

# Foster Youth Education Toolkit



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

Those outcomes are heartbreakingly poor:

- **High Rates of School Mobility:** Students in foster care experience much higher rates of school instability than other students. One third attend two or more schools during a single school year compared to 7% of students statewide.<sup>1</sup>
- **Low Test Scores:** Just 29% of students in foster care score proficient or above in English language arts on the California Standards Test ("CST"), compared to 53% of students statewide. Similarly, 37% of foster youth score proficient or higher on the math portion of the CST compared with 60% of students statewide.
- **High Dropout Rates and Low Graduation Rates:** Foster youth have the highest dropout rates and the lowest graduation rates. The single year dropout rate for students in foster care is 8%, compared with 3% of students statewide. Likewise, just 58% of students in foster care graduate from high school compared with 84% of students statewide.

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

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

### The toolkit is divided into five main sections:

- **Section One** defines foster youth under LCFF and the role of their education rights holders.
- **Section Two** covers enrollment, including tools to identify foster youth, ensure youth are afforded the right to remain in their school of origin, and request records from prior schools.
- **Section Three** provides a comprehensive education evaluation template to assist schools in determining the education needs of foster youth.
- **Section Four** focuses on best practices for supporting foster youth in school, including (1) identifying the early education needs of foster children ages 0 to 5, (2) the special education needs of school-age foster youth, (3) meeting the disciplinary challenges of foster youth, and (4) helping high school foster youth graduate.
- **Section Five** discusses best practices for disenrolling foster youth who transfer schools.

The tools and steps are designed to be ready-to-use in any school district but can also be adapted to local conditions. For that reason, the tools are intentionally vague in certain respects (e.g., which school district staff should be responsible for addressing each task/step). Each tool can be used as-is in the fillable PDF format or a word version can be downloaded for modification (e.g., letters can be placed onto school district letterhead).

<sup>1</sup>All statistics cited are from: Barrat, V.X., & Berliner, B. (2013). The Invisible Achievement Gap Part 1: Education Outcomes of Students in Foster Care in California's Public Schools. San Francisco: WestEd.

# Introduction

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

**Goal 1.** The educational outcomes of foster youth will mirror those of the general population. See Toolkit section: High School Graduation for Foster Youth p. 49-55.

**Goal 2.** Decrease the transfer of foster youth to continuation and other alternative schools and decrease the transfer of foster youth after a change in home placement. See Toolkit sections: Enrolling Foster Youth p. 11-15, School of Origin p. 16-20, Meeting the Disciplinary Challenges of Foster Youth p. 38-42.

**Goal 3.** Transferring foster youth will be promptly enrolled in the appropriate school and classes and awarded credit for all work completed, including partial credits. See Toolkit section: Partial Credit Model Policy p. 44-48.

**Goal 4.** Foster youth will receive a comprehensive education assessment and will receive any services or supports needed. See Toolkit section: Determining the Needs of Foster Youth p. 24.

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

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# Foster Youth and Their Education Decision Makers



This section includes:



Who is a Foster Youth?  
Education Decision Makers  
for Foster Youth

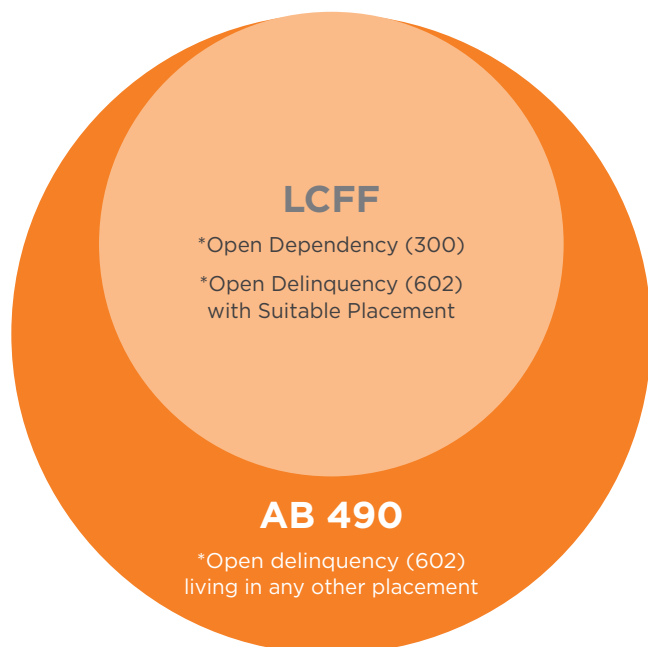


ERH Appointment Request Letter

# Who is a Foster Youth?

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

Under LCFF, the term foster youth includes:	Under AB 490 and related laws, foster youth includes:
Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.	Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.
Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602) <b>and who has been removed from his or her home by the court and placed into foster care under a “suitable placement” order. This includes youth who have been placed in a foster home, relative home, or group home. It does not include youth who have been placed in a juvenile detention facility, such as a juvenile hall or camp.</b>	Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602), <b>regardless of where the youth lives.</b>
Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42239.01.	Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42239.01.



### Key Points:

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

**NOTE:** This toolkit uses the term “foster youth” to apply to children of any age and the term “foster child” to apply to children ages 0 to 5.

# Education Decision Makers for Foster Youth

## Education Rights Holder (“ERH”) Responsibilities

- ERHs are individuals with the legal authority to make education decisions and access education records. All youth must have an ERH, including infants and toddlers.
- ERHs have a right to written notice of and to make decisions regarding: (1) school enrollment, including transfers to alternative schools; (2) school of origin; (3) high school graduation, including AB 167/216; (4) special education, including decisions regarding assessments and consenting to an Individualized Education Program (“IEP”); (5) early intervention, including decisions regarding assessments and consenting to an Individualized Family Service Plan (“IFSP”); and (6) school discipline.
- ERHs also have a right to consent to mental health services provided through a youth’s IEP. ERHs (except for adoptive parents or legal guardians) cannot consent to services or release information from an outside mental health provider. Contact the legal representative for the youth if access to this information is necessary.

## Who May Hold Education Rights

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

- Any person who might have a conflict of interest or receives financial payments for the care of a foster youth (except foster parents) may not serve as a youth’s ERH, including: (1) social workers/probation officers; (2) group home staff; (3) therapists; (4) attorneys; or (5) school/regional center staff.

