Any services, assessments, or evaluations, including those for special education and related services, that the child may need;
 - (C) Who is directed to take the necessary steps for the child to begin receiving any necessary assessments, evaluations, or services;
 - (D) If the child's educational placement changed during the reporting period, whether
 - (i) The child's educational records, including any evaluations of a child with a disability, were transferred to the new educational placement within two business days of the request for the child's enrollment in the new educational placement; and
 - (ii) The child is enrolled in and attending school; and
 - (E) Whether the parent's or guardian's educational rights should be limited;
 - (i) If the court finds the parent's or guardian's educational rights should not be limited, the court must direct the parent to his or her rights and responsibilities in regard to the child's education as provided in rule 5.650(e) and (f); or

- (ii) If the court finds the parent's or guardian's educational rights should be limited, the court must determine who will hold the child's educational rights. The court must explain to the parent or guardian why the court is limiting his or her educational rights and must direct the parent or guardian to the rights and responsibilities of the education representative as provided in rule 5.650(e) and (f).

(c) Reports for hearings related to, or that may affect, a child's education

This subdivision applies at all hearings, including disposition and joint assessment hearings. The court must ensure that, to the extent the information was available, the social worker and the probation officer provided the following information in the report for the hearing:

- (1) The child's age, behavior, educational and developmental achievement, and any discrepancies in achievement in education and in cognitive, physical, and emotional development;
- (2) Identification of the child's educational, physical, mental health, or developmental needs;
- (3) Whether the child is participating in developmentally appropriate extracurricular and social activities;
- (4) Whether the child is attending a comprehensive, regular, public or private school;
- (5) Whether the child may have physical, mental, or learning-related disabilities or other special education needs and is in need of or is already receiving special education and related services as provided by the laws incorporated in rule 5.651(a)(3);
- (6) If the child is 0 to 3 years old, whether the child may be eligible for or is already receiving services available under the California Early Intervention Services Act (Gov. Code, § 95000 et seq.), and whether those services are appropriate;
- (7) If the child is between 3 and 5 years and is or may be eligible for special education services, whether the child is receiving the early educational opportunities provided by Education Code section 56001;
- (8) Whether the child is receiving appropriate services through a current individualized education program;
- (9) Whether the child is or may be eligible for regional center services or is already receiving regional center services. Copies of the current individual family plan as defined in section 1436 under title 20 of the United States Code and the current life quality assessments as defined in Welfare and Institutions Code section 4570 should be attached to the report;
- (10) Whether the parent's or guardian's educational rights have been or should be limited;

- (11) If the social worker or probation officer recommends limiting the parent's or guardian's right to make educational decisions, the reasons those rights should be limited and the actions that the parent or guardian may take to restore those rights if they are limited;
- (12) If the parent's or guardian's educational rights have been limited, who holds the child's educational rights;
- (13) Recommendations and case plan goals to meet the child's identified educational, physical, mental health, and developmental needs;
- (14) Whether any orders to direct an appropriate person to take the necessary steps for the child to begin receiving assessments, evaluations, or services, including those for special education and related services, are requested; and
- (15) In the case of joint assessments, a separate statement by each of the two departments regarding whether the respective social worker and probation officer believe that the child may have a disability and whether the child is in need of special education and related services or requires evaluation as required by title 20 United States Code section 1412(a)(3), Education Code section 56425, or section 504 of the Rehabilitation Act of 1973.

(d) Continuances or stay of jurisdiction

If any continuance provided for in rules 5.686 and 5.782 or stay of jurisdiction provided for in rule 5.645 is granted, the child must continue to receive all services or accommodations required by the laws incorporated in rule 5.651(a)(3).

(e) Change of placement affecting the child's right to attend the school of origin

This subdivision applies to all changes of placement including the initial placement and all subsequent changes of placement.

- (1) At any hearing that relates to or may affect the child's education and that follows a removal of the child from the school of origin the court must find that:
 - (A) The social worker or probation officer notified the court, the child's attorney, and the educational representative or surrogate parent that the proposed placement or change of placement would result in a removal of the child from the child's school of origin. The court must find that the notice was provided within 24 hours, excluding nonjudicial days, of the social worker's or probation officer's determination that the proposed change of placement would result in removal of the child from the school of origin.
 - (B) If the child had a disability and an active individualized education program prior to removal, the social worker or probation officer, at least 10 days before the change of placement, notified in writing the local educational agency that provided a special education program for the child prior to removal and the receiving special education local plan area, as defined in Government Code section 7579.1, of the impending change of placement.

- (2) After receipt of the notice in (1):
- (A) The child's attorney must, as appropriate, discuss the proposed move from the school of origin with the child and the person who holds educational rights. The child's attorney may request a hearing by filing *Request for Hearing Regarding Child's Education* (form JV-539). If requesting a hearing, the child's attorney must:
 - (i) File form JV-539 no later than two court days after receipt of the notice in (1); and
 - (ii) Provide notice of the court date, which will be no later than seven calendar days after the form was filed, to the parents or guardians, unless otherwise indicated on form JV-535; the social worker; the probation officer; the educational representative or surrogate parent; the foster youth liaison, as defined in Education Code section 48853.5; the Court Appointed Special Advocate (CASA) volunteer; and all other persons required by section 293.
 - (B) The person who holds educational rights may request a hearing by filing form JV-539 no later than two court days after receipt of the notice in (1). After receipt of the form, the clerk must notify the persons in (e)(2)(A)(ii) of the hearing date.
 - (C) The court on its own motion may direct the clerk to set a hearing.
- (3) If removal from the school of origin is disputed, the child must be allowed to remain in the school of origin pending this hearing and pending any disagreement between the child, parent, guardian, or educational representative and the school district.
- (4) If the court, the child's attorney, or the person who holds educational rights requests a hearing, at the hearing the court must find that the social worker or probation officer provided a report no later than two court days after form JV-539 was filed and that the report included the information required by (b)(1)(C)(i) and (ii) and:
- (A) Whether the foster child has been allowed to continue his or her education in the school of origin for the duration of the academic school year;
 - (B) Whether a dispute exists regarding the request of a foster child to remain in the school of origin and whether the foster child has been afforded the right to remain in the school of origin pending resolution of the dispute;
 - (C) Information addressing whether the information sharing and other requirements in section 16501.1(c)(2) and Education Code section 49069.5 have been followed;
 - (D) Information addressing how the proposed change serves the best interest of the child;
 - (E) The responses to the proposed change of placement from the child if over 10 years old, the child's attorney, the parent or guardian, the foster youth liaison, as defined in Education Code section 48853.5, and the child's CASA volunteer, specifying

whether each person agrees or disagrees with the proposed change and, if any person disagrees, stating why;

- (F) A statement from the person holding educational rights regarding whether the proposed change of placement is in the child's best interest and what efforts have been made to keep the child in the school of origin; and
- (G) A statement from the social worker or probation officer confirming that the child has not been segregated in a separate school, or in a separate program within a school, based on the child's status as a child in foster care.

(f) Court review of proposed change of placement affecting the child's right to attend the school of origin

(1) At the hearing set under (e)(2), the court must:

- (A) Determine whether the proposed placement meets the requirements of this rule and Education Code sections 48853.5 and 49069.5 and whether the proposed plan is based on the best interest of the child;
- (B) Determine what actions are necessary to ensure the child's educational and disability rights; and
- (C) Make the necessary findings and orders to enforce these rights, which may include an order to set a hearing under section 362 to join the necessary agencies regarding provision of services, including the provision of transportation services, so that the child may remain in his or her school of origin.

(2) When considering whether it is in the child's best interest to remain in the school of origin, the court must consider the following:

- (A) Whether the parent, guardian, or other educational representative believes that remaining in the school of origin is in the child's best interest;
- (B) How the proposed change of placement will affect the stability of the child's school placement and the child's access to academic resources, services, and extracurricular and enrichment activities;
- (C) Whether the proposed school placement would allow the child to be placed in the least restrictive educational program; and
- (D) Whether the child has the educational supports necessary, including those for special education and related services, to meet state academic achievement standards.

(3) The court may make its findings and orders on *Findings and Orders Regarding Transfer From School of Origin* (form JV-538).

Advisory Committee Comment

This rule incorporates the requirement of, and rights established by, Assembly Bill 490 (Steinberg; Stats. 2003, ch. 862), Assembly Bill 1858 (Steinberg; Stats. 2004, ch. 914), the Individuals With Disabilities Education Act (IDEA), the Americans With Disabilities Act (ADA), and section 504 of the Rehabilitation Act of 1973. This rule does not limit these requirements or rights. To the extent necessary, this rule establishes procedures to make these laws meaningful to children in foster care.

With the passage of Assembly Bill 490, a child in, or at risk of entering, foster care has a statutory right to a meaningful opportunity to meet the state's academic achievement standards to which all students are held. To afford the child this right, the juvenile court, advocates, placing agencies, care providers, and educators must work together to maintain stable school placements and ensure that the child is placed in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to other students. This rule, sections 362 and 727, and rule 5.575 provide procedures for ensuring that the child's educational needs are met.

Congress has found that improving the educational performance of children with disabilities is an essential prerequisite to ensuring their equality of opportunity, full participation in education, and economic self-sufficiency. Children in foster care are disproportionately represented in the population of children with disabilities and inherently face systemic challenges to attaining self-sufficiency. Children in foster care have rights arising out of the IDEA, the ADA, and section 504 of the Rehabilitation Act of 1973. To comply with federal requirements regarding the identification of children with disabilities and the provision of services to those children who qualify, the court, parent or guardian, placing agency, attorneys, CASA volunteer, local education agencies, and educational representatives must affirmatively address the child's educational needs. The court must continually inquire about the education of the child and the progress being made to enforce any rights the child has under these laws.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX NO. <i>(Optional):</i></p> <p>E-MAIL ADDRESS <i>(Optional):</i></p> <p>ATTORNEY FOR <i>(Name):</i></p>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS LIMITING RIGHT TO MAKE EDUCATIONAL DECISIONS FOR THE CHILD, APPOINTING EDUCATIONAL REPRESENTATIVE, AND DETERMINING CHILD'S EDUCATIONAL NEEDS	CASE NUMBER:

1. a. Date of hearing: _____ Dept.: _____ Room: _____
- b. Judicial officer *(name)*: _____
- c. Persons present:
- Child
 Child's attorney
 Mother
 Mother's attorney
 Father
 Father's attorney
 Guardian
 Deputy district attorney
 Probation officer/social worker
 Deputy county counsel
 CASA volunteer
 Other *(specify)*: _____
2. Providing the information on this form to the parent or guardian will will not create a safety risk for the child *(for example, because of the placement's confidentiality)*.
- a. The information is to be withheld from the parent or guardian *(name each)*:
- b. The information is to be provided to the parent or guardian *(name each)*:
3. Date of birth: _____
4. Child's school district: _____
5. Child's school *(name and address)*: _____
6. Child's social worker *(name and address)*: _____
7. Child's supervising social worker *(name)*: _____
8. Child's probation officer *(name and address)*: _____
9. Foster youth liaison (as defined in Education Code section 48853.5(b)) *(name and address)*: _____
10. Child's attorney *(name and address)*: _____
11. **After consideration of the evidence, the court finds and orders under Welfare and Institutions Code section 319(g), 361(a), or 726(b):**
- a. The right of the parent *(name)*: _____ parent *(name)*: _____
 guardian *(name)*: _____ guardian *(name)*: _____
- to make educational decisions for the child is *(specify)*:
- limited by this court
 temporarily limited by this court *(if before disposition)*.
- b. Parental rights have been terminated, and no one holds educational rights for this child.

