

REFERENCES

SUPPORTING EDUCATIONAL RIGHTS AND ACHIEVEMENT

American Bar Association (n.d.). Caseworkers and Probation Officers: AB 490 roles and responsibilities. Retrieved on June 22, 2009 from http://www.abanet.org/child/rcjji/education/ab490_socialworker.pdf

(K1, K3)

About the study/citation-

This citation provides information for case workers and probation officers, who have been charged with the duty to monitor, promote and encourage the educational rights and progress of children placed in foster care. This citation further defines AB 490 and describes the responsibilities of the worker, as well as the responsibilities of school districts, caregivers, and others involved in the education of these children.

Findings/content-

- Some statistics regarding the education of youth in the foster care system:
 1. 30% perform below grade level.
 2. 50% are held back in school.
 3. In a national study, 46% had not completed high school within 2.5 to 4 years after exiting care.
 4. In California, less than 3% go on to four-year colleges.
- In regards to AB 490, the guiding principles for the caseworker are:
 1. Workers are charged with the duty to foster the educational progress of children in out of home placements. *WIC 16500.1(a)*.
 2. Workers must work with the children's educators, caregivers, advocates, juvenile court officers, and the children themselves to ensure stable school placements and an opportunity for foster children to meet the same state academic achievement standards to which all students are held. *EC 48850(a)*.
- Educational placements must be determined by the child's best interest. All decisions regarding educational placements for children in out of home care must be made to ensure the following:
 1. That the child has access to the same academic resources, services, and extracurricular activities available to all other students;
 2. That the child is placed in the *least restrictive* educational environment
 3. That the placement is in the child's *best interest*. *WIC 361, 726; EC 48853.*
- If the worker places the child out of home or moves the child to a new placement, the school district the child was originally attending **must** allow the child to remain in his or her school of origin for the rest of the academic school year, provided it is in his or her best interest to do so.
- Children in out of home placements must attend a school operated by the school district, *unless*:

1. The child has an Individualized Education Plan (IEP) for special education services which requires another kind of educational placement; or
 2. The person holding the educational rights for the child determines that it is in or her best interest to be placed in another educational program or to continue in his or her school of origin. *EC 48853.*
- Every school district must appoint an educational liaison for foster children. The duties of the liaison are:
 1. To facilitate proper school placement, enrollment, and checkout from school
 2. To assist foster children when transferring schools by ensuring the transfer of credits, records, and grades.
 - AB 490 states: “The Legislature... finds that efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings.” *EC 49069.5(a).*
 - As soon as the worker becomes aware of the need to transfer a student to a new school, the worker must:
 1. Notify the school of the student’s last day of attendance
 2. Request calculation of the student’s seat time, credits, and grades
 3. Request that the student be transferred out. *EC 49069.5(c).*
 - Whenever a child’s parent or guardian is unable or unwilling to make educational decisions for the child, the worker must make a recommendation to the court regarding whether or not the parent/guardian’s educational rights should be limited. If the worker recommends limiting the parent/guardian’s educational rights, the worker must identify whether or not there is a responsible adult available to make those decisions. *WIC 358.1(e).*
 - Other changes in the law:
 1. Grade protection: The grades of a child in out of home placement may not be lowered due to absences from school caused by a change in placement or other court-related activity. *EC 49069.5.*
 2. Calculation of school credits: The school district must award credit to youth in foster care or group homes for full *or partial* coursework satisfactorily completed while attending a public school or other academic setting -*EC 48645.5.*
 3. Diplomas: If a student completes the graduation requirements for the local school district while detained, the school district may have to provide the youth with a diploma from the school the child last attended. *EC 48645.5.*
 4. Consent to life quality assessment: The worker may consent to a life quality assessment for developmentally disabled delinquent or dependent youth. *WIC 4570.*

Implications for CWS-

The worker must be aware of his or her legal responsibilities to support the educational rights of foster care youth. In doing so, the worker must implement and practices the provisions set forth by AB 490.

California Foster Youth Education Task Force (2005). Fact Sheet Number Five AB 3632: What are AB 3632(AB 2726) Services and How They Are Provided? Retrieved on June 22, 2009 from <http://www.slocoe.org/fys/pdf/ab3632.pdf>

(K4)

About the study/citation-

This fact sheet provides information relating to AB 3632. Information focuses on what services are provided under AB 3632, who is eligible, and a brief overview of the referral process.