## Appointing an Appropriate ERH

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

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

## Proof of Education Rights

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

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

## Best Practices for Unavailable, Unable, or Unwilling ERHs

### STEP 1

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

\*\*Schools may send the [ERH Appointment Request Letter](#) to the legal representative for the youth, social worker, and/or probation officer.

### STEP 2

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

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

## Surrogate Parents

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

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





Date: \_\_\_\_\_

Legal Representative for the Youth/  
TO: Social Worker/Probation Officer: \_\_\_\_\_

E-mail/Fax Number: \_\_\_\_\_

Address: \_\_\_\_\_

Re: Education Rights Holder Appointment Request

Student Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Dear \_\_\_\_\_,

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

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

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

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

Dates of attempted contact: 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

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

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

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

Sincerely,

\_\_\_\_\_

# Enrolling Foster Youth



This section includes:



Enrolling Foster Youth  
School of Origin  
Requesting Education Records



Foster Youth Screening Questions  
Foster Youth Initial Education Intake Form  
School of Origin Meeting Worksheet  
Records Request Form



School of Origin Notification Letter

# Enrolling Foster Youth

## Foster youth have the right to:

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

**NOTE:** Foster youth have a right to enroll in school, even without proof of Tdap immunization. School nurses should work with the youth's prior school and/or their social worker to gain access to records demonstrating the child has already been immunized.

- Enrollment in the same or equivalent classes as those they took at their old school, even if they are transferring mid-semester. Youth cannot be enrolled in all or a majority of elective classes. Youth cannot be forced to re-take a class

they have already passed unless their education rights holder agrees, in writing, that it is in their best interest.

- Equal participation in extra-curricular activities regardless of try-outs or sign-up deadlines (e.g., sports, tutoring).
- Not be forced to attend a continuation school, adult school, or independent study program, even if they are not on track for high school graduation, have failing grades, or have behavior problems.

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

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

## Best Practices for Enrolling Foster Youth

### STEP 1

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

### STEP 2

---

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

### STEP 3

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

### STEP 4

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

### STEP 5

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

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

### STEP 6

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

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



Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Ask the youth and/or the person enrolling the youth in school to provide the following information. Note that disclosure is not required but may entitle the youth to additional rights and services at school.

## Section 1. Youth in Foster Care

Note to School District: If the answer to any of these questions is "YES," there is a high likelihood the youth is in foster care and should be treated as a foster youth and afforded all their related education rights until proven otherwise.

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Is the youth a foster child?	YES	NO
Does the youth receive visits from a child protective services social worker?	YES	NO
Does the youth live in a group home?	YES	NO
Does the youth regularly attend court to discuss who they will live with?	YES	NO
Does the youth have an attorney or other court representative who helps determine who they will live with?	YES	NO

---

## Section 2. Youth Potentially in Foster Care

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

---

Has the youth ever been in foster care?	YES	NO
If so, when was the case closed? _____		
Does the youth live with someone other than their parents?	YES	NO

---



Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

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

## Caregiver and Education Rights Holder

**Who does the youth live with?**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Relationship: \_\_\_\_\_

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

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Relationship: \_\_\_\_\_

## Other Contacts

**Does the youth have a...**

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

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

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Phone Number: \_\_\_\_\_



## School History

Name of School(s) Attended and District or City

**Preschool**

**Grade 6**

**Kindergarten**

**Grade 7**

**Grade 1**

**Grade 8**

**Grade 2**

**Grade 9**

**Grade 3**

**Grade 10**

**Grade 4**

**Grade 11**

**Grade 5**

**Grade 12**



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

English: \_\_\_\_\_

Math: \_\_\_\_\_

Foreign Language: \_\_\_\_\_

History/Social Studies: \_\_\_\_\_

Science: \_\_\_\_\_

PE: \_\_\_\_\_

Elective/Other: \_\_\_\_\_

Elective/Other: \_\_\_\_\_

Elective/Other: \_\_\_\_\_

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

## School Stability Matters

- Foster youth transfer schools an average of eight times while in foster care, losing four to six months of learning each time.<sup>1</sup>
- As a result of school instability, only 21% of foster youth are proficient in English by 11th grade, and 6% in math.<sup>2</sup>
- Fewer than 60% of foster youth graduate from high school.<sup>3</sup>

## Overview of the Law

- Foster youth have a right to remain in their school of origin if it is in their best interest, as determined by their ERH.
- **Definition of School of Origin:** A youth's school of origin may be: (1) the school the youth attended at the time they entered the foster care system; (2) the school the youth most recently attended; or (3) any school the youth attended in the preceding 15 months with which they have a connection (e.g., sports team, relationships with peers or teachers).
- **Feeder Patterns:** If youth are transitioning between elementary and middle or middle and high school, then school of origin includes the next school within the school district's feeder pattern.

SB 445 (effective 1/1/16), Cal. Educ. Code §§ 48853, 48853.5, 48859.

## Best Practices for School of Origin

### STEP 1

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Before withdrawing or enrolling a youth whose home placement is about to change or has changed, contact the youth's ERH, new caregiver, and social worker to inform them of the youth's right to remain in their school of origin. See **Education Decision Makers for Foster Youth**. If the youth's ERH cannot be immediately reached, send the **School of Origin Notification Letter** to the youth's ERH.

### STEP 2

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Arrange a meeting to discuss the benefits and disadvantages of the youth's continued enrollment at their school of

- **Scope of School of Origin:** School of origin rights apply to all schools, including magnet programs and charter schools.
- **Duration of School of Origin Rights:** If a youth's court case closes while they are in elementary or middle school, then they have a right to remain in their school of origin until the end of the current school year. If youth are in high school when their case closes, then they have a right to remain in their school of origin until they graduate from high school.
- **Transportation Funding:** Many foster parents, including relatives, are eligible for funding from their local child protective services agency if they transport a youth to their school of origin after a placement change. See **All County Letter 11-51**, page 3 for funding rates. School districts also have a responsibility to work with child protective services agencies to help a youth access transportation. School districts have a duty to provide transportation if a youth has an Individualized Education Program that requires it.
- **Dispute Resolution:** If at any time, there is a dispute regarding a youth's right to remain in a school of origin, then the youth has a right to remain in that school until the dispute is resolved. Disputes should be referred to the school district's dispute resolution process.

origin. Invite a representative from the old/new school district to attend. If a meeting cannot be arranged quickly, coordinate a phone call with the ERH and if possible, the rest of the youth's education team. Complete the **School of Origin Meeting Worksheet** to: (1) identify all potential schools; (2) discuss pros and cons of each potential school; (3) work with the student's ERH to reach a school placement decision; and (4) develop a transportation plan.