CHILD'S NAME: _____	CASE NUMBER: _____
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11. c. Reunification services for the child and family have been terminated or were never ordered and the child is placed in a planned permanent living arrangement with *(identify placement or indicate if placement is confidential)*:
- (1) The court finds that the identified foster parent, relative caregiver, or nonrelative extended family member (as defined in Welfare and Institutions Code section 362.7) may represent the child in all general and special educational matters under Education Code section 56055(a) and is not prohibited from doing so or excluded by Welfare and Institutions Code section 361 or 726 or 34 Code of Federal Regulations section 300.519 or 303.19.
- (2) The following foster parent, relative caregiver, or nonrelative extended family member (as defined in Welfare and Institutions Code section 362.7) may not make educational decisions for the child under Education Code section 56055(b).
- (a) Name:
(b) Address:
(c) Telephone:
(d) Relationship to child:
- d. The following responsible adult, who has no apparent conflict of interest and who is not prohibited by Education Code section 56055 or 34 Code of Federal Regulations section 300.519 or 303.19, is appointed as the child's educational representative:
- (1) Name:
(2) Address:
(3) Telephone:
(4) Relationship to child:
- e. The court cannot identify a responsible adult to make educational decisions for the child, and the child is potentially eligible for special education and related services or already has an individualized education program (IEP). Therefore, the court refers the child to the local educational agency (LEA). The LEA must make reasonable efforts to appoint a surrogate parent for the child under Government Code section 7579.5 within 30 days of the court's referral. The LEA must notify the court of the identity of the appointee on attached form JV-536 within seven calendar days of the date of the appointment, termination, resignation, or replacement of a surrogate parent.
- Note:** If box 11.e. is checked, form JV-536, *Local Educational Agency Response to JV-535—Appointment of Surrogate Parent*, must be attached when this order is served on the local education agency.
- f. The court cannot identify a responsible adult to make educational decisions for the child, and the child does not qualify for special education. The court, with input from any interested person, will make educational decisions for the child.
12. The child has the following educational and developmental needs *(check all that apply)*:
- a. The child is 0–3 years old and has been identified with a disability.
- b. The child is 0–3 years old and is suspected of having a disability.
- c. The child is age 3 years or older and has been identified with a disability.
- d. The child is age 3 years or older and is suspected of having a disability.
- e. The child is currently eligible for special education, general education accommodations and modifications, early intervention services, or regional center developmental services.

CHILD'S NAME: _____	CASE NUMBER: _____
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12. f. The child is receiving services based on the following plan (*check all that apply*):
- (1) Individualized education program (IEP)
 - (2) Section 504 plan
 - (3) Individual family plan (IFP)
 - (4) Quality of life assessment
 - (5) Other (*explain*):
13. The educational representative is ordered to (*check all that apply*):
- a. submit to the local education agency a written referral for special education assessment and assessments under section 504 of the Rehabilitation Act of 1973.
 - b. submit to the regional center a written referral for an eligibility assessment.
 - c. submit to the local education agency a written referral for an assessment, evaluation, or services or a written request to convene the IEP team to review or revise the child's IEP.
 - d. submit a written request to the regional center to convene the IFP team to review or revise the child's IFP.
14. As provided under 34 Code of Federal Regulations § 300.300, the child's initial evaluation for special education services need not be postponed to await parental or guardian consent or appointment of an educational representative because one or more of the following circumstances have been met:
- a. The court has limited or temporarily limited the educational rights of the parent or guardian, and consent for an initial assessment has been given by an individual appointed by the judicial officer to represent the child.
 - b. The local education agency cannot discover the whereabouts of the parent or guardian.
 - c. The parent's rights have been terminated, or the guardianship has been set aside.
- The court appoints the following person to represent the child in the request for an initial evaluation (*name, address unless confidential*):
15. The clerk will provide a copy of the completed JV-535 to the child if 10 years or older, to the child's attorney, to the social worker and probation officer, to the foster youth liaison, and to the educational representative at the end of the proceeding or no later than seven calendar days after the order. The clerk will make the form available to the parents or guardians (unless otherwise indicated on the form), the Court Appointed Special Advocate (CASA) volunteer, and, if requested, to all other persons provided notice under section 293.
16. Within seven calendar days of this order, a copy of this order must be served on the local education agency by (*choose one*):
- a. a representative of the county welfare department
 - b. a representative of the probation department
 - c. the clerk of this court
 - d. the child's attorney

17. **This order applies to any school or school district in the state of California.**

18. The educational representative, or the person whom the court appointed to represent the child for an initial evaluation, will report to the court regarding the child's education on (*date*): _____ in Dept. _____ at _____ a.m./p.m.

Date: _____

JUDICIAL OFFICER

LOCAL EDUCATIONAL AGENCY REPRESENTATIVE <i>(Name and address):</i> TELEPHONE NO. <i>(Optional):</i> _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
LOCAL EDUCATIONAL AGENCY RESPONSE TO JV-535—APPOINTMENT OF SURROGATE PARENT	CASE NUMBER:

This form must be completed and returned to the court at the address listed above within seven calendar days of the date of the appointment, termination, or replacement of a surrogate parent.

1. a. Child's school:
 b. Address of child's school:
 c. School personnel contact *(name, title, and telephone):*

2. a. Name of surrogate parent:
 b. Address:
 c. Telephone:
 d. Relationship to child:

3. The appointed surrogate parent does not have a conflict of interest with the child. (Welf. & Inst. Code, §§ 361, 726; 34 C.F.R. §§ 300.519, 303.19; Gov. Code, § 7579.1(i), (j).)

4. The appointed surrogate parent will represent the child on educational issues as required by state and federal law.

5. The appointed surrogate parent agrees that this representation is continuous. If the surrogate parent is not able to represent the child's educational needs, the surrogate parent will inform the local education agency.

6. The previous surrogate parent resigned or was terminated under section 7579.5(h) of the Government Code.
 - a. Name of previous surrogate parent:
 - b. Address:
 - c. Telephone:
 - d. Relationship to child:

CHILD'S NAME: _____	CASE NUMBER: _____
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7. The local educational agency has not appointed an surrogate parent within 30 days as required by rule 5.650(d)(3).

Date:

(TYPE OR PRINT NAME)

(LOCAL EDUCATION AGENCY REPRESENTATIVE'S SIGNATURE)

(TITLE)

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>CHILD'S NAME:</p>	
<p>EDUCATIONAL REPRESENTATIVE OR SURROGATE PARENT INFORMATION</p>	<p>CASE NUMBER:</p>

To the educational representative or surrogate parent of the child: You may submit written information to the court or to the child's social worker or probation officer, and you may attend review hearings. This optional form may assist you in providing written information to the court. Please type or print clearly in ink and submit the form well in advance of the hearing but no later than seven days prior to the hearing. Please provide five additional copies to the clerk.

1.
 - a. Child's date of birth:
 - b. Child's age:
 - c. Child's school:
 - d. Child's grade level:

2.
 - a. Name of educational representative or surrogate parent:
 - b. Address:
 - c. Telephone:
 - d. I was appointed as educational representative or surrogate parent on *(date)*:
 - e. I was appointed as educational representative or surrogate parent by *(name)*:
 - (1) Local education agency in *(school district)*:
 - (2) Juvenile court in *(county)*:
 - (3) Other *(specify)*:
 - f. I am resigning from my appointment.

3. Since my appointment as educational representative or surrogate parent, or since my last form JV-537 statement, I have performed the following actions on behalf of the child *(specify)*:

4. I do not have any new or additional information since the last court hearing.
5. I have new or additional information since the last court hearing *(e.g., changed school, school discipline)*:

6. Based on my observations of the child's physical, emotional, mental, and social development, I believe the child
 - a. *(0-3 years old)* may be eligible for early intervention services.
 - b. may have a disability *(explain)*:

7. The child has the following disabilities *(specify)*:

8. The child has the following educational needs *(specify)*:

CHILD'S NAME:	CASE NUMBER:
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9. The child requires the following services to meet his or her educational needs (*specify*):

10. The child is receiving the following education-related services or accommodations (*explain*):

a. These services or accommodations are are not appropriate (*explain*):

b. Date of most recent individualized education plan (IEP) or section 504 plan:

11. On (*date*): _____ I made a request for assessments from the

- a. regional center (*name*):
- b. local education agency (*name*):
- c. other (*name*):

12. a. Type of assessments requested (*check all that apply*):

- (1) Individualized education plan
- (2) Section 504 plan
- (3) Individual family plan
- (4) AB 3632 county mental health assessments
- (5) Psycho-educational assessment
- (6) Other (*specify*):

b. Reason requested (*specify*):

13. If you need more space to respond to any section above, please check this box and attach additional pages.

Number of pages attached: _____

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF EDUCATIONAL REPRESENTATIVE OR SURROGATE PARENT)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS REGARDING TRANSFER FROM SCHOOL OF ORIGIN	CASE NUMBER:

1. a. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
 b. Judicial officer: _____
 c. Parties and attorneys present: _____

THE COURT FINDS AND ORDERS

2. The social worker probation officer provided a report no later than two court days after form JV-539 was filed. The report included the information required by rule 5.651(e)(4) of the California Rules of Court.
3. The court has read and considered the report.
4. The social worker probation officer provided notice as required by rule 5.651(e) of the California Rules of Court.
5. As soon as the county placing agency became aware of the need to transfer the child in foster care out of the school of origin, the county placing agency contacted the appropriate person at the local education agency.
 a. Name of local education agency contact:
 b. Title:
 c. Telephone:
 d. Date of contact:
6. Before recommending that the child be moved from the school of origin, the foster-care liaison provided the child and parent or educational representative with a written explanation of the recommendation and how this change will serve the child's best interest *(date explanation provided)*:
7. a. The foster-care education liaison, in consultation and agreement with the child and parent or educational representative, waives the child's right to be enrolled in the school of origin.
 b. There is a disagreement between the child; the parent, guardian, or educational representative; and the foster youth liaison regarding the child's request to remain in his or her school of origin.
 (1) The foster youth liaison must provide written communication explaining why it is not in the child's best interest to remain in the school of origin.
 (2) The child must be allowed to remain in and attend the school of origin pending resolution of the dispute.

CHILD'S NAME: 	CASE NUMBER:
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8. The county placing agency
- a. notified the local education agency of the date the child will leave the school of origin (*date notice provided*):
 - b. requested from the local education agency that the child be transferred out of the school of origin (*date of request*):
 - c. made the following efforts to maintain the child in the school of origin (*describe and provide details*):
 - d. Notified the current and prospective local educational agency of the change of placement at least 10 days before the placement change because the child has a disability or individualized education plan (*date notice provided*):
9. Within two business days of receiving the request, the local education agency
- a. transferred the child out of the school of origin and delivered the child's educational information and records to the next education placement.
 - b. compiled the complete education records of the child, including a determination of seat time, full or partial credits earned, current class records, immunizations, other records, and, if applicable, a copy of the child's plan adopted under section 504 of the Rehabilitation Act of 1973 or an individualized education program adopted under the Individuals With Disabilities Education Act.
 - c. calculated the grades and credits of the child as of the date the child left school. No lowering of grades resulted from the child's absence caused by the child's removal from the school of origin.
10. If applicable, the court has asked the social worker, probation officer, and other interested parties why the educational requirements on this form have not been met.
- a. The following actions are necessary to ensure the child's educational and disability rights (*specify*):
 - b. The court set the matter for a hearing under Welfare and Institutions Code, section 362 to join the following agencies to address the provision of the following services (*specify*):

Date:

 JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
REQUEST FOR HEARING REGARDING CHILD'S EDUCATION <input type="checkbox"/> Appointment of Educational Representative <input type="checkbox"/> Review of Proposed Removal From School of Origin	CASE NUMBER:

NOTICE OF HEARING

1. A hearing on this application will be held as follows :

a. Date:	Time:	Dept:	Div:	Room:
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b. Address of court: is shown above is (specify):

2. On (date): the educational representative resigned or is no longer serving in that capacity
 the surrogate parent resigned or was terminated. I am requesting a hearing for appointment of an educational representative.

Date:

(TYPE OR PRINT CHILD'S ATTORNEY'S NAME)	▶	(SIGNATURE OF CHILD'S ATTORNEY)
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3. On (date): the social worker or probation officer informed me that the child's placement will be changed and that this will result in the child's removal from the school of origin. Based on the information provided to me by the social worker or probation officer, I am requesting a hearing for the court to review the proposed removal of the child from the school of origin.

Date:

(TYPE OR PRINT CHILD'S ATTORNEY'S NAME)	▶	(SIGNATURE OF CHILD'S ATTORNEY)
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(TYPE OR PRINT NAME OF PERSON WHO HOLDS EDUCATIONAL RIGHTS)	▶	(SIGNATURE OF PERSON WHO HOLDS EDUCATIONAL RIGHTS)
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Foster Ed Connect

A site for all people helping children and youth in California's foster care system succeed in school.

Join the Community

It's free, secure & fast



This site is for:

- Attorneys, Judges and CASAs
- Caregivers
- Child Welfare Workers
- Education & Mental Health Professionals
- Foster Children & Foster Youth
- Foster Youth Liaisons
- Legal & Expert Educational Advocates
- Probation Officers

And anyone else working to help individual foster children and foster youth succeed in school.