Findings/content-

- AB 3632 services, also known as AB 2726, are mental health services provided as part of a youth's Individualized Education Program (IEP) to ensure that the youth benefits from her education. Common types of services include: individual, group or family psychotherapy, day treatment services and residential placement.
- There are two eligibility requirements that must be met for a youth to receive services under AB 3632:
 1. The youth must be eligible for special education services.
 2. The youth must be in need of mental health services in order to benefit from his special education program.
- For a youth to receive residential placement under AB 3632, he or she must be made eligible for special education because of "emotional disturbance." Also, to receive residential placement, the child must require a 24-hour therapeutic program in order to benefit from his or her educational program.
- The school usually makes the referral; however, the school psychologist may make the referral without an IEP team meeting. The person who holds educational rights may request that the school psychologist make the referral without an IEP meeting occurring. 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.
- The assessment must be completed and an IEP meeting scheduled and held to discuss the assessment within 50 days of the DMH receiving the signed assessment plan.

Implications for CWS-

The worker needs to be aware of the legal educational rights that are given to youth under AB 3632 and the process in obtaining these services. Following the provisions of AB 3632 is a legal responsibility for workers.

Children's Advocacy Institute (n.d.). SB 1677 (Alpert) – Education Surrogate Parents for Foster Children , SUPPORT Status: Assembly Education on 06/12/02. Retrieved on June 22, 2009 from http://www.caichildlaw.com/Misc/SB_1677_Alpert_FactSheet.pdf

(K5)

About the study/citation-

This factsheet provides information on SB 1677, which increases access to education for foster children. Information regarding educational surrogate parents for foster children is discussed.

Findings/content-

- SB 1677 clarifies the issue by requiring the juvenile court to appoint a “responsible adult” to make educational decisions after the court limits the right of the parent/guardian. The persons appointed by the juvenile court will have the authority to make decisions on behalf of children.
- When the juvenile court limits the rights of a parent/guardian, the LEAs can appoint a surrogate parent for special education purposes (Gov.Code 7579.5). A surrogate parent has the same authority as a parent with respect to educational decisions concerning the child; however, the requirement for education surrogate parents for group home children only applies to those children in special education. The preference for naming a surrogate parent include a relative caretaker, foster parent, or court-appointed special advocate (CASA).
- SB 1677 requires the social worker, if appropriate, to provide a recommendation in his/her report as to whether the education rights of the parent should be limited, and, if so, who the worker recommends should have the authority to make educational decisions on behalf of the child.
- When a surrogate parent cannot be found, a district surrogate is appointed. District surrogates are commonly former employees of the school district and do not have a relationship with the child.

Implications for CWS-

The worker needs to understand the role of the educational surrogate parent, specifically when the worker decides to recommend a surrogate parent to be provided for the child. This can assist in ensuring that the child’s educational needs are being met.

Gold, D. and Stacy, T. (2005). Navigating Special Ed. *Children’s Voice*, 14(6). Retrieved on June 22, 2009 from <http://www.cwla.org/voice/0512navigating.htm>

(K5)

About the study/citation-

This article is about how parents and guardian can navigate through the special education system. The role of education , the IEP meeting, classifying the disability and determining appropriate services is discussed.

Findings/content-

- The terms IEP and 504 plan can be confusing for some families. A 504 plan defines “a set of instructional services for students with some form of disability

that interferes significantly with at least one major life activity.” It is designed for students whose needs are not severe enough to warrant special education services.

- The IEP team includes one or more regular education teachers who teach the student, one special education teacher, a school administrator, and, ideally, one or more related service professionals, including school psychologists, social workers, speech and language pathologists, and others. Of course, the student and parents are part of team. Parents are full members of the IEP team and have equal say in all team decisions.
- Thirteen classifications qualify a student for special education and often are referred to in meetings by their numeric labels rather than by the condition. These classifications include mental retardation, autism, blindness or visual impairment, hearing impairment, physical impairment, speech or language impairment, and learning disabilities.
- Once the IEP team decides a student qualifies for special education, the discussion focuses on what services to provide to the student. These services may include implementing changes within his classroom, such as preferential seating and extra time on tests and quizzes. It may also mean removing the child from his classroom for all or part of the day to receive extra help or to be placed in a classroom with a more favorable teacher-student ratio.
- The services the team agrees on are recorded in the IEP. The IEP lists the services, modifications, and accommodations the student will receive, the frequency of those interventions, who will provide them, and the goals. The IEP is a legal document--by law, the school system must abide by what is written in the IEP.
- There is some limitation on the services the IEP team can recommend. For example, the school system must provide services that will meet the student's academic needs in the least restrictive environment possible.

Implication for CWS-

In order to support the educational rights of youth, the worker must be aware of the IEP process and what services and interventions are included in the IEP. With the IEP, the worker can monitor the services provided to the child to ensure the child's needs are being met.

Ladew, P. (2006). Fight for Your Rights: A Guidebook for California Foster Youth, Former Foster Youth, and Those Who Care About Them, The National Center for Youth Law. Retrieved on June 22, 2009 from http://www.youthlaw.org/publications/fight_for_your_rights_a_guide_book_for_california_foster_youth/

(K2)

About the study/citation-

This Guidebook is directed to help foster youth, and those who care about them, to understand the rights and services available when leaving the foster system. It contains

information about health, school and family rights and some resources related to emancipation and living independently.