### STEP 3

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

<sup>1</sup>Children Now, 2014 California Children's Report Card, [http://www.childrennow.org/uploads/documents/CN2014\\_education\\_foster\\_youth.pdf](http://www.childrennow.org/uploads/documents/CN2014_education_foster_youth.pdf)

<sup>2</sup>Stuart Foundation, Foster Youth Education Outcomes in Four California Counties, [http://www.stuartfoundation.org/Files/FirstLook\\_ExecutiveSummary\\_Nov2011.pdf](http://www.stuartfoundation.org/Files/FirstLook_ExecutiveSummary_Nov2011.pdf)

<sup>3</sup>Barrat, V.X., & Berliner, B. (2013). The Invisible Achievement Gap Part 1: Education Outcomes of Students in Foster Care in California's Public Schools. San Francisco: WestEd.





Date: \_\_\_\_\_

TO: Education Rights Holder: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Education Rights Holder,

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

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

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

At this time, this student is currently enrolled in:

The school the student was attending before changing home placements.

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

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

Thank you,

\_\_\_\_\_



Student Name: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

## STEP 1: Meeting Participants

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

## STEP 2: Identify School Options

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

**Option 2:** School of residence after home placement change: \_\_\_\_\_

**Option 3:** School attended when student first entered foster care system: \_\_\_\_\_

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

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

## STEP 3: Use the Factors Below to Consider PROS and CONS for Attendance at Each School Option

- |                                    |   |
|------------------------------------|---|
| Student's wishes                   | Availability of transportation funding        |
| Relationships with peers           | School year calendar (semester vs. trimester) |
| Relationships with teachers        | Quality of education program                  |
| Distance from new home placement   | Availability of school support services       |
| Proximity to end of grading period | (including special education services)        |
| Consistency of curriculum content  | Extracurricular activities                    |
|                                    | School discipline history                     |



**Option 1:** Name of School/District: \_\_\_\_\_

PROS

CONS

**Option 2:** Name of School/District: \_\_\_\_\_

PROS

CONS

**Option 3:** Name of School/District: \_\_\_\_\_

PROS

CONS

**Option 4A:** Name of School/District: \_\_\_\_\_

PROS

CONS

**Option 4B (if needed):** Name of School/District: \_\_\_\_\_

PROS

CONS

**Option 5:** Name of School/District: \_\_\_\_\_

PROS

CONS



## STEP 4: School Placement Decision

ERH School Choice: \_\_\_\_\_

Transportation Plan: \_\_\_\_\_

Funding will be sought from child protective services agency (See **ACL 11-51** page 3 for funding rates)

School district(s) will provide transportation assistance

Caregiver agrees to transport without transportation funding assistance

Other (specify): \_\_\_\_\_

ERH Signature: \_\_\_\_\_

Student Signature: \_\_\_\_\_

School Administrator: \_\_\_\_\_

School Administrator: \_\_\_\_\_

# Requesting Education Records

## Reasons to Request Records

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

## Best Practices for Requesting Education Records

### STEP 1

---

Upon enrollment, have the adult enrolling the youth complete the **Initial Education Intake Form**, including the school history portion. Contact the youth's social worker or probation officer to fill any gaps in the youth's education history.

### STEP 2

---

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

### STEP 3

---

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

## Overview of the Law

- School districts must request records within two business days of a foster youth's enrollment. School districts must forward education records to a requesting school within two business days of receiving a request. Cal. Educ. Code § 48853.5(e)(8).
- School districts and local child welfare/probation agencies may share education records of students in foster care or on probation without consent of a parent or guardian. Cal. Educ. Code § 49076(i), (n).
- School districts must give an education rights holder a complete copy of a youth's education record within 5 business days of a request. Cal. Educ. Code § 49069.

### STEP 4

---

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

### STEP 5

---

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



Date: \_\_\_\_\_

TO: School/District: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Records Clerk,

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

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

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

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

\_\_\_\_\_

School Phone Number: \_\_\_\_\_

# Determining the Needs of Foster Youth



This section includes:



Education Evaluation Overview



Sample Education Evaluation

 [View the Foster Youth Education Toolkit and resources online](#)



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

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

## THERE ARE TWO\* EDUCATION EVALUATION TOOLS AVAILABLE:



### Adaptable Education Evaluation Template

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

[View the Adaptable Education Evaluation Template online](#)



### Sample Education Evaluation

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

[View the Sample Education Evaluation online](#)

---

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



# Supporting Foster Youth in School



This section is divided into four parts:

1

Addressing Trauma  
Related Needs of  
Foster Youth

2

Early Education Needs  
of Foster Youth

3

Special Needs  
of Foster Youth

4

High School Needs  
of Foster Youth

# Addressing Trauma Related Needs of Foster Youth



This section includes:



Trauma and its Impact on  
Development and Learning  
Resources Addressing Trauma

 [View the Foster Youth Education Toolkit and resources online](#)

# Trauma and Its Impact on Development and Learning

Unfortunately, many of California's children are suffering from the effects of trauma. This includes children in foster care who have experienced: (1) the trauma of the abuse, neglect, or abandonment that brought them into the child welfare system, (2) the trauma of being removed from their families, and (3) the trauma of repeated home placement changes while in the system. Studies have documented the negative consequences of trauma exposure for children and adolescents, including post-traumatic stress disorder, other anxiety problems, and depression. Young children, including infants and toddlers, can be affected by traumatic experiences even when we think they are not able to comprehend what is happening in the world around them.

## What is Trauma?

Trauma is not an event itself, but rather a response to one or more overwhelmingly stressful events where one's ability to cope is dramatically undermined. Trauma is not just caused by physical abuse but by neglect, prenatal trauma (e.g., prenatal substance exposure, medical neglect), exposure to violence, or being removed from a parent or caregiver.