[Join the Community >](#)

Resources & Information

Find the information you need and share resources that might be useful to others.

Conversations & Questions

Participate in conversations and ask questions of your peers and statewide experts.

News & Events

Find out what's happening in your area and around the state or post your own announcements.

WHAT: *Foster Ed Connect* – a free online community and resource clearinghouse for all people helping children and youth in California's foster care system succeed in school.

WHO: A joint project of the California Foster Youth Education Task Force, the National Center for Youth Law, and the Stuart Foundation.

WHERE: www.FosterEdConnect.org

WHEN: The site launched **April 22, 2010**. Go online to:

- Join the community
- Locate trainings
- Advertise events
- Find the resources and information you need
- Ask questions and participate in conversations
- Contact community members with similar interests

Please contact Jesse Hahnel at jhahnel@youthlaw.org with any questions!

ADDITIONAL CALIFORNIA-LAW BASED QUESTIONS TO ENSURE THAT THE EDUCATIONAL NEEDS OF CHILDREN AND YOUTH IN FOSTER CARE ARE BEING ADDRESSED

This supplement to *Asking the Right Questions: A Judicial Checklist to Ensure that the Educational Needs of Children and Youth in Foster Care Are Being Addressed*, published by the National Council of Juvenile and Family Court Judges, Reno, Nevada, 2005, provides additional citations and details specific to California law. **It is not a stand-alone document.**

Additional **California Foster Care Education-Law Fact Sheets** are also available at: http://clcla.org/train_educat.htm

EDUCATIONAL RIGHTS

Who holds the rights to make educational decisions for the child? WIC § 361; GC § 7579.5

- Has the court limited the parents/guardian's right to make these decisions? *WIC § 361*
 - If so, did the court appoint a "responsible adult" to make these decisions? *WIC § 361*
 - If the court appointed a responsible adult, did the youth's attorney, child welfare worker, caregiver, or other appropriate adult forward a copy of the JV-535 Form that identifies who now holds educational rights for the child to the school district?
 - If 1) the parent/guardian's rights were limited, 2) the court could not identify a responsible adult, and 3) the child is eligible or suspected of being eligible for special education, has the school district been notified that it needs to appoint a surrogate (*GC § 7579.5*) and given a JV-536 form?
 - If so, did the district appoint a surrogate within 30 days of the request? *20 USC § 1415(b)(2)(B); GC § 7579.5(a).*

Note: County social workers can NEVER be appointed to make educational decisions. If a group home or other non-public agency provides the child with educational care or has another conflict of interest, an employee of that agency may NOT be appointed to make educational decisions for a child or sign special education documents. See *GC § 7579.5(i)-(j)*

TRANSFER & ENROLLMENT ISSUES (AB 490 / MCKINNEY-VENTO)

Did the child move to a new school district?

- If so, did the child remain in his/her school of origin? *EC § 48853.5(d)*

Note: If yes and the child is "awaiting foster care placement," the federal McKinney-Vento Act entitles the child to transportation to the school of origin. *42 U.S.C. § 11434a(2)(B)(i)*

- If the child did NOT remain in the school of origin, why not?
 - Did the social worker/probation officer who chose the placement consider *proximity to the child's school* and the impact the placement would have on the *child's educational stability*? *WIC § 16501.1(c)(1)*

Note: Social workers and probation officers may access education records to perform educational case-management responsibilities. *EC § 49076(a)(11)*

- Was a regular public school considered as the first school placement option? *EC § 48853*

- ❑ As soon as the placing agency knew the child would need to transfer schools, did the agency: 1. Notify the school of the student's last expected day of attendance; 2. Request calculation of the student's seat time, credits, and grades; and 3. Request that the student be transferred out? *EC § 49069.5(c)*
- ❑ Did the former school check the child out and forward school records (including, current classes and grades, immunization records, special education records like 504 plans or IEP documents, and partial credits if mid-year) to the new school within 2 days? *EC §§ 49069.5(c-e); 48645.5*
- ❑ Was the child immediately enrolled in the new school regardless of whether the new district had transcripts, immunization records, etc ? *EC § 48853.5(d)(4)(B)*
- ❑ If the child was in special education and transferred to a new school, were services comparable to the services required by the existing IEP immediately provided following transfer? *EC § 56325(a)*.
 - ❑ If the child's new school is in a different special education local plan area (SELPA) and the local education agency did not adopt the previous IEP, did the SELPA/district hold a meeting within 30 days of transfer to develop a new IEP? *EC § 56325(a)*.

Note: When a child receiving special education services moves, it is especially important to transfer records as soon as possible to ensure appropriate placement.

GROUP HOMES / FOSTER FAMILY AGENCIES AND NON-PUBLIC SCHOOLS

Does the child attend a non-public school?

- ❑ If so, does the child have a valid IEP requiring attendance at that non-public school or has the person who holds education rights provided consent? *EC § 48853(a)*

Note:

- ❑ A group home, nonpublic school, and/or foster family agency may NOT require that educational authority be designated to them as a condition of placement. *EC § 48854*.
- ❑ A group home may NOT condition residential placement on attendance at a nonpublic school or agency owned, operated by, or associated with the home. *EC § 56366.9; HSC 1501.1(b)*.

SPECIAL EDUCATION

Does the child have special needs?

If so, please be sure to reference pages 4-5 of the national Checklist for important questions. Additional California-based special education information is also in fact sheets available at: http://clcla.org/train_educat.htm.

- ❑ If the child is eligible for special education services *and* requires mental health services to benefit from that educational program, has the school district referred the child to the County Department of Mental Health for an AB 3632 / AB 2726 assessment? *GC §§ 7576; 7572*
 - ❑ If the school district refused to make this referral, did the educational rights holder immediately request an IEP meeting, as s/he is authorized to do? *EC § 56043(l)*

Note: A child does not have to be eligible for special education services as "emotionally disturbed" to qualify for AB 3632 mental health services.

- If the child is 16 years of age or older, does the IEP contain a Transition Plan? *20 USC § 1414(d)(A)(i)(VIII); EC § 56345(a)(8).*

Also note: Student Study/Success Team (SST) meetings can be useful, but are not legally mandated and should not be held instead of an IEP Meeting when a parent, teacher, or other service provider has specifically requested an assessment to determine whether the child is eligible for special education services. Once an assessment is requested in writing by any of the above individuals, the school district is subject to mandatory timelines by which it must conduct the assessment. *EC §§ 56029; 56043*

SCHOOL DISCIPLINE ISSUES

Has the child been suspended or expelled?

- If a child was suspended, did the district comply with the legal requirements prior to and following the suspension? *EC § 48900 et seq.*
- If a child was expelled, did the school district hold a formal expulsion hearing and comply with the due process provisions of the law? *EC § 48900 et seq.*
 - If the child was in special education, did the school hold a *Manifestation Determination* IEP Meeting prior to recommending the child for expulsion? *20 USC § 1415(k)(1)(E); EC § 48915.5.*

OTHER EDUCATIONAL RIGHTS UNDER CALIFORNIA LAW

Are these rights under California law being respected?

- If the child's home language is not English, has the school district assessed whether the child is an English Learner or a student of limited English proficiency (LEP)? *EC § 52164; 5 CCR §11307*
 - If the child is identified as LEP, is the district providing services to ensure s/he is acquiring English language proficiency and has meaningful access to the core curriculum? *EC §§ 305, 310; 5 CCR § 11302; 20 USC § 1703(f)*

Rights Specific to Foster Youth:

- Is an eligible child being allowed to participate in extra-curricular activities and go to Independent Living Skills Program classes? *WIC §§ 362.05; 16001.9; 22 CCR §§ 83072; 84072; 89372*
- Is the child's placement giving him/her assistance with schoolwork? *22 CCR §§ 83079 (a)(4); 84068.2 (b)(2); 84079 (a)(4)*
- Have the child's grades been unlawfully lowered due to absences caused by a change in placement, attendance at a court hearing or other court-related activity? *EC § 49069.5(h)*
- Is the child receiving information about higher education if s/he is over 16 years old? *WIC § 16001.9*
- For every child over 16 (regardless of whether the child has special needs) -- Is the placing agency offering services necessary to help make him/her make the transition from foster care to independent living? *WIC § 366.3(e)(10)*
Note: IEPs for children with special needs must also address transition plans.

Key to Citations:

CCR – California Code of Regulations
EC – California Education Code
GC – California Government Code
HSC – California Health & Safety Code
USC – United States Code
WIC – California Welfare & Institutions Code
JV Forms – Judicial Council forms used in juvenile court matters

For more information about the national Checklist, its accompanying *Technical Assistance Brief*, the evaluation project, or to obtain additional copies of that document, please contact:

Permanency Planning for Children Department
National Council of Juvenile and Family Court Judges
P.O. Box 8970
Reno, NV 89507
(775) 327-5300
ppcd@ncjfcj.org
www.ncjfcj.org

Additional copies of the national Checklist and its accompanying *Technical Assistance Brief* are also available for download at <http://www.ncjfcj.org>.

For additional copies of the California supplement or more information about the California Foster Youth Education Task Force, please contact:

Erin Saberi, Casey Family Programs (916) 952-5080 esaberi@casey.org	or	Sarah Vesecky Children's Law Center of Los Angeles (323) 980-1700 VeseckyS@clcla.org
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Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed. National Council of Juvenile and Family Court Judges, Reno, Nevada and made possible with a grant from Casey Family Programs. Adapted by Amy Levine, Jennifer Troia, Sarah Vesecky and Christopher Wu with Permission from NCJFCJ. © 2005

County of Santa Clara

Social Services Agency

373 West Julian Street
San Jose, California 95110-2335



Enrollment Notification for Student in Foster Care

Date

To: Registrar, Attendance Personnel, or Designee

Fax:

From: Educational Services Unit, Department of Family & Children's Services

Re:

DOB:

This notice is to inform you that the above-named student is a Dependent child of the Court (or foster care child) and began residing in a Confidential Foster Home located within your school's boundaries on . The student has an IEP/504 Plan: Yes No Unknown

Pursuant to California Education Code 8853.5(d)(4)(B), when a foster youth changes schools, the new school **MUST** provide **IMMEDIATE ENROLLMENT** even if the student is missing: Academic records, including IEPs; Immunization records; Tuberculosis (TB) tests; Dental exams/check-ups; Proof of residency; School uniforms; Fees or materials owed to the prior school.

*****ACTION REQUIRED BY SCHOOL*****

1. See attached *Placement Notification for Student in Foster Care*.
2. If you have not received transcript information for this student within 48 hours, please contact the registrar at the student's previous school:
3. If records are missing in part or whole, please contact the DFCS Educational Services Unit (408-975-5484, EdSU@ssa.sccgov.org) to assist with the gathering of gathering and transfer of records.

If you have questions about this form or laws with respect to foster youth, please contact your District Foster Care Liaison, the Santa Clara County Office of Education Foster Youth Services at (408) 453-4397 or the student's Social Worker noted below.

Thank you,

Social Worker:

Phone: (408) 975-

Fresno County Group Home/ Foster Home

Notice of Placement

This form must be completed to facilitate educational placement for students residing in out-of-home placements.
Students in Licensed Children's Institutions - Education Code 56155.5 et.seq

STUDENT INFORMATION:

First Name _____ Last Name _____ MI _____
 Date of Birth _____ Social Security Number _____
 AKA Names _____ Male Female (please check)
 Age _____ Birthplace _____ Ethnicity _____ Primary Language _____
 Current Living Situation: () Group Home (LCI) name: _____ () Foster Care () Other _____
 What County and Agency Placed the Student? _____

PARENT INFORMATION:

Parent/Guardian Name _____ Relationship _____
 Parent/Guardian Address _____ City, State, Zip _____
 Parent/Guardian Phone _____
 Have the parents' educational rights been terminated? No Yes*
 *Name of person holding educational rights _____ *please submit court documentation

DOCUMENTS TO INCLUDE:

The following information would be helpful in making appropriate educational decisions for this child.
Please check if included.