Findings/content-

- Foster youth bill of rights is included. The following are the school/educational rights cited:
 1. Go to school every day.
 2. Go to the school that is in your best interest to attend.
 3. Go to a regular mainstream public school (unless your educational needs require another educational placement or if it is in your best interest to attend another school).
 4. Go to after-school activities that are right for your age and developmental level.
 5. Have access to the same resources, services, and extracurricular activities as other pupils.
 6. Finish the academic year in the school you are attending even if you are moved into another school district midway through the school year, as long as it is in your best interest.
 7. Enroll immediately in a new school if you have to change schools.
- Information regarding academic resources includes Foster Youth Services and Foster Youth Liaisons. Foster Youth Services is a program in 53 of the 58 counties in California. FYS programs assists schools with the educational records and other educational issues of foster youth. California law requires that each county and each school district have a Foster Youth Liaison (also called "AB490 Liaison) who assists foster youth keep track of records and get properly enrolled in school. They can help a youth figure out how many credits he or she has and which classes you should take.
- The following is information regarding the rights pertaining to school discipline:
 1. Search
 - School officials must have "reasonable suspicion" or good and legal reason that a youth did something wrong before they can search you.
 2. Suspension
 - A suspension is when the school punishes the youth for something he or she did by temporarily sending the youth home. There are certain rules that schools must follow if the youth is being suspended:
 1. Youth cannot be suspended for being late to class or skipping school.
 2. Youth cannot be suspended for more than 5 days in a row.
 3. Youth have the right to have your behavior corrected by means other than suspension wherever possible.
 4. The person taking care of youth or the person who holds the educational rights has the right to be told of the suspension and meet with school officials about the suspension.
 - If the school is not following all of these rules, they are breaking the law.
 3. Expulsion
 - An expulsion is when youth are being kicked out of the entire school district for one year as punishment for something they did. Expulsions are more serious than suspensions:

1. Youth have a right to fight the expulsion at a hearing with witnesses, evidence, and an attorney or other adult advocate.
 2. A three-judge panel must hold a hearing within 30 days of the time the school said the youth misbehaved.
 3. The school must tell the youth the date of the hearing at least 10 days before they hold the hearing.
- At the hearing, if the youth can show that he or she did not do what they say the youth did, or if the youth can show that the school did not follow the law, expulsion can be avoided.

Implications for CWS-

The worker needs to be aware of foster youth's educational rights in order to support these rights, inform the youth and educate the foster parents of these rights.

Youth Law Center and Children's Law Center of Los Angeles (2003). Ensuring Educational Rights and Stability for Foster Youth-AB 490 Summary. Retrieved on June 22, 2009 from http://www.youthlaw.org/events/trainings/ab_490_ensuring_educational_rights_for_foster_youth/

(K1, K3)

About the study/citation-

Effective in 2004, AB 490 (Steinberg), Chapter 862, imposes new duties and rights related to the education of dependents and wards in foster care. This citation recites the key provisions of AB 490.

Findings/content-

The following is a summary of the key provisions of AB490:

- Foster youth are ensured access to the same opportunities to meet academic achievement standards to which all students are held, stable school placements, to be placed in the least restrictive educational environment and, have access to the same academic resources, services and extracurricular activities as all other children.
- Foster children are allowed to remain in their school of origin for the duration of the school year when their placement changes.
- Requires county placing agencies to promote educational stability by considering their placement decisions in the child's school attendance area.
- Requires Local Educational Agencies (LEAs) to designate a staff person as a foster care education liaison to ensure proper placement, transfer and enrollment in school for foster youth.
- Makes LEAs and county social workers or probation officers jointly responsible for the timely transfer of students and their records, when a change of schools needs to occur.
- Requires that a comprehensive public school be considered as the first school placement option for foster youth.
- A foster child has the right to remain enrolled in and attend his/her school of origin pending resolution of school placement issues.

- A foster child can be immediately enrolled in school, even if all typically required school records, immunizations, or school uniforms are not available.
- Requires an LEA to deliver the pupil's education information and records to the next educational placement within 2 days of receiving a transfer request from a county placing agency.
- Requires school districts to calculate and accept credit for full or partial coursework satisfactorily completed by the student and earned while attending a public school, juvenile court school or nonpublic, or nonsectarian school.
- Authorizes the release of educational records of foster youth to the county placing agency, for purpose of compliance with WIC 16010, case management responsibilities required by the Juvenile Court or law, or to assist with transfer or enrollment of a pupil.
- Ensures that foster youth will not be penalized for absences due to placement changes, court appearances, or related court ordered activities.

Implications for CWS-

The worker needs to be aware of the legal provisions set forth in AB 490 to ensure that he or she is following the law and supporting the youth's educational rights.