## How Does Trauma Impact a Child's Development and Ability to Learn?

Exposure to trauma in the developing years can cause brain changes that affect memory, cognition, and language development and reduce a child's ability to focus, organize, process information, and regulate emotions. The negative effects of trauma can impair a child's development and ability to learn. Studies have associated trauma exposure with:

- decreased intellectual functioning,
- decreased reading ability,
- lower grade-point average,
- increased school absences, and
- decreased rates of high school graduation.

## What is the Connection Between Trauma and Behavior?

Trauma is also associated with behavioral problems. Children who have experienced trauma view the world as a dangerous place which impacts their ability to regulate their behavior in the classroom. In order to feel safe and in control, many trauma-exposed children develop behavioral coping mechanisms that can frustrate teachers and evoke reactions that both strengthen the child's expectations of confrontation and danger and reinforce a negative self-image.

## What Can Educators Do to Address Trauma?

The good news is children are resilient and early interventions can help them rebuild trust and acquire developmental skills and the capability to learn. Resilience is the capacity to withstand stress and adapt to overcome risk and adversity. Resilience is not something that you are either born with or not. It develops as children grow up and gain better thinking and self-management skills and more knowledge. Resilience comes from supportive relationships with parents and caretakers, teachers and other important adults, and peers. This means that schools can play an important role in helping children who have experienced trauma develop the resilience that will help them develop, learn, and grow into healthy adults.

## Resources Addressing Trauma

**Below are Several Resources That Will Provide Educators with Information and Strategies to Address Trauma:**

### **The National Child Traumatic Stress Network**

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

### **Aces Too High News**

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

### **The Trauma and Learning Policy Initiative**

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

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

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

### **Calmer Classrooms: A Guide to Working with Traumatized Children**

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

### **Center for Social and Emotional Foundations for Early Learning**

Teaching tools for child care professionals and early childhood teachers. [Visit the center here](#)

# Early Education Needs of Foster Youth



This section includes:



Early Intervention Needs of Children  
Ages 0-3 in Foster Care  
Transition from Early Intervention to  
Special Education Services at Age Three



Early Care and Education Options for  
Young Children in Foster Care  
Mental Health Needs of Infants and  
Toddlers in Foster Care

Regional Center Records Request Form

 [View the Foster Youth Education Toolkit and resources online](#)

## Effects of Child Abuse and Neglect on Young Children

In California, children between the ages of zero and five made up 46% of substantiated cases of abuse and neglect in 2013.<sup>1</sup> The most rapid development of children's brains occurs during these years. Adverse experiences, such as child abuse and neglect, can interfere with normal brain development. Over half of one to five year olds in foster care are identified as having developmental concerns.<sup>2</sup> If left untreated, these developmental delays can become learning disabilities, disruptive behaviors, attention deficits, depression/anxiety disorders, and attachment disorders.<sup>3</sup> Early intervention and education can remediate developmental delays and help prepare children to enter kindergarten ready to learn.

## Early Intervention Services

Part C of the Individuals with Disabilities Education Improvement Act ("IDEIA") and California Early Intervention Services Act govern early intervention services for infants and toddlers zero through three years old. Under the Child Abuse Prevention and Treatment Act ("CAPTA"), infants and toddlers with substantiated cases of abuse and neglect must be screened for Part C services. In California, regional centers provide early intervention services under the supervision of the Department of Developmental Services. These services include infant development, center based services, speech and language services, physical or occupational therapy, and other services designed to help children meet their developmental milestones. Milestones are skills that children typically develop by a certain age (e.g., sitting up by six months, talking by age two). 20 U.S.C. §1433 et seq.; 42 U.S.C. § 5106(a); Cal. Gov't Code § 95000 et seq.

## Eligibility Categories

- **Developmental Delay:** requires at least a 33% delay in cognitive, adaptive, social-emotional, communication, or physical (e.g., fine motor, gross motor) development.
- **Established Risk Condition:** (1) a condition that has a high probability of resulting in a developmental delay (e.g., Down Syndrome, Autism, Cerebral Palsy) or (2) Low Incidence Disability (i.e., visual impairments/blindness, hearing impairments/deafness, orthopedic impairments).
- **At Risk of a developmental delay:** risk factors include prematurity, exposure to drugs, low birth weight, or having a parent with a developmental disability.

Cal. Gov't Code § 95014.

Early intervention services are provided by regional centers under the Early Start Program. Local education agencies serve children with low incidence disabilities.

## Best Practices for Referring a Child for Early Start Services

- Send a referral to the child's regional center for an evaluation and comprehensive assessments. Use the **Regional Center Lookup** to find your local regional center.
- Contact the social worker and request they also refer the child. If the social worker is unresponsive, contact the legal representative for the child or the juvenile dependency court and request the court order the social worker to make a referral.
- If a child is suspected of having a low incidence disability, refer the child to both the regional center and your school district for assessments.

<sup>1</sup>BARBARA NEEDELL ET AL., CALIFORNIA CHILD WELFARE INDICATORS PROJECT (2014), [http://cssr.berkeley.edu/ucb\\_childwelfare](http://cssr.berkeley.edu/ucb_childwelfare).

<sup>2</sup>CECILIA CASANUEVA ET AL., OFFICE OF PLANNING, RESEARCH AND EVALUATION, ADMIN. FOR CHILDREN & FAMILIES, U.S. DEP'T OF HEALTH & HUMAN SERVS. NSCAW II WAVE 2 REPORT: CHILDREN'S SERVICES. OPRE REPORT #2012-59 (2012), available at [http://www.acf.hhs.gov/sites/default/files/opre/nscaw\\_childrens\\_services\\_report\\_wave\\_2.pdf](http://www.acf.hhs.gov/sites/default/files/opre/nscaw_childrens_services_report_wave_2.pdf).

<sup>3</sup>CAL. CHILD WELFARE COUNCIL - CHILD DEV. & SUCCESSFUL YOUTH TRANSITIONS COMM., BUILDING A SYSTEM OF SUPPORT FOR CHILDREN IN FOSTER CARE (2013), available at <http://www.chhs.ca.gov/CWCD/Young%20Children%20in%20Foster%20Care%20Full%20Report%20-%20Revised%20Nov%202013.pdf>.