- | | |
|---|---|
| <input type="checkbox"/> Health & Education Passport (HEP) (may include some of the following items) | <input type="checkbox"/> Current Psych. Educational Report (less than 3 yrs. old) Date: _____ |
| <input type="checkbox"/> Immunization records | <input type="checkbox"/> School Records (Attendance & Grades) |
| <input type="checkbox"/> Birth Certificate | <input type="checkbox"/> Foster/Group Home Placement Agreement |
| <input type="checkbox"/> Current 504 Accommodation Plan | <input type="checkbox"/> Expulsion Order (if applicable) |
| <input type="checkbox"/> Current I.E.P. (less than 1 year old) Date: _____ | <input type="checkbox"/> Relevant Court Order Documentation regarding Educational Rights (if removed from parent) |

EDUCATIONAL INFORMATION:

****Please be as complete as possible, enter *most recent schools first*, INCLUDING JUVENILE HALL FACILITIES****

Exact Dates Attended From/To	School Name	City/County/ State	Phone	School District Educational Liaison & Contact #
/				
/				
/				
/				

/				
/				

Student's First Name:	Last:	D.O.B.	(p. 2)
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Student's Current Grade Level # of Credits completed toward graduation (High School)

Within the last 3 years, has the student been **suspended**? No Yes

If yes, reason for suspension(s) _____

Within the last 3 years, has the student been **expelled**? No Yes* ***If yes, attach expulsion order**

*If yes, district expelled from Reason Date

SPECIAL EDUCATION INFORMATION:

Special Education No Yes* *If yes, contact the Special Education Administration of the district or the Special Education Local Planning Area (SELPA) prior to placing pupil (CCR 60510) and EC 56156 (a)(c).

Is the student in **RSP**? **SDC**? **Other**? _____ Disabling Condition

Date of Last Psychological Report District of last IEP Current IEP Date

Date IEP Documents Requested Date documents forwarded to Special Education

Was the student's most recent educational placement a Non-Public School (NPS)? No Yes

Was the student a Mental Health AB 3632 or Chapter 26.5 placement? No Yes

PROBATION INFORMATION:

Is the student currently on Probation? No Yes **Referring County**

Probation Officer Name Phone

Address City/State/Zip

Case# Contacted Superintendent of previous school Yes No (As required by W.I.C. section 827(2)(a); 827.3(b) EC 48267)

Contacted Superintendent of current school Yes No

CPS/ SOCIAL WORKER INFORMATION:

CPS Case Worker **Referring County**

Phone Fax

Address City/State/ Zip

OTHER AGENCY CONTACTS:

Mental Health Case Worker Phone Fax

Address City/State/ Zip

Regional Center Case Worker Phone Fax

Address City/State/ Zip

ADDITIONAL INFORMATION:

Is there additional information that the school should be aware of to meet this child's health, welfare, and educational needs (i.e., a history of sexual offense, mental health concerns, fire setting, violence, victimization, etc.)? If yes, please describe:

SUBMITTED BY:

Name Title Agency Name
Address City, Zip Phone Email

As a representative of the Placing Agency or Licensed Children's Institution (LCI)/ Group Home, I have identified the information on this form to be accurate to the best of my knowledge.

Signature of Placing Agency/ LCI Representative

Date

Date of LCI Placement

***** **FOR SCHOOL USE ONLY** *****

Date Received _____ Registration Date _____ First Day of Instruction _____ Initials _____
Educational Placement: _____ District _____

NOTICE OF SCHOOL CHANGE

Department of Social Services
Juvenile Probation Department



- Directions: 1) To be completed by the Social Worker or Probation Officer prior to the child's transfer.
2) FAX this form to the applicable School District AB490 Foster Youth Liaison.
3) FAX this form to Foster Youth Educational Services at 559.265.4005

- Notice of School Enrollment** (Complete attached "Potential School Change" form prior to school change)
 Notice of School Withdrawal
 Notice of Home Placement Change
 Ten Day Prior Notification to SELPA by Placing Agency (CCR, Article. 7, §60510 & EC § 56156(a)(c))

Today's Date: _____ Court # _____

Child's Name: _____ DOB: _____
Date Child Placed at Current Placement: _____ Current Grade: _____

PLACING AGENCY INFORMATION: DCFS PROBATION COUNTY: Fresno
Worker Name: _____ Cell #: _____
Email: _____ Phone #: _____

CAREGIVER CONTACT INFORMATION Foster Home Group Home/House Name:
Foster Agency Name: _____ Contact Person: _____ Agency Phone#: _____
Group Home Agency Name: _____ Contact Person: _____ Agency Phone#: _____
House Manager/Foster Parent Name: _____
Address: _____ City: _____ Zip: _____
Home Phone: _____ Cell#: _____ Alternative #: _____

EDUCATIONAL RIGHTS HOLDER Parent Other _____
Name: _____ Relationship to youth: _____
Address: _____ City: _____ Zip: _____
Phone #: _____ Cell #: _____ Alternative #: _____

EDUCATIONAL INFORMATION

- ◆ Does child have an IEP? Yes No Unknown If Yes, Date completed: _____
- ◆ Does child have a 504? Yes No Unknown If Yes, Date completed: _____
- ◆ Problem Behaviors in School: School Work Poor Attendance Behavior Issues
 Other _____
- ◆ Are there court orders that prohibit the youth from unsupervised contact with other children? Yes No
If Yes, the court order pertains to children under the age of: _____

Within the last 3 years, has the child been EXPELLED? Yes* No Unknown
*Reason for Expulsion: _____
*District of Expulsion: _____ Date: _____

CURRENT/PREVIOUS SCHOOL INFORMATION: (Please be as complete as possible. Enter most recent school first.)

Attendance Dates (Enter Dates: 04/08/10)	School Name	District Name	City or County	Type of School (high school, community day, etc.)
Start: _____ End: _____				
Start: _____ End: _____				
Start: _____ End: _____				

FOR SCHOOL USE ONLY

Date Received: _____ Registration Date: _____ 1st Day of Instruction: _____
District: _____ School Name: _____ Initials: _____

County of Santa Clara

Social Services Agency
 373 West Julian Street
 San Jose, California 95110-2335



Transfer Notification & Checkout for Student in Foster Care

Date

To: Registrar, Attendance Personnel, or Designee Fax: ()

From: Educational Services Unit, Department of Family & Children's Services

Re: DOB:

This notice is to inform you that the above-named student is a Dependent child of the Court (or foster care child) and no longer will be attending your school as of .

*******ACTION REQUIRED BY SCHOOL*******

⇒ Transfer the student's educational record to the next school within two (2) business days. The record MUST include a determination of seat time, full or partial credits earned, classes, grades, immunizations, and, if applicable, special education (IEP) or 504 Plan. The student's grades MUST be calculated as of the date he/she left school. These records cannot be withheld if the student owes fees, books, and/or materials to the schools, per *California Education Codes 48645.5 & 49069.5, respectively.*

NEW SCHOOL: **DISTRICT:** **GRADE:**
 Address: Phone: Fax:

⇒ Complete this form **OR** a comparable form used by your school and fax it to:

- a. New School
- b. DFCS Educational Services Unit: Fax: 408-975-5857

Course Title	Academic Grade	*Credits (High school only)	Hours Completed	Days of Attendance	*Partial Credits
				1-9	*No credit/no grade
				10-16	Credit per subject
				17-23	1 credit per subject
				24-30	1.5 credits per subject
				31-37	2 credits per subject
				38-44	2.5 credits per subject
				45-51	3 credits per subject
				52-58	3.5 credits per subject
Date Student Enrolled _____ Last Date of Attendance _____				59-65	4 credits per subject
Completed by _____ Date _____ Phone _____				6-72	4.5 credits per subject
				73+	5 credits per subject
*Please use calculation table if your school does not have a partial credit policy.					

If you have questions about this form or laws with respect to foster youth, please contact your District Foster Care Liaison, the Santa Clara County Office of Education Foster Youth Services at (408) 453-4397 or the student's Social Worker noted below.

Thank you,
 Social Worker:
 Phone: (408) 975-

Fresno County Foster Youth NOTIFICATION OF SCHOOL DISCHARGE

Message: Request to Fax Student Records

E.C. 48853.5 (b)(1)(2)(d)(4)(c) "LEA should transfer records within 2 working days from the time of receipt of this request."

PROCEDURE:

1. SOCIAL WORKER/PROBATION OFFICER:

- Fax to the **Foster Youth Liaison** at the student's last school district of attendance. Name _____ Fax _____ Date Faxed: _____
- Be sure to fill out **your name & fax number** & **student's next school & fax number** under #3 below.
- When records are received, put copies in **Child's Folder** & enter information into **Health & Education Passport**

2. DISTRICT FOSTER YOUTH EDUCATIONAL LIAISON:

- Fax to the student's last school of attendance _____ Date Faxed: _____
- Fax to **Foster Youth Services** (Fax: 559-457-0272) Date Faxed: _____

3. SCHOOL SITE: (see checklist below)

- Fax records to Student's **Social Worker/ Probation Officer**:
Name: _____ Phone _____ FAX _____ Date Faxed: _____
- AND**
- Fax records to the school that the child *will* be attending: Date Faxed: _____
School: _____ District _____ FAX _____

Student's Name:

Date of Birth:

Expected Last Day of Attendance:

Request For SCHOOL SITE to Fax the Following Documents:

This is not a request for a Cum Folder—this is a request to fax interim records.

- SCHOOL:** Please check if the following documents are included. TOTAL # OF PAGES FAXED _____

- | | |
|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Transcripts <input type="checkbox"/> Attendance Records <input type="checkbox"/> Discipline Records <input type="checkbox"/> Immunization Record <input type="checkbox"/> Report Card <input type="checkbox"/> Calculation of Full & Partial Credits Earned | <ul style="list-style-type: none"> <input type="checkbox"/> 504 Accommodation Plan [If applicable] <input type="checkbox"/> Student Study Team Meeting Notes <input type="checkbox"/> Outstanding fees report • Does the student receive Special Education Services? Yes <input type="checkbox"/> No <input type="checkbox"/> • Sp. Ed. Office phone # (____)_____ • Enter Date _____ Exit Date _____ |
|---|---|

The information requested above will be used to update the student's Health and Education Passport (HEP) pursuant to E.C. 49076 (a) (11).
Your assistance in expediting this request is very much appreciated.

If there are any questions, please call Fresno County Foster Youth Services at (559) 453-4812.

County of Santa Clara

Social Services Agency

373 West Julian Street
San Jose, California 95110-2335



Placement Notification for Student in Foster Care

Name of Student (DOB: _____) is a dependent of the Santa Clara County Juvenile Court (or foster care child) and began residing in a **Confidential Foster Home located within your school's boundaries** on _____. Pursuant to California Health & Safety Code §1536, the name, address, and phone number of the foster parents/placements shall remain confidential. Further, EC 48853.5(d)(4)(B) provides that foster children do not have to provide proof of residency as a barrier to school enrollment. To verify the student's address, please contact the Social Worker listed below.

The care provider has the day-to-day responsibility for the care and supervision of this student, and he/she has the authority to sign school enrollment forms and permission slips for field trips or participation in extra-curricular activities.

The parents retain the right to make educational decisions for their child unless otherwise specified by Court order. The parents can also delegate a responsible adult to make educational decisions on their behalf. Unless the Court has limited the parents' rights to make educational decisions, the parents continue to have access to all of their child's educational records and should be notified of any information related to his/her education (e.g., SST and IEP meetings, parent-teacher conferences, etc.).

The Social Worker and the parents (or persons holding educational rights) should receive copies of the child's progress reports, report cards, be notified of behavioral problems, and be invited to parent-teacher conferences, IEP meetings, or any other school business pertaining to the performance of the student.

The table below sets forth the persons/agencies that are permitted to 1) enroll/dis-enroll student, 2) visit student on school grounds 3) access student's records, and 4) consent to student's IEP.

Persons/Agencies with a "√" may:	Social Worker / Probation Officer	Care Provider	*Parents OR Persons holding educational rights	Student's Attorney	Child Advocate (CASA)
Enroll/Dis-enroll student	√	√	√	√	√
Visit student on school grounds	√	√	√ *Unless access is limited by the Court	√	√
Access school records	√	Only if they hold Ed. Rights	√	√	√
Authority to consent to an IEP		Only if they hold Ed. Rights	√		Only if they hold Ed. Rights

The supervising Social Worker is _____, (408) 975-_____, @ssa.sccgov.org.

The Child Advocate (CASA) is _____, (408) 416-0400.

If the parents' educational rights have been limited OR they have delegated those rights to a responsible adult, the name and phone number of the person(s) holding OR sharing educational rights is/are:

_____, _____, _____.

No Action Required. Please File in Student's Cumulative File.