## Overview of the Law

Before age three, children who are receiving early intervention services through the regional center and who may be eligible for special education services must be transitioned to their school district. See [Special Education and Foster Youth](#). Regional centers and school districts must coordinate and hold a transition Individualized Family Service Plan (“IFSP”) meeting at least three to six months before the child’s third birthday to ensure there is no gap between early intervention services that end on the day before the child’s third birthday and special education services that start on the third birthday. 17 C.C.R. § 52112.

## Best Practices for Ensuring a Smooth Transition

- **Coordinate with local regional centers:** The regional center must notify the school district of potentially eligible preschool-aged children. Identify the regional center staff who make referrals, connect them to school district staff who will process these referrals, and ensure they maintain regular communication. This is especially important for children whose third birthday falls during a scheduled school break (e.g., summer).
- **Gather all early intervention records:** Records must be reviewed to identify all areas of suspected disability and determine which assessments are necessary. Assessors should also review relevant records as part of the assessment process. Relevant records will include: (1) evaluations/assessments that review the child’s developmental needs; (2) IFSPs that outline services provided to the child; and (3) interdisciplinary notes that show what actions the service coordinator has taken on the child’s case. Requested records must be received within five business days of a request.
- **Schedule and attend the transition IFSP:** A school district representative must attend each transition IFSP to discuss the special education process with the education rights holder. During the meeting, gather input from the regional center and education rights holder regarding the child’s development.
- **Develop assessment plan and conduct assessments:** An assessment plan may be developed at the transition IFSP meeting. If not developed at that time, send an assessment plan to the education rights holder with enough time to ensure assessors conduct their assessments and hold an Individualized Education Program (“IEP”) by the child’s third birthday.
- **Develop the IEP:** An IEP must be developed at a meeting with the entire IEP team by the child’s third birthday, even if the birthday falls during a scheduled school break. Plan ahead to ensure the IEP is created on time by ensuring staff are available to complete assessments and hold the meeting prior to the school break.
- **Implement the IEP:** If the child is eligible, all placements, services, and supports under the IEP must begin on the child’s third birthday, unless the birthday falls during a scheduled school break. In that case, the IEP must be implemented on the first day of school following the break.

Cal. Educ. Code § 56426.9(a); 17 C.C.R. §§ 52112, 52164(b).

## Best Practices for Requesting Regional Center Records

### STEP 1

---

Request that the child's education rights holder sign an authorization to release confidential records allowing the school/district access to the child's regional center records. See **Education Decision Makers for Foster Youth**.

### STEP 2

---

Prepare the attached **Regional Center Records Request Form**.

### STEP 3

---

Send the **Regional Center Records Request Form** and a copy of the signed authorization to release confidential records to all regional centers that have served the child. Send via fax or email to ensure proof of receipt.

### STEP 4

---

Follow up to ensure records are received within five business days. Contact the regional center on the fifth day if records are not yet received and request that they be sent immediately. If the regional center does not have any records for the child, ask them to confirm this in writing.

### STEP 5

---

Once records are received, organize them chronologically. Review them to ensure all of the child's evaluations, assessments, IFSPs, interdisciplinary notes, referrals, and correspondence between the regional center and the family are received. If any documents are missing, contact the regional center and request that the missing records be sent immediately.





Date: \_\_\_\_\_

TO: Regional Center Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

RE: Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Dear Records Clerk,

Please provide a physical copy of any and all regional center records for the above mentioned foster child to the address below within five business days. 17 C.C.R. § 52164(b). Attached please find an authorization to release confidential records signed by the child's education rights holder. Please send all records including, but not limited to, the following:

1. All ID notes.
2. All correspondence between the regional center and the family.
3. All referrals sent to the regional center requesting assessment for the Early Start Program or correspondence from the regional center to any other agency or person.
4. All intake documentation.
5. All purchase of service agreements/requests for funding.
6. All evaluations/assessments conducted by the regional center and/or regional center contracting therapists/evaluators/assessors.
7. All Individualized Family Service Plans.

Thank you for your attention to this matter. If you have any questions do not hesitate to contact me at your earliest convenience.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

\_\_\_\_\_

School Phone Number: \_\_\_\_\_

## The Importance of Preschool

All children benefit from attending a high-quality early care and education program to develop skills that contribute to school success, regardless of whether they have a developmental delay.

### Early Head Start and Head Start Programs

- Head Start programs are free programs that provide comprehensive early education and development classes. Early Head Start programs serve children from birth to their third birthday. Head Start programs provide part-day or full-day programs for children ages three to five. To find an Early/Head Start program near you, call 1-877-773-5543 or visit the [Head Start Directory](#).
- Enrolling: Children in foster care are eligible for Head Start regardless of their caregiver's income and get priority enrollment points. Make sure to identify the child as in foster care and ensure they are given priority enrollment. 45 C.F.R. § 1305.2(l).

### California State Preschool Programs (“CSPP”)

- CSPPs are free part-day and full-day child development programs for low-income three and four year olds. The program is administered through local educational agencies, colleges, community-action agencies, and private nonprofit agencies. To find out who provides these programs in your area visit the [Resource and Referral County Listing](#).

- Enrolling: Children in foster care are automatically eligible for CSPP regardless of their caregiver's income and get first priority for enrollment. Make sure to identify the child as in foster care and ensure they are given the first available opening.  
Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a).

### Child Care and Development Centers

Child care and development centers provide developmental services for infants, toddlers, and school-aged children. For more information contact 1-800-KIDS-793 or visit [California Child Care Resource and Referral Network](#).

### Transitional Kindergarten

Transitional kindergarten is a two year program. The first year provides students with extra time to develop foundational skills needed for success in school within an age- and developmentally-appropriate setting. It is designed for students who turn 5 years old between September 2 and December 2. Districts and charter schools also have the option of allowing a child who will turn 5 at any time during the school year to attend transitional kindergarten from the beginning of the school year, even if their birthday is after December 2. Cal. Educ. Code § 48000(c)(3)(B).

# Mental Health Needs of Infants and Toddlers in Foster Care

Young children in the foster care system are repeatedly traumatized. They suffer abuse and neglect that brings them into contact with the system, are removed from their biological homes, and sometimes change placements several times. See [Addressing Trauma Related Needs of Foster Youth](#). These traumas have a lasting impact on their lives. Mental health services improve outcomes and minimize the impact of trauma.

Primary caregivers teach young children to regulate their emotions and cope with stress. Healthy attachment is often disrupted for foster children. Mental health therapies teach children coping skills and help them attach to a caregiver, allowing them to form close and secure interpersonal relationships throughout their lives. Attachment provides a sense of security that allows the child to be in the optimal state for exploration and learning.

## Signs that Zero to Five Year Olds Need Mental Health Services

### Infants and Toddlers<sup>1</sup>

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

### Preschoolers

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

## Best Practices for Early Education/Preschool Suspensions and Expulsions

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

services, including considering a referral for special education services.

## Evidence-Based Programs for Zero to Five Year Olds<sup>2</sup>

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

### Child Parent Psychotherapy ("CPP"):

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

### Trauma Focused Cognitive Behavioral Therapy:

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

### Positive Parenting Program ("Triple P"):

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

### Parent Child Interaction Therapy ("PCIT"):

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

## Intensive Treatment Programs

### Wraparound:

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

### Full Service Partnership ("FSP"):

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

<sup>1</sup>NAT'L SCIENTIFIC COUNCIL ON THE DEVELOPING CHILD, YOUNG CHILDREN DEVELOP IN AN ENVIRONMENT OF RELATIONSHIPS. WORKING PAPER NO. 1. (2004), available at [http://developingchild.harvard.edu/index.php/resources/reports\\_and\\_working\\_papers/working\\_papers/wp1/](http://developingchild.harvard.edu/index.php/resources/reports_and_working_papers/working_papers/wp1/).

<sup>2</sup> Working list of the Los Angeles Dep't of Mental Health, Birth to Five Collaborative, Serv. Area 7 (December 2012) (on file with the Alliance for Children's Rights).

# Special Needs of Foster Youth



This section includes:



Special Education and Foster Youth  
Meeting the Disciplinary Challenges  
of Foster Youth



Intervention Idea Bank  
Intervention Plan  
Voluntary Enrollment  
in Alternative Schools

 [View the Foster Youth Education Toolkit and resources online](#)

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

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

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

- **Determining ERHs:** If you do not know who holds education rights or are unable to reach the ERH after multiple attempts, call the youth’s social worker. Under limited circumstances, a school may appoint a “surrogate parent” to participate/consent. See [Education Decision Makers for Foster Youth](#).
- **IEP Meeting Participants:** Foster youth have other people serving them who may contribute to an IEP

meeting including a non-ERH caregiver, social worker, or outside mental health professional.

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

**IEPs and School Transfers:** Foster youth instability contributes to a high number of school transfers.

- **Upon Enrollment:** Screen foster youth for prior special education services. If anyone in the youth’s life (including the youth) reports that there is an IEP, immediately locate the most recent special education records and provide comparable services to those received in the prior IEP. Schedule an IEP meeting within 30 days to discuss the youth’s education program and make any needed modifications. See [Requesting Education Records](#).
- **Upon Disenrollment:** When a youth leaves the school, collect feedback from teachers and other service providers about current progress towards IEP goals. Within two days of disenrollment, forward all special education records, including all IEPs and assessments, to the new school. See [Disenrolling Foster Youth and Forwarding Education Records](#).

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

<sup>1</sup> VANESSA X. BARRAT & BETHANN BERLINER, THE INVISIBLE ACHIEVEMENT GAP, PART I: EDUCATION OUTCOMES OF STUDENTS IN FOSTER CARE IN CALIFORNIA’S PUBLIC SCHOOLS, 10-11 (The Center for the Future of Teaching & Learning, WestEd. 2013).

<sup>2</sup> SARAH GEENEN & LAURIE POWERS, ARE WE IGNORING FOSTER YOUTH WITH DISABILITIES? (Fostering Futures Project 2006).

# Meeting the Disciplinary Challenges of Foster Youth

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

## Indicators of Need

- **Poor Grades and/or Standardized Test Scores:** Foster youth change placements regularly and often lack a consistent adult identifying their education deficits, including undiagnosed disabilities.<sup>1</sup> Youth may act out in frustration or to hide their academic deficits.
- **Defiance of Authority and Extreme Emotional Reactions:** Foster youth are twice as likely as war veterans to suffer from post-traumatic stress disorder or other mental health conditions that cause anxiety, irrationality, irritability, and aggression.<sup>2</sup>
- **Inappropriate Peer Interactions:** Foster youth often struggle to establish appropriate social boundaries and may be negatively influenced by peers due to abuse/neglect and a lack of long-term healthy relationships.

## Addressing Disciplinary Challenges

### STEP 1

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

### STEP 2

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**Identify Needs and Gather Information Early:** Disciplinary challenges may be obvious at enrollment or may reveal themselves later. Early and consistent communication with the youth and the adults in their life (e.g., ERH, caregiver, social worker, youth's legal representative) will ensure a quick response when reaching out for assistance. Gathering

necessary education records will help identify the youth's triggers and both successful and unsuccessful interventions attempted in the past. See [Requesting Education Records](#).

### STEP 3

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

<sup>1</sup>65% of foster children experience seven or more school changes (K-12). PETER J. PECORA ET AL., IMPROVING FAMILY FOSTER CARE: FINDINGS FROM THE NORTHWEST FOSTER CARE ALUMNI STUDY Casey Family Programs, 2005), available at [http://www.casey.org/media/AlumniStudies\\_NW\\_Report\\_FR.pdf](http://www.casey.org/media/AlumniStudies_NW_Report_FR.pdf).  
<sup>2</sup> Id.; MELINDA SMITH AND JEANNE SEGAL, POST TRAUMATIC STRESS DISORDER: SYMPTOMS, TREATMENT AND SELF-HELP FOR PTSD (Helpguide.org 2014), available at [http://www.helpguide.org/mental/post\\_traumatic\\_stress\\_disorder\\_symptoms\\_treatment.htm](http://www.helpguide.org/mental/post_traumatic_stress_disorder_symptoms_treatment.htm) (last visited Oct. 9, 2014).