STUDENT INTERVIEW SHEET

Name		D.O.B		PROB #	
School				Grade	

Parent/Group Home Name			
			Phone
Address			
Date placed in Home			
Social Worker Name			Phone
Probation Officer Name			Phone
Placement County			

1. Schools you have attended since entering high school (include Juvenile Hall schools, continuation schools, summer schools and ILP classes)

Name of School	District/County	Grade	Date Started	Date Ended

2. Have you seen a school counselor this year? Yes No
3. How many credits do you have?
4. What is the name of your school counselor?
5. What activities are you involved in?
- | | |
|--|--|
| <input type="checkbox"/> N/A | <input type="checkbox"/> Independent Living Programs |
| <input type="checkbox"/> Tutoring | <input type="checkbox"/> Leadership or mentoring program |
| <input type="checkbox"/> Extracurricular Activities (Sports/Clubs) | |
6. Are you attending any Special Education classes? Yes No

Schools and Transcript Requests

Name of School	County	Grade	Start Date	End Date	Req	Rcd

Current Grade _____

CAHSEE Passed ELA Passed math Not passed Not taken

Initial Credits _____ Recovered Credits _____

Services

Areas of Student Needs	Referral Made	Referral Date	Referral to:
<input type="checkbox"/> Tutoring			
<input type="checkbox"/> Independent Living Program			
<input type="checkbox"/> Academic Counselor			
<input type="checkbox"/> Credit Recovery			
<input type="checkbox"/> Records Request (see above)			
<input type="checkbox"/> Leadership			
<input type="checkbox"/> Mentoring			
<input type="checkbox"/> Student Study Team			
Other areas of Interest			Action Taken
<input type="checkbox"/> Career Center/Career Info			
<input type="checkbox"/> College Information			
<input type="checkbox"/> Financial Aid Information			
Notes:			

Every Child, Every Hearing

**HOW TO ENSURE THE DAILY WELL-BEING OF CHILDREN
IN FOSTER CARE BY ENFORCING THEIR RIGHTS**



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

Every Child, Every Hearing

HOW TO ENSURE THE DAILY WELL-BEING OF CHILDREN IN FOSTER CARE BY ENFORCING THEIR RIGHTS

Transitioning a child into adulthood requires constant attention to all aspects of the child, including the child's physical and mental health, social and cognitive development, and education. It is the responsibility of all court participants to help children who come before the juvenile court with their development and ultimately with their transition into adulthood. Whether you are a parent or guardian, a relative, a foster parent, an Indian custodian, a tribal member, a social worker, a probation officer, a Court Appointed Special Advocate, a mentor, an important individual in the child's life, an attorney, a teacher, an educational representative, an employer, a doctor, a nurse, a therapist, or a judicial officer—whatever your role, our shared responsibilities are great.

This booklet will assist the court and other interested persons who have this responsibility. It offers key questions (with accompanying citations) that must be asked and followed up on for every child. For children served by the juvenile court, consistent inquiry into these questions is necessary to help transition them back to their home of origin or to another permanent plan when reunification is not possible.



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

**Judicial Council of California
Administrative Office of the Courts**

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and Chair, Judicial Council

William C. Vickrey, Administrative Director of the
Courts

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www.courtinfo.ca.gov/programs/cfcc

**For additional copies of this
publication, please contact:**

Administrative Office of the Courts

Attn: Center for Families, Children & the
Courts

455 Golden Gate Avenue, San Francisco, CA
94102-3688

Phone: 415-865-7739; e-mail: cfcc@jud.ca.gov



A MESSAGE FROM CHIEF JUSTICE RONALD M. GEORGE

Approximately 88,000 children are in foster care at any given time in California. Courts play an important role in the life of a child in foster care. No child enters or leaves care without a judge's decision. When a child comes before juvenile court, the many responsibilities of caring for and assisting the child become shared by the family, the court, court participants, and the child's home placement and service providers. It is therefore critical that the court and others who share this responsibility have vital information concerning the child's mental, physical, and emotional health and education and development.

This booklet offers a comprehensive set of questions that will help us gather information and share responsibility for ensuring that every child's rights are enforced at every hearing. I hope you find this booklet useful as you work to help California's children in foster care.

A handwritten signature in black ink that reads "Ronald M. George". The signature is written in a cursive style with a large, sweeping initial "R".

Ronald M. George
Chief Justice of California

HOW TO USE THE CITATIONS

The information and questions contained in this checklist are based on federal and state laws, rules, regulations, forms, and manuals and on general information relating to children. The following information will help you find the referenced citations:

Federal and state laws are contained in code books:

- U.S.C. = United States Code
- Ed. Code = California Education Code
- Fam. Code = California Family Code
- Gov. Code = California Government Code
- Health & Saf. Code = California Health and Safety Code
- Welf. & Inst. Code = California Welfare and Institutions Code

Laws are often further explained in regulations and rules of court:

- C.F.R. = Code of Federal Regulations
- FR = Federal Register
- Cal. Code Regs. = California Code of Regulations
- Cal. Rules of Court = California Rules of Court

Forms are often used to help comply with laws. The *Health and Education Questionnaire* (Form JV-225), *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (Form JV-535), and *Local Educational Agency Response to JV-535—Appointment of Surrogate* (Form JV-536) may be found at this Web site: www.courtinfo.ca.gov.

Other references:

- MPP = California Manual of Policies and Procedures, Child Welfare Services
- *Ibid.* means the statement is based on the previous citation.
- Citations beginning with *www* are Web site addresses that require Internet access.

These questions are of a sensitive and private nature. Juvenile court judges should encourage all persons to respect the child's privacy and emotions when addressing the child's needs.

GENERAL COURT-RELATED QUESTIONS FOR THE INITIAL OR DETENTION HEARING

Physical Health

- **Child's history.** At the initial hearing, did the court direct each parent to provide the child's complete medical, dental, mental health, and educational information to the child welfare agency? Welf. & Inst. Code, § 16010(f)
 - Did the parents submit a completed *Health and Education Questionnaire* (form JV-225)? Welf. & Inst. Code, § 16010(f)
 - At the dispositional hearing, did the court ensure that the parents provided this information? Welf. & Inst. Code, § 16010(f)
 - Has an assessment of the child's mental health, physical health, and educational needs begun? Has an assessment of any identified substance abuse concerns begun?
 - Did the child arrive at the temporary placement with required medication, if any?

Education

- **Educational rights.** Are there reasons for the court to consider temporarily limiting the parent's or guardian's educational rights concerning the child and appointing a responsible adult to make educational decisions? Welf. & Inst. Code, § 319(g); see Welf. & Inst. Code, §§ 361, 726; Gov. Code, § 7579.5
- **School of origin.** Has the parent or other person with educational rights determined that remaining in the school of origin is in the child's best interest? Ed. Code, § 48853.5(d)
 - If yes, is the child's local educational agency allowing the child to continue attending the school of origin for the duration of the academic year? Ed. Code, § 48853.5(d)(1)
 - If no, see **Change of School**, section 4b.

Mental Health

- How is the child responding emotionally to separation from the family of origin?

- Was the child receiving emotional or mental health supportive services before removal?
- Does it appear that mental health services are necessary to assist the child's adjustment to foster care?
- If the child was detained from his or her parent or legal guardian as a result of the child's severe mental health needs, did the child's Individual Education Plan (IEP) team refer the child for AB 3632 and AB 2726 mental health services, and was residential placement considered? If not, why not? Cal. Code Regs., tit. 2, § 60040, 60100
- Does the child have a current IEP that identifies the child as "emotionally disturbed" and makes the child eligible for residential treatment? *Note: Jurisdiction may not be necessary if the only reason for the child welfare agency's involvement is the need for residential services. AB 3632 and AB 2726 services are available to all eligible children and are not limited to children placed in foster care.*

Procedural and Substantive Due Process Rights Under the Indian Child Welfare Act (ICWA)

- Have the court, social worker, and probation officer asked the parents and all adults appearing at the hearing whether the child may have Indian ancestry? Welf. & Inst. Code § 224.3; Cal. Rules of Court, rule 5.664
 - If yes, have the court and the social worker or probation officer complied with applicable ICWA requirements such as notice, active efforts, and placement requirements? 25 U.S.C. § 1900 et seq.; Welf. & Inst. Code, §§ 224-224.6; Cal. Rules of Court, rule 5.664

Relatives

- Has the court conducted a parentage inquiry? Welf. & Inst. Code §316.2
- Has the court ordered the parent to disclose to the social worker the contact information for any known relatives of the child? Welf. & Inst. Code § 319(f)
- Has the social worker investigated placement with an appropriate relative? Welf. & Inst. Code §§ 309(d), 319(f), 361.3, 361.4

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For the following questions, consider:

- What has been done to address any obstacles to respecting these rights?
- What more needs to be done to ensure that these rights are protected?

Ask these of the child (if the child is of cognitive age), the child's advocate, the placing agency, and any other interested person.

RIGHTS OF FOSTER YOUTH

For additional rights of foster youth, review Welf. & Inst. Code, § 16001.9; Cal. Code Regs., tit. 22, §§ 83072, 84072, 89226, 89372.

- **Searches.** Is the child protected from unreasonable searches of personal belongings? *Ibid.*
 - Does the child have storage space to safeguard his or her personal belongings? Are the child's valuables safeguarded? *Ibid.*
- **Religion.** Is the child given the opportunity to attend religious activities of his or her choice and not forced to attend other religious activities? *Ibid.*
- **Discrimination and harassment.** Is the child protected—at the placement, at all activities, and in the delivery and determination of need of all services—from discrimination or harassment on the basis of actual or perceived ethnic group identification, race, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status? *Ibid.*
 - Is personal information kept confidential and disclosed only when appropriate? *Note: Inappropriately disclosing a young person's foster-care status, gender identity, sexual orientation, political affiliation, religion, race, or disability could subject the young person to rejection, ridicule, and even violence.*
- **Placement.** Is the child's placement safe, comfortable, and healthy? *Ibid.*
- **Protection from abuse.** Is the child protected from physical, sexual, emotional, or other abuse and protected from corporal punishment in his or her placement? *Ibid.*
- **Respect.** Is the child being treated with respect? *Ibid.*
- **Rights and needs.** Are the child's needs being met and his or her rights being respected?

- **Equal access.** Is the child receiving fair and equal access to all available services, placements, care, treatment, and benefits? *Ibid.*
- **Daily needs.** Is the child receiving adequate clothing and sufficient and healthy food? Is the child receiving an allowance, if placed in a group home? *Ibid.*
- **Prevention or treatment of pregnancy.** Is the child's right to consent to medical care related to the prevention or treatment of pregnancy respected and ensured? Fam. Code, § 6925; Health & Saf. Code, § 123450 *Note: Parental consent is not required for abortions.* American Academy of Pediatrics v. Lungren (1997) 16 Cal.4th 307

RIGHTS IN JUVENILE COURT PROCEEDINGS

- **Case plan.** Does the child give input into his or her own case plan, if appropriate? Welf. & Inst. Code, §§ 16001.9, 16501.1
- **Attendance.** Does the child attend court hearings and have an opportunity to speak to the judicial officer? Welf. & Inst. Code, § 16001.9
- **Informed of rights and complaint procedures.** Does the social worker review the child's rights with him or her at least every six months? Welf. & Inst. Code, § 16501.1(f)(4)
- **Contact information.** Does the child have contact information for the California Foster Care Ombudsman's Office (telephone 877-846-1602), the child's social worker or probation officer, and the child's attorney?
- **Indian Child Welfare Act.** Have the court and placing agency both complied with applicable ICWA requirements, including inquiry, case plan, expert witness, burden of proof, and placement requirements of the Indian Child Welfare Act? 25 U.S.C. § 1901 et seq.; Welf. & Inst. Code, §§ 224-224.6; Cal. Rules of Court, rule 5.664
- **Immigration.** If the child did not have legal residency when he or she became a dependent—and if the court has found that family reunification is no longer an option, that it is not in the child's best interest to return to his or her home country, and that the court will be ordering a permanent plan—has immigration counsel or specialized assistance been provided to the child to complete an application for Special Immigrant Juvenile Status? 8 U.S.C. § 1101(a)(27); 8 C.F.R. § 204.11 (1993); California Manual of Policies and Procedures, Child Welfare Services (MPP) 31-236(i)(4)(D)

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HEALTH CARE

Health and Education

- Did the child receive a medical and dental examination within 30 days of placement? MPP 31-405.1(n)(1)
- Does the child's current case plan include a summary of his or her health and education information? Welf. & Inst. Code, § 16010(a)
- Does the current court report include a copy of the child's current health and education summary? Welf. & Inst. Code, § 16010(b)
- Does the child have a complete and up-to-date health and education passport? Welf. & Inst. Code, § 16010

Insurance

- Does the child have Medi-Cal or other health insurance? 42 U.S.C. § 1396 et seq.

Appointments and Exams

- **Prevention.** Is the child receiving ongoing primary and preventive health-care services? Welf. & Inst. Code, § 16001.9(a)(4)
- If the child is less than three years old, is the child receiving preventive health-care examinations on the periodicity schedule required for his or her age group as recommended by the American Academy of Pediatrics? Cal. Code Regs., tit. 17, § 6847; www.cispimmunize.org/LZSchedule_2006.pdf
- If three years or older, is the child receiving annual preventive health-care examinations? If not, why not? Cal. Code Regs., tit. 17, § 6847; California Department of Social Services All County Information Notice No. 1-82-05
 - When was the child's last well-child exam? When should the next one be scheduled? Do such examinations meet Child Health Disability Prevention (CHDP) criteria? 42 U.S.C. § 1396 et seq.; MPP 31-405.1(n)
- When was the child's sight last evaluated? When should the next examination be scheduled?
 - Does the child have, or need, any glasses or contact lenses?
- When was the child's hearing last evaluated? When is the next examination due?
 - Does the child have, or need, any hearing aids?
- If appropriate, has the child been placed in a home that serves medically fragile children? Welf. & Inst. Code, §§ 17710, 17730-17733
- **Immunization.** Is the child up to date on his or her immunizations? Cal. Code Regs., tit. 17, § 6846(b)(9)
- **Dental.** If the child is at least one year old, is he or she receiving dental examinations every six months, as recommended by the American Academy of Pediatric Dentistry? CHDP Provider Information Notice 04-13; Welf. & Inst. Code, § 14132.88; www.aapd.org/media/Policies_Guidelines/G_Periodicity.pdf
 - When was the child last seen by a dentist? When is the next examination due?

Basic Health Care

- Does the child have a primary health-care physician?
- Does the child have any current medical problems?
- Is the child taking prescribed medications? If yes, does the child have these medications at the current placement?
- Have any substance abuse concerns been identified? If yes, how are these concerns being addressed? See Fam. Code §6929; Welf. & Inst. Code, § 359

Information Sharing and Follow-Up

- Has the placing agency provided the substitute care provider with the child's medical history? Welf. & Inst. Code, § 16010(c); MPP 31-405.1(s)(2)
- Who is taking the child to medical appointments?
 - Is this person aware of the child's health-care needs?
- Are all identified health-care needs being followed up with appropriate referrals and treatment? Cal. Code Regs., tit. 17, § 6850
- Has the substitute care provider received information about CHDP services? MPP 31-405.1(m)

Privilege and Consent to Medical Care

- Has the child invoked the physician-patient privilege? Welf. & Inst. Code, § 317(f)
- Has the child invoked the right to consent to medical care related to the prevention or treatment of pregnancy? Fam. Code, § 6925; Health & Saf. Code, § 123450 *Note: Parental consent is not required for abortions.* American Academy of Pediatrics v. Lungren (1997) 16 Cal.4th 307
- Has the child invoked the right to consent to medical care related to the diagnosis or treatment of sexual assault or, if the child is age 12 or older, of sexually transmitted diseases or drug- or alcohol-related problems? Fam. Code, §§ 6926, 6928-6929; Welf. & Inst. Code, §§ 220-222

Children Exiting the Juvenile Court System

- If the youth will soon be transitioning from the child welfare system, has he or she received:
 - A recent comprehensive health and dental examination? Welf. & Inst. Code, §§ 391, 16010
 - Assistance in understanding his or her health-care needs and in locating health-care providers that can meet those needs? *Ibid.* For further discussion, see **Transition From Juvenile Court Jurisdiction**, section 4c.

Additional Health Services

- Does the child have any physical, mental, or learning disabilities that may qualify for accommodations or services? 42 U.S.C. § 12101 et. seq.; 29 U.S.C. § 794; 20 U.S.C. § 1400 et seq.; 34 C.F.R. 104.1 (2000) et seq.
- If yes, see **Accommodations and Services**, section 6b.

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Relationships, home life, daily activities, and the information necessary for a child to transition to adulthood are core personal rights of every child. Children in foster care often experience frustration and obstacles when trying to enjoy these basic, daily rights. Ensuring constant attention to these rights will strengthen the child's experience of self, permanency, community, and stability.

RELATIONSHIPS AND LIFELONG CONNECTIONS

- **Family.** Is the child always allowed to contact and visit with his or her family members with whom the court has not limited contact, and with his or her Tribe or Indian custodian, social worker or probation officer, authorized representative, attorney, CASA, Community Care Licensing Division of the State Department of Social Services, and the State Foster Care Ombudsman? Welf. & Inst. Code, §§ 16001.9, 16501.1
 - Has “Family Finding” been done to identify the youth's family and connections? See www.aecf.org/initiatives/familytofamily/
 - If yes, who was found and what actions have been taken to engage extended family and other connections (e.g. a family meeting/conference)? See www.f2f.ca.gov/ and www.cyp.org
 - What effort is the placing agency making to find or contact the child's extended family members?
 - **Siblings.** Are siblings placed together? If not, has the social worker or probation officer made diligent efforts to place siblings together and to develop and maintain sibling relationships? Welf. & Inst. Code, § 16002(b), 306.5, 362.1
 - For dependent children, does the social worker's report address the nature of the sibling relationship, the frequency and nature of sibling visitation, and the impact of the sibling relationships on the child's placement and permanency planning? Welf. & Inst. Code, § 366(a)(1)(D)
 - **Important individuals.** If the child is more than 10 years old and has been in out-of-home placement for more than six months, does the social worker ask the child whether there are other individuals who are important to the child? Welf. & Inst. Code, § 366.1(g)
 - Who are the important individuals in the child's life? Has placement with these important individuals or a nonrelative, extended family member been considered? Welf. & Inst. Code, §§ 366.1, 362.7, 727
 - Does the social worker help to maintain those relationships if it is consistent with the child's best interest? Welf. & Inst. Code, § 366.1(g)
 - **Contact.** Does the child have access to a telephone to make and receive confidential calls to and from anyone with whom the court has not limited contact? Welf. & Inst. Code, § 16001.9; Cal. Code Regs., tit. 22, §§ 83072, 84072, 89372
- Note: If the court limits specific contacts, it is appropriate for a placing agency or caregiver to restrict a child's calls with those individuals, but they may not restrict calls beyond court limitations.*
- Is the child receiving unopened mail (unless prohibited by court order)? Welf. & Inst. Code, § 16001.9; Cal. Code Regs., tit. 22, §§ 83072, 84072, 89372

STABILITY IN PLACEMENT

Home Placement

- Who is the child placed with? Is this caregiver committed to being in the child's life permanently? Is the caregiver committed to legalizing that commitment (i.e. reunification, adoption, guardianship)? 42 U.S.C. § 671 (a)(15)(F); Welf. & Inst. Code, §§ 358(b), 366.21, 727.2, 727.3, 727.4
 - If not, what characteristics of the relationship make it a viable, permanent lifelong connection?
- During the past six months, what specific steps have been taken by all court participants to finalize the child's permanent plan and give the child a permanent placement? Welf. & Inst. Code §§ 366.21, 366.3, 727.2, 727.3, 727.4, 16501.1
 - Is the child present in court to discuss permanency? If not, why not?
 - If the child is not returning home, what postpermanency support services are needed and planned?
- Was proximity to the child's school taken into consideration when determining placement? Welf. & Inst. Code, § 16501.1(c)(1)

School Placement

- Where is the child going to school and was placement based on the best interests of the child? Ed. Code, §§ 48850(a), 48853(g)
- Is the child now attending an alternative school (e.g. continuation, community, independent study) or a regular comprehensive school? If the placement is an alternative school, on what basis was this placement made? Ed. Code, § 48853(b)
- Has the child been placed in a nonpublic school onsite at the child's placement?
 - If yes, is this school placement based on an IEP and has the person who holds education rights consented? Ed. Code, § 48853(a)(2)

Note: Foster youth are entitled to be placed in the least restrictive educational placement. Regular comprehensive school placements must be considered first, before any alternative school placement. Ed. Code, § 48853(b)&(g)

Foster children with special needs may be placed in a nonpublic school only if the district has no public program that can meet the child's needs or the person who holds educational rights consents. Ed. Code, §§ 48853, 56157(a)

- Are the educator, advocates, court and emergency placement, group home or caregiver working together to maintain a stable school placement? Ed. Code, §§ 48850(a), 48853.5(d)(1), 48853.5(d)(6); if the child is awaiting foster-care placement, 42 U.S.C. §§ 11434a(2)(b)(I), 11432(e)(3)(c)(i) (III)(cc)
 - Was transportation to and from school provided? If not, did this affect the child's educational placement? If the child is awaiting foster-care placement, 42 U.S.C. §§ 11434a(2)(b)(I), 11432(e), (g)
- While in foster care, how many schools has the child attended before this one?
- Is the child safe in the school, surrounding community, and en route to and from school?

Change of Home Placement

- Is there a plan to change the child's placement?
 - If yes, how is the proposed change of placement in the child's best interest? Welf. & Inst. Code, §16501.1(c); see Welf. & Inst. Code, §§ 361, 726; Ed. Code §§ 48853, 48853.5
- Was the placement based on a selection of a safe setting that:
 - Actively involved the child?
 - Is the least restrictive or most family-like?
 - Is the most appropriate setting available?
 - Is near the parent's or guardian's home or Tribe?
 - Is consistent with the selection of the environment best suited to meet the child's special needs and best interest?
 - Promotes educational stability by taking into consideration nearness to the child's school and Tribe? Welf. & Inst. Code, § 16501.1(c); see Welf. & Inst. Code §§ 361, 726; Ed. Code, § 48853
- How many times has the child's placement changed during this stay in foster care?
- If the placement has changed, have all required medications been provided to the new caretaker?
- **School of Origin.** Is the child's local educational agency allowing the child to continue attending the school of origin for the rest of the academic year? Ed. Code, § 48853.5(d)(1)
 - If no, has this resulted in a change of school for the child?
 - If yes, see **Change of School** below.
- **Impact on Child.** What impact has this move had on the child and the child's educational progress? Welf. & Inst. Code, § 16501.1(c); Ed. Code, § 48853.5

Change of School

Note: Proper and timely transfer between schools is the responsibility of both the local educational agency and the county placing agency. Ed. Code, § 49069.5(b)

- Every school must have a Foster Youth Educational Liaison. Did he or she facilitate the enrollment of the child into the new educational placement? Ed. Code § 48853.5(b); www.cde.ca.gov/ls/pf/fy/ab490contacts.asp

- **Notice—county placing agency.** Did the county placing agency notify the Local Education Agency (LEA) as soon as possible of the date the child will be leaving the school and request that the child be transferred? Ed. Code, § 49069.5(c)
 - If the child has a disability or an IEP, at least 10 days before the placement change, did the county placing agency notify both the LEA providing the special education program for the child and the receiving LEA of the impending placement change? Gov. Code, § 7579.1(a)
- **Efforts—county placing agency.** What were the placing agency's efforts to maintain the child in the school of origin, despite the foster care placement change? Welf. & Inst. Code, § 16501.1(c); Ed. Code, § 48853.5(d); if the child is awaiting foster-care placement, 42 U.S.C. §§ 11434a(2)(b)(I), 11432(g)(3)(B)(i)
- **Waiver.** Was the child given the opportunity to continue at his or her school of origin for the duration of the academic school year before a placement change occurred? Did the child and the person holding educational rights agree to waive the child's right to attend the school of origin? Ed. Code, § 48853.5(d)
- **Transfer of records—LEA.** After receiving the transfer request, did the LEA transfer the child out of school and deliver the records, including any evaluations of a child with a disability, to the next educational placement within two business days? 20 U.S.C. §§ 1414(b)(3)(D), 1414(d)(2)(C), 1412; 34 C.F.R. §300.304(c)(5) (2006); Ed. Code, §§ 48853.5(d), 49069.5(d), (e)
 - Did the child's school records include a determination of seat time, full or partial credits earned, classes, grades, immunization, and (if applicable) special education or plans under section 504 of the Rehabilitation Act of 1973 (hereinafter "section 504")? Ed. Code, §§ 48645.5, 49069.5
- **Enrollment—new school.** Did the new school immediately enroll the child, even if the child's records, transcripts, and other documentation had not been transferred? Ed. Code, § 48853.5
 - If not, who should be directed to ensure that records are transferred?
- **Resulting absences.** Were the child's grades and credits calculated as of the date the child left school? Ed. Code, § 49069.5(g)