# Meeting the Disciplinary Challenges of Foster Youth

## STEP 4

### Track Intervention Effectiveness and Regularly Check In:

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

## STEP 5

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

## STEP 6

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

## STEP 7

### Formal Discipline and Involuntary Transfers (If Needed):

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

- **ERH:** Most formal disciplinary actions require notification of an ERH. Unless you have received formal notification from the court about who the ERH is, do not assume that it is the caregiver. If notification is provided to the wrong person, discipline proceedings may be improper and overturned. See **Education Decision Makers for Foster Youth**.
- **Notification of Legal Representative for the Youth and Social Worker:** If a foster youth is being considered for expulsion or suspension for the remainder of the semester from a continuation school, inform the legal representative for the youth and social worker/probation officer.
- **Involuntarily Enrolling Any Youth in an Alternative School Setting:** Foster youth can only be forced to attend a continuation school, adult school, or independent study program in the following circumstances:
  1. **Continuation Schools:** All three conditions must be met: (1) they have committed an act enumerated in California Education Code Section 48900 or have been habitually truant or irregular in attendance; (2) other means have failed to bring about student improvement; and (3) a formal hearing has occurred. The final decision to impose the involuntary assignment cannot be made by or involve any staff from the current school.
  2. **Community Day Schools:** Any of the three conditions must be met: the youth has been (1) formally expelled and provided with all due process rights; or (2) referred by probation pursuant to Sections 300 and 602 of the California Welfare and Institutions Code; or (3) referred by a school attendance review board.
  3. **Independent Study Programs:** Prior to starting an independent study program, the youth's ERH must sign an agreement that describes the school and/or district's independent study policies, outlines the duration and scope of the proposed independent study program, including its learning objectives, and explicitly states that independent study is strictly voluntary.

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



Student's Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

### If Student Exhibits:

Defiance and Extreme Emotional Reactions

Example: Talks back to teachers, has angry outbursts.

### Try This Intervention:

Behavior Support Plan. Approach youth in a calm manner, present options when possible.

Allow for a "cooling off" period when a student becomes upset. Allow them to do a lap around the building with a teacher.

Teach specific coping methods for dealing with anger (deep breathing, counting to 10, walking away).

School-based counseling. Give the youth a weekly, daily, or "as-needed" opportunity to speak with a trusted adult on campus.

Develop a signal with the student to alert teachers and administrators when they are having a bad day.

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### If Student Exhibits:

Inappropriate Peer Interactions

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

### Try This Intervention:

Group-based counseling. Support youth to develop positive social relationships and social skills.

Participation in group extracurricular activities. This will give the youth an opportunity to interact with peers in the pursuit of a positive goal.

Teach social scripts. Have a counselor meet with the youth to role play different scenarios with peers and to plan pro-social ways to respond to them.

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### If Student Exhibits:

Poor Grades and/or Standardized Test Scores

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

### Try This Intervention:

School-based tutoring

Assistance with organization skills from a peer or counselor

Remedial classes

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### Additional Notes:

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





Student's Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

## EXAMPLE

Behavior to be Addressed,  
Including Frequency

Physical and verbal conflict with  
peers during passing periods  
3-4 times per week including  
shoving, name calling, using profanity

Interventions

School counselor will meet with  
student to: (1) discuss appropriate  
behavior in the halls; (2) practice  
social scripts of appropriate peer  
interactions

Start Date/Frequency of Service

9/15/14, 2 times per week for  
30 min. each session for 3 months

Name/Position of Responsible Person

Mrs. Sanchez  
School Psychologist

Outcome

Counselor met with student 22  
times over 12 weeks. Student was  
responsive to intervention. Student  
reduced number of peer conflicts  
during passing periods to 1 per week.  
It is recommended that this service  
continue until youth has no conflicts  
with peers over a 1 month period.

## BEHAVIOR 1

Behavior to be Addressed,  
Including Frequency

Interventions

Start Date/Frequency of Service

Name/Position of Responsible Person

Outcome

## BEHAVIOR 2

Behavior to be Addressed,  
Including Frequency

Interventions

Start Date/Frequency of Service

Name/Position of Responsible Person

Outcome

## BEHAVIOR 3

Behavior to be Addressed,  
Including Frequency

Interventions

Start Date/Frequency of Service

Name/Position of Responsible Person

Outcome



Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

## Factors Considered

### PROS

### CONS

#### CLASS SIZE

Smaller class sizes.

Students are often in small classrooms with students of several different age and grade levels, all of whom are working independently and at their own pace. The small class may not mean more teacher attention.

#### DISCIPLINE/PEER INTERACTIONS

Students do not spend as much time on campus and are often not given opportunities like passing periods or lunch time that sometimes lead to altercations with peers.

Students have less opportunity to interact with their peers and to participate in pro-social school-based activities both during and after school.

#### INSTRUCTION

Students have the opportunity to work independently and finish work at their own pace. Attention from teachers is often individualized.

Often limited instruction time, or even limited time in school. Often work is assigned in “packets” that youth are expected to complete independently. If students are not self-motivated, or do not have strong independent reading skills, they may complete less work and not earn any credits.

#### AGE OF STUDENTS

Often populated by older students, which can be more comfortable for those who are older and do not feel comfortable on a regular campus.

Does not offer a typical high school experience.

#### SPECIAL EDUCATION

Often works for students who are fewer than 2 years delayed academically.

Most often does not offer the array of services and placement options that a comprehensive campus does. Generally offers less structure and support for students.