EXTRACURRICULAR ACTIVITIES

- Is the child encouraged and permitted to participate in extracurricular, enrichment, social, and recreational activities consistent with his or her interests and geared toward the community or communities with which he or she identifies? Welf. & Inst. Code, § 362.05, 16001.9

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TRANSITION INTO ADULTHOOD/TERMINATION OF JUVENILE COURT JURISDICTION

- **Preparation for adulthood.** For a child aged 15 to 17. 42 U.S.C. § 675(1)(D), 42 U.S.C. § 675(5)(C), 20 U.S.C. § 1414(d)(1)(A)(i)(VIII); 20 U.S.C. § 1414(d)(1)(B)(vii); Ed. Code, § 56345(a)(8); Welf. & Inst. Code, §§ 366.3(e)(10), 391, 10609.3, 10609.4, 11403.2, 16001.9; Cal. Code Regs., tit. 22, §§ 83072, 84072, 89372
 - Is the Transitional Independent Living Plan (TILP) current, and does it specify services that will assist the child's transition to adulthood?
 - Is everyone who is involved in the TILP fulfilling their responsibilities to ensure that the child receives appropriate transition services?
 - Is the child receiving independent living services? Are there any obstacles preventing the child from receiving these services that must be addressed?
 - Has the child achieved his or her TILP goals?
 - Has a child with a disability been invited to attend an IEP team meeting to discuss transition services and postsecondary goals? 20 U.S.C. § 1414 (d)(1); 34 C.F.R. §§ 300.320(b) (2006), 300.321(b) (2006); Ed. Code §§ 56043(g)(1), 56345.1
 - Does the child's IEP include transition services that are scheduled to begin no later than the child's 16th birthday or, if just determined eligible for an IEP, as soon as the IEP goes into effect? *Ibid.*
- **Transition from juvenile court jurisdiction.** For a child about to transition out of juvenile court jurisdiction, has the county provided him or her with:
 - Written information about his or her case, including family and placement history and the location of the child's siblings under juvenile court jurisdiction?
 - Documents, including a social security card, birth certificate, health and education summary, ID card, death certificate of parent(s), and proof of citizenship or residence?
 - Immigration counsel or specialized assistance to complete an application for Special Immigrant Juvenile Status if the child did not have legal residency at the time of becoming a dependent? MPP 31-236
 - Referral to available transitional housing or help getting other housing, a job, or financial support?
 - Help applying for financial aid for college or vocational training?
 - The necessary education and support to obtain a driver's license?
 - Assistance with obtaining health insurance?
 - A copy of his or her health and education summary? Welf. & Inst. Code, § 391

- **Employment and savings.** Does the child have a job, an "emancipation bank account," and the opportunity to manage his or her own resources? Welf. & Inst. Code, § 16001.9
- **Proof of dependency/wardship.** Did the placing agency give the youth a proof of dependency or wardship card that may assist him or her in receiving financial aid, grants, and scholarships to pursue educational goals? MPP 31-236(i)(4)(F)
- **Health care.** Has the child received a recent comprehensive health and dental examination? Has the child received assistance in understanding his or her health-care needs and in locating health-care providers who will be able to meet those needs? Welf. & Inst. Code, §§ 391, 16010
- **Medi-Cal and insurance.** Has the child received information regarding Medi-Cal eligibility and assistance in completing an application for Medi-Cal? Has the child received assistance in obtaining other health insurance? Welf. & Inst. Code, § 391
- **Social security.** Is the child eligible to receive social security?
 - Is the child receiving this benefit?
 - If yes, who is currently the payee, and who will be the payee in the future?

These questions are of a sensitive and private nature. Juvenile court judges should encourage all persons to respect the child's privacy and emotions when addressing the child's needs.

EMOTIONAL HEALTH

- How is the child emotionally responding to the separation from the child's family of origin? To school? To placement?
- What else can be done to support the development of the child?

Screening/Medication

- Has the child received a mental health screening?
 - If yes, what screening tool or tools were used?
- Did the results of the screening indicate the need for further assessment?
 - If yes, has a further assessment been completed?
- Is there a primary diagnosis?
- Is the child taking any psychotropic medication? Welf. & Inst. Code, § 369.5
 - Is there a current authorization for the medication?
 - What treatment options were tried before medication?
 - What treatment options are being used now to decrease the child's need for medication?
 - Is the child willing to use the medication and is he or she taking it regularly?
 - Is the child experiencing any benefits or complications from the medication?
 - How is the child's response to the medication being monitored?
- Should the medication be reevaluated?

Mental Health Services

- If the child might benefit from mental health services, is the child receiving these services? Welf. & Inst. Code, § 370; Fam. Code, § 6924
 - If yes, how is the child participating in and responding to these services?
 - Should these services include family participation?
 - If the child is experiencing parental rejection due to the child's sexual orientation or gender identity, what is being done to support the family's acceptance and reconciliation?
- Do court reports contain sufficient information concerning the child's mental health status? Welf. & Inst. Code, § 16010
- Does the child have a history of psychiatric hospitalization?
 - Date of last hospitalization?

Service Provider

- Does the child's treating therapist have experience providing mental health services to children before the juvenile court?
- Is the therapist a licensed clinician?

- Is the therapist an appropriate match for the child?
- You may want to consider the relevance of the clinician's gender, language abilities, cultural competence, and location as well as experience working with children who have been removed from, or are at risk of being removed from, the parents or guardians.

Treatment Plan

- Do the child, family, and caretaker all have input into the treatment goals and therapeutic plan?
- Are the mental health services currently being provided adequate to meet the child's needs?
- Has the child invoked the psychotherapist-client privilege? Welf. & Inst. Code, § 317(f)
- If the child is 12 years of age or older, has the child invoked his or her right to consent to mental health treatment or counseling on an outpatient or residential shelter basis? Fam. Code, § 6924

Additional Mental Health Services and AB 3632 Residential Placement

- Is the child eligible or thought to be eligible for special education services?
- Does the child's current IEP show that mental health services are necessary for the child to benefit from education? Gov. Code, §§ 7572, 7576
 - If yes, has the child been referred for or is the child currently receiving AB 3632/ AB 2726 mental health services? Gov. Code, §§ 7572, 7576; Cal. Code Regs., tit. 2, § 60100

Community Treatment Facilities and Secured Settings

- Has the child voluntarily applied for inpatient or outpatient mental health services in a secured setting, such as a community treatment facility? Welf. & Inst. Code, § 6552
- How have the child's due process rights been ensured, regarding placement in a secured setting? Welf. & Inst. Code, § 6552
- Is the court satisfied that the child suffers from a mental disorder that may reasonably be expected to be cured by residential treatment? Welf. & Inst. Code, §§ 4094, 6552; Health & Safety Code, § 1502(a)(8)

Conservatorship

- Does the child have or need a conservator? Welf. & Inst. Code, § 5350 et seq.
- When was the conservatorship granted?
 - What is the conservator's name?
 - What is the date of the next conservatorship hearing?

GENERAL EDUCATION

Educational Rights

See 34 C.F.R. § 300.30 (2006); Welf. & Inst. Code, §§ 319, 361, 366.27, 726; Gov. Code, §§ 7579.5, 7579.6

- Has the court addressed or limited the parent's or guardian's educational rights? If yes, who holds the educational rights for the child?
- Are the child's educational needs being met?
- Does the educational rights holder need assistance in making educational decisions for the child?
- Is the educational rights holder unwilling or unable to meet the child's educational needs?
 - If yes, the court may consider limiting educational rights.

Limiting Educational Rights

- **Appointment of responsible adult.** If the educational rights holder is unable or unwilling to meet the child's educational needs, the educational rights should be limited and a responsible adult appointed as the child's educational representative. Welf. & Inst. Code, §§ 319, 358.1(e), 361, 366.27, 726
- If the court has appointed a responsible adult, did the social worker, probation officer, or clerk of the court forward to the school district a copy of form JV-535 (*Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile*), which identifies who holds the educational rights? Has the school been informed that the education representative now has the education rights, including notice of meetings, grades, and participation in the child's education, previously held by the parent? Ed. Code, § 51101
- **Appointment of surrogate.** This may occur if the court has limited education rights and cannot identify a responsible adult to make educational decisions, and the child is eligible or may be eligible for special education and related services. 20 U.S.C. § 1415 (b); 34 C.F.R. §§ 300.30(a)(5) (2006), 300.519 (2006); Welf. & Inst. Code §§ 361(a), 726(b); Gov. Code § 7579.5(a)(1)(A):
 - Did the court refer the child to the local educational agency for appointment of a surrogate? Welf. & Inst. Code §§ 361(a), 726(b); Gov. Code § 7579.5(a)(1)(A)
 - Did the court provide the agency with a copy of form JV-536 (*Local Educational Agency Response to JV-535—Appointment of Surrogate Parent*), which requests the appointment of a surrogate? 20 U.S.C. § 1415(b)(2)(B); Welf. & Inst. Code, § 361(a); Gov. Code, § 7579.5(a)
 - Did the local educational agency appoint a surrogate parent not more than 30 days after determining that the child needs a surrogate parent? 20 U.S.C. § 1415(b)(2)(B); Gov. Code, § 7579.5
 - If the court cannot identify a responsible adult and if appointing a surrogate parent is not legally warranted, the court may make educational decisions for the child. Welf. & Inst. Code, §§ 319(g), 361
 - Has the holder of educational rights been fully informed of, and provided consent in writing for, the activity for which consent is sought? 34 C.F.R. § 300.9 (2006); 71 FR 46540, 46551; Ed. Code, §§ 56321, 56341(h), 56346

Note: County social workers and probation officers do not have the authority to make decisions regarding the child's educational rights and may not be appointed to make educational decisions for the child. If a nonpublic agency is providing the child with education or care or has

a conflict of interest, neither it nor any person employed by it may be appointed to make educational decisions for the child. See Gov. Code, § 7579.5(i)–(j); Welf. & Inst. Code, § 361(a)(5)

Achievement/Participation

- What is the child's attendance record this year? What are the reasons for any absences or trancies? Has the child been wrongfully penalized for any absences related to change of placement or any court appearances? Ed. Code, § 49069.5(g), (h)
- What are the child's grades?
- What grade level should the child be in? If needed, is there a specific plan to assist the child with reaching this grade level? Welf. & Inst. Code, § 16010(a)
- What educational services (e.g. tutoring, summer school, other supplemental services) is the child receiving? Ed. Code §§ 48070.5, 48850, 48853(g)
- Has the new school district accepted for full or partial credit all coursework satisfactorily completed at the prior school placement? Ed. Code, § 48645.5
- Is the child limited in his or her ability to speak English? If yes, is the child receiving appropriate programs to address his or her English language needs? 20 U.S.C. § 1703(f); Ed. Code, § 300 et seq.
- Does the child's background suggest that he or she might qualify as a migrant student? If yes, has he or she been assessed to determine migrancy and if identified as migrant, does the child have access to appropriate programs available for migrant students? 20 U.S.C. § 6399(2); 34 C.F.R. § 200.81(d) (2002); Ed. Code, §§ 54441, 54442(a)
- What is the child's experience in school (friends, social environment, interest, etc.)?
- Is the child experiencing isolation, rejection, or harassment at school? (Explore reasons: race or ethnicity, sexual orientation, other.)
- Is the child attending a school that has been identified as a program improvement school? If yes, is the student receiving supplemental services and/or has the child been given a school choice option? 20 U.S.C. § 6316
- Is the child participating in extracurricular activities and if not, why not? Ed. Code § 48850(a); Welf. & Inst. Code, §§ 362.05, 16001.9(a)(13)

High School Students

- Has the child obtained any of the following?
 - High school diploma or GED
 - Certificate of Completion
 - Passing of high school exit exam. Ed. Code, § 60851
- If the child is not making sufficient progress toward passing the high school exit exam, is she or he being provided supplemental instruction designed to help him or her pass? Ed. Code, § 60851(f).
- How many more credits are needed for graduation and does the school district have an alternative means for students to earn the credits to graduate? Ed. Code § 51225.3(b)
- What are the child's plans for postsecondary education or vocational school? Welf. & Inst. Code, § 16001.9; if the child is awaiting foster-care placement, 42 U.S.C. §§ 11434a(2)(b)(I), 11432(g)(4)
- What assistance is the child receiving to achieve these goals and to apply for financial aid?
- Has the social worker or probation officer provided the child with information regarding educational options available, including required coursework for vocational and postsecondary educational programs, and financial aid information for postsecondary education? Welf. & Inst. Code, § 16001.9(a)(24)

SCHOOL DISCIPLINE

- Has the child been expelled or suspended, or experienced any other school discipline? Ed. Code, § 48900 et seq.
- If so, what was the reason for the child's most recent exclusion from school? Ed. Code, §§ 48900, 48900.2–48900.4, 48900.7
 - How are these concerns being addressed? Ed. Code, § 48916(b)
 - Was the exclusion more than 5 consecutive days, or has the child been excluded for more than 20 total days of the school year? Ed. Code, §§ 48903(a), 48911(a) *Note: Longer exclusions are generally not permissible.*
 - Have proper due process procedures been followed for the exclusion? 20 U.S.C. § 1415; 34 C.F.R. §§ 300.504 (2006), 300.530(h) (2006); Ed. Code, §§ 48900 et seq., 48915.5
 - Did the public agency have a basis to know that the child had a disability before it disciplined the child? 20 U.S.C. § 1415(k)(5)(B); 34 C.F.R. § 300.534 (b) (2006); Ed. Code, § 48915.5
 - Did the person who holds educational rights receive a copy of the expulsion or any other discipline-related notices? Ed. Code, § 48918(b)
 - Has the child's rights to a due process hearing been waived? If yes, who agreed to the waiver, was it in writing, and what were the terms of the waiver?
 - Has the child been provided an educational placement during the period of the expulsion? Does the child have a rehabilitation plan and a set date when the child can apply for readmission to a regular school? Ed. Code, § 48916(b)
- If the child is eligible for special education services and the child's behavior appears to interfere with achieving the goals and objectives of the IEP:
 - Has an appropriate behavioral intervention plan been implemented? Cal. Code Regs., tit. 5, § 3052; Ed. Code, § 48916
 - Was an IEP meeting held before a change in placement was made as a result of behavior (including suspension totaling more than 10 days in a school year)? 34 C.F.R. § 300.530(e) (2006)
 - Was a Manifestation Determination IEP meeting held before expulsion proceedings were begun? 34 C.F.R. § 300.530(e) (2006); Ed. Code, § 48915.5

ACCOMMODATIONS AND SERVICES

Note: The state must have in effect policies and procedures to ensure that all children with disabilities are identified, located, and evaluated and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services. 20 U.S.C. § 1412(a)(3); 34 C.F.R. § 300.111 (2006); Gov. Code § 95022; Ed. Code, § 56300

- Is the child eligible for or receiving services or accommodations for a physical, mental, or learning disability as required by the Americans With Disabilities Act (ADA), the Individuals With Disabilities Education Act (IDEA), or section 504? 20 U.S.C. § 1400; Ed. Code, § 56000; 34 C.F.R. § 104.3(j) (2000)
 - If yes, are the services appropriate and meeting the child's needs?
- **Referrals: Children under 3, and 3 to 5 years old.** If the child is under age 3 and is developmentally delayed or meets eligibility criteria for being considered "at risk of developmental delay," has the child been referred to the Early Intervention Program to determine eligibility for an Individualized Family Service Plan (IFSP)? 20 U.S.C. § 1436; Ed. Code, §§ 56425-56426.9; Gov. Code, § 95000 et seq.; Cal. Code Regs., tit. 5, § 3031; Cal. Code

Regs., tit. 17 §§ 52020, 52022; see 34 C.F.R. § 300.25 (2006) and Gov. Code, § 95014 for the definition of "infant" or "toddler."

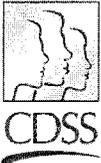
- If yes, has a written IFSP been developed in compliance with 20 U.S.C. § 1436(d)? 20 U.S.C. § 1436; Ed. Code § 56426.8
- If the child is between 3 and 5 years old and has not met these developmental markers, has the child been referred to the district to be assessed for special education services? Ed. Code, § 56001
- If the child is receiving services, are they appropriate? Ed. Code, § 56001
- **Referrals: Children 5 to 22.** If the child or youth is between 5 and 22 years old and has not graduated from high school, has a learning deficit or other disability been suspected or identified?
 - If yes, has the child or youth been referred to the district for a special education assessment?
- The Secretary of the Interior is responsible for providing and coordinating special education and related services to children ages 5 through 21 with disabilities on reservations who are enrolled in elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior. 20 U.S.C. § 1411(h); 34 C.F.R. § 300.713(a), (b) (2006)
- **IEP.** If the child has been assessed and found eligible for special education services, does the child have a current IEP? 20 U.S.C. § 1414(a); Ed. Code, §§ 56043(j), 56381
 - What is the child's qualifying disability?
 - Do the IEP goals correspond to the areas of need mentioned in the assessments?
 - Are the goals specific enough that the parties can easily recognize when they have been attained?
 - Does the IEP include an appropriate setting or classroom to meet the child's needs?
 - When was the most recent IEP made?
 - Who was present at the assessment?
 - Was the educational rights holder an effective representative?
 - Are the child's needs reviewed annually?
 - Is the public agency ensuring the child has the supplementary aids and services determined necessary by the child's IEP team for the child to participate in nonacademic and extracurricular services and activities to the maximum extent appropriate to the needs of that child? 20 U.S.C. § 1412(a)(5); 34 C.F.R. § 300.117 (2006); Ed. Code, §§ 56033.5, 56345
- Are any services necessary to help the child benefit from the special education program (e.g. transportation; psychological services; and physical, speech, and occupational therapy)? 20 U.S.C. § 1401(26); 34 C.F.R. §§ 300.34 (2006), § 104.3(j) (2000); Ed. Code, § 56363; Gov. Code, §§ 7573, 7575

Note: The Supplement to Asking the Right Questions: A Judicial Checklist provides additional citations and details specific to California law. See http://clcla.org/train_educat.htm

- **Development.** Does the child have a developmental disability (e.g. mental retardation, autistic spectrum disorder, cerebral palsy, epilepsy)? Welf. & Inst. Code, § 4512 (a)
 - If yes, is the child receiving appropriate developmental services from the regional center? Welf. & Inst. Code § 4512 (b)
 - If no, and if the child is suspected of having a developmental disability, has a referral been made? See Gov. Code, §§ 95014, 95016; Welf. & Inst. Code § 4642



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ARNOLD SCHWARZENEGGER
GOVERNOR

March 15, 2010

ALL COUNTY LETTER (ACL) NO. 10-12

TO: ALL COUNTY WELFARE DIRECTORS
ALL TITLE IV-E AGREEMENT TRIBES
ALL COUNTY JUVENILE PROBATION OFFICERS
ALL CHILD WELFARE PROGRAM MANAGERS
ALL LOCAL EDUCATION ADMINISTRATORS

SUBJECT: THE FOSTERING CONNECTIONS TO SUCCESS AND INCREASING
ADOPTIONS ACT OF 2008 (PUBLIC LAW 110-351) CASE PLAN
ASSURANCES AND EDUCATIONAL TRANSPORTATION
REIMBURSEMENT

REFERENCES: SOCIAL SECURITY ACT; TITLE IV-E 42 U.S.C. SECTIONS 675(1) (G);
675(4) (A); AND 671(A) (30); WELFARE AND INSTITUTIONS CODE
(W&IC) SECTIONS 706.6(J); 16501.1; 16000 (B) AND 11460(B);
EDUCATION CODE (ED CODE) SECTIONS 48850(A); 48853.5(D); AND
48853.5

The purposes of this ACL are to notify counties of the requirements of Public Law (PL) 110-351 and to provide direction for compliance with these new federal mandates. PL 110-351 amended Title IV-E of the Social Security Act to require that case plans for children and youth in foster care include specified assurances for educational placement stability. In addition, PL 110-351 provides for the cost of reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement as an allowable foster care maintenance cost.

Conforming language regarding case plan assurances was added to the W&IC by Senate Bill (SB) 597 (Chapter 339, Statutes of 2009). The California Department of Social Services (CDSS) is currently seeking to amend state statute to conform to the expansion of the federal definition of allowable foster care maintenance payments. Until state statutory language is enacted, the federal statute governs.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

EDUCATIONAL STABILITY

California recognized the importance of educational stability for children and youth in foster care and passed Assembly Bill (AB) 490 (Chapter 862, Statutes of 2003), which amended provisions of the Education Code and the W&IC. The AB 490 amended W&IC section 16501.1(c)(1) to include the proximity to the child's school in which he/she is enrolled at the time of placement as an additional consideration that must be documented in the case plan when selecting a placement that will meet the child's best interests. The AB 490 also made changes to Education Code section 48853.5(d)(4)(B) which required the county to coordinate with the Local Education Agency (LEA) to expedite the process of immediately enrolling the child in a new school, if the child is not remaining in the school of origin. For additional information on AB 490, please refer to All County Information Notice I-80-04.

Education Code section 48853.5(d) permits a child to remain in the school of origin until the end of the school year, which includes summer school, if it is in the child's best interest to do so. If a dispute arises with regard to educational placement, the child has a right to stay in the school of origin until the dispute is resolved. Because the new federal mandates expand upon previous provisions enacted by AB 490, it is anticipated that efforts already being taken to implement this state law, such as working with LEAs to determine how best to address the child's best interest in the area of education, will be helpful in fulfilling the mandates of the new federal law.

The PL 110-351 further strengthens educational case plan requirements. To comply with the federal law and with conforming state statutes, social workers and probation officers must include documentation of compliance with W&IC sections 706.6(j) and 16501.1(f) (8) (A) and (B), which require the following assurances:

- That a foster child's placement takes into account the appropriateness and proximity to the child's school of current enrollment, and there has been a coordination of effort with the child's LEA to ensure the child remains in his/her current school of enrollment; or
- If remaining in the school of origin is not in the child's best interest, the placement agency and the LEA have provided immediate and appropriate enrollment in a new school, with all of the child's educational records provided to the school.

For assistance on case plan assurances, please contact the Foster Care Support Services Unit at (916) 651-7465.

CASE PLAN ASSURANCE DOCUMENTATION

Effective January 1, 2010, case plans must include documentation of compliance with W&IC sections 706.6(j) and 16501.1(f) (8) (A) and (B). Provided that the court report is a

component of the case plan, the required documentation may be in the court report. When online capability is completed, CWS/CMS users will be instructed to go to the CWS/CMS training website for assistance in documenting case plan assurances.

EDUCATIONAL RESOURCES AND CONTACT INFORMATION

Counties are encouraged to work with local Foster Youth Service Coordinators and AB 490 Foster Youth Liaisons to ensure that the child's educational best interests are taken into consideration during case planning. For guidance in making educational placement and transportation decisions for children and youth in foster care, please refer to "School Selection for Students in Out-of-Home Care" from the National Center for Homeless Education and the Legal Center for Foster Care and Education. Counties may also refer to California Foster Care Education Fact Sheets with translations for Chinese, Spanish, Tagalog and Vietnamese. For policy and state level questions in regards to the education issues of foster youth contact Jackie Wong, Statewide Foster Youth Services Coordinator for the California Department of Education at jawong@cde.ca.gov or 916-372-8318.

EDUCATIONAL TRANSPORTATION EXPENSES

Certain educational transportation expenses, including transportation costs related to parent/teacher conference attendance, are now allowable foster care maintenance costs for children and youth in grades K through 12. The CDSS is working with counties and stakeholders to establish cost calculation procedures, which will be delineated in a subsequent All County Letter. If you have questions or comments regarding cost calculation procedures for educational travel expense reimbursement, please contact the Foster Care Rates Bureau at (916) 324-4837.

In addition, the CDSS will issue a claiming instruction letter upon completion of the cost calculation procedures. Counties will be permitted to claim educational transportation expenses retroactive to January 1, 2010. In preparation for filing for retroactive costs, counties should maintain appropriate documentation to support the expenditures for that time period, including the number of children who are eligible to receive educational travel benefits.

The CDSS appreciates the cooperation of counties in implementing these important new federal requirements and will provide additional guidance as it becomes available.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division