**Education Rights Holder Decision:** I understand that my student has a right to immediate enrollment and attendance at their local comprehensive school. I understand that my student cannot be required to attend a continuation school, adult school, or independent study program, even if they are off track for high school graduation, have failing grades, or have behavior problems unless they are subject to formal disciplinary proceedings such as an expulsion hearing. **I understand it is my decision, as the student’s education rights holder, whether or not they will enroll at an alternative school.**

Name of School and Type of School Student will Attend: \_\_\_\_\_

Reason: \_\_\_\_\_ When will this Placement Be Reviewed: \_\_\_\_\_

Signature of Education Rights Holder: \_\_\_\_\_ Date: \_\_\_\_\_

# High School Needs of Foster Youth



This section includes:



Partial Credit Model Policy  
High School Graduation for  
Foster Youth: AB 167/216



Student Withdrawal Report  
AB 167/216 Graduation:  
Eligibility & Credit Checklist



Receiving School Partial Credit  
Request Letter  
AB 167/216 Graduation Eligibility  
Notification Letter

# Partial Credit Model Policy

## Overview of the Law

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

## Calculation/Conversion Table

# OF CLASS PERIODS ATTENDED PER SUBJECT	# OF CREDITS EARNED	
	5 CREDITS/GRADING PERIOD	1 CREDIT/GRADING PERIOD
7-13	.5 Credits	0.1 Credits
14-20	1.0 Credit	0.2 Credits
21-27	1.5 Credits	0.3 Credits
28-34	2.0 Credits	0.4 Credits
35-41	2.5 Credits	0.5 Credits
42-48	3.0 Credits	0.6 Credits
49-55	3.5 Credits	0.7 Credits
56-62	4.0 Credits	0.8 Credits
63-69	4.5 Credits	0.9 Credits
70+	5.0 Credits	1.0 Credit

## Partial Credit Calculation Guidelines

### Length of Class Period

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

### Credits Per Grading Period

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

### Alternative Schools

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

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

# Sending School Procedures

## STEP 1

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

## STEP 2

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

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

## STEP 3

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

## STEP 4

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

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

## STEP 5

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

## STEP 6

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

# Receiving School Procedures

## STEP 1

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

## STEP 2

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

## STEP 3

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

## STEP 4

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

## STEP 5

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

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

## STEP 6

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

## STEP 7

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

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

# Student Withdrawal Report



School Name: \_\_\_\_\_ School District: \_\_\_\_\_

Registrar/Counselor Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_ Grade: \_\_\_\_\_

Student State ID #: \_\_\_\_\_ Permanent ID #: \_\_\_\_\_

Enrollment Date: \_\_\_\_\_ Withdrawal Date: \_\_\_\_\_ Last Day Attended: \_\_\_\_\_

Reason for Withdrawing: \_\_\_\_\_

Next School/District: \_\_\_\_\_

## Partial Credit Log

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

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

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

## Teacher Comments

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

Course	Teacher Name	Comments

Signature of School Registrar/Counselor: \_\_\_\_\_ Date Official Transcript Issued: \_\_\_\_\_



Date: \_\_\_\_\_

TO: Registrar/Counselor: \_\_\_\_\_ School: \_\_\_\_\_

Address: \_\_\_\_\_

**Re: Check Out Grades and Partial Credits Request**

Student Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Dear Registrar/Counselor: \_\_\_\_\_,

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

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

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

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

Sincerely,

\_\_\_\_\_  
School Registrar/Counselor



## Overview of the Law



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

- **Who Qualifies:** AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under Cal. Welf. & Inst. Code § 309 or subject to a petition under Cal. Welf. & Inst. Code § 300 or 602, regardless of where they live.
- **Transfer Schools After Second Year:** To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.
- **Graduation Options:** (1) Accept the exemption and graduate using minimum state requirements. (2) Reject the exemption and graduate using school district requirements. (3) Remain in high school a 5th year to complete all school district requirements. Youth have a right to remain in high school for a 5th year even if they turn 19 years old. (4) Acknowledge eligibility but defer decision until a later date. Regardless, youth graduate receiving a normal high school diploma.
- **Length of Eligibility:** Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.
- **Reconsideration:** If a youth is found ineligible for AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.
- **Notification Requirements:** The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation on admissions to a four-year university, must be provided in writing to the youth, their ERH, and social worker/probation officer within 30 days of enrollment. The legal duty to determine eligibility and provide notification still exists, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed.
- **Who Decides:** Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.
- **Military Service:** AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.

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

**[KnowB4UGo.org](http://KnowB4UGo.org)**

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

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

## Best Practices for Determining AB 167/216 Eligibility

### STEP 1

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

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

### STEP 2

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

### STEP 3

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

### STEP 4

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

### STEP 5

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

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

### STEP 6

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If a youth's ERH or a youth over 18 decides it is in the youth's best interest to graduate under AB 167/216, ensure the youth is enrolled in the appropriate courses to complete state graduation requirements.

Review the **AB 167/216 Graduation: Eligibility & Credit Checklist** to determine which classes the youth needs to complete to graduate under AB 167/216.



# AB 167/216 Graduation Requirements

AB 167/216 STATE GRADUATION REQUIREMENTS	EXAMPLE OF LOCAL SCHOOL DISTRICT GRADUATION REQUIREMENTS
English (30 credits)*	English (40 credits) <ul style="list-style-type: none"> <li>• English 9 (10 credits)</li> <li>• English 10 (10 credits)</li> <li>• American Literature (10 credits)</li> <li>• Contemporary Composition (10 credits)</li> </ul>
Math (20 credits) <ul style="list-style-type: none"> <li>• Algebra 1 / Mathematics 1 (10 credits)</li> <li>• Other Math (10 credits)</li> </ul>	Math (30 credits) <ul style="list-style-type: none"> <li>• Algebra 1 (10 credits)</li> <li>• Geometry (10 credits)</li> <li>• Algebra 2 (10 credits)</li> </ul>
Science (20 credits) <ul style="list-style-type: none"> <li>• Biological Science (10 credits)</li> <li>• Physical Science (10 credits)</li> </ul>	Science (30 credits) <ul style="list-style-type: none"> <li>• Biological Science (10 credits)</li> <li>• Physical Science (10 credits)</li> <li>• Lab Science (10 credits)</li> </ul>
Social Studies (30 credits) <ul style="list-style-type: none"> <li>• World History (10 credits)</li> <li>• US History (10 credits)</li> <li>• American Government/Civics (5 credits)</li> <li>• Economics (5 credits)</li> </ul>	Social Studies (30 credits) <ul style="list-style-type: none"> <li>• World History (10 credits)</li> <li>• US History (10 credits)</li> <li>• Principles of American Democracy (5 credits)</li> <li>• Economics (5 credits)</li> </ul>
Visual or Performing Arts, Foreign Language, or Career Technical Education (10 credits)	Foreign Language (20 credits)  Visual & Performing Arts (10 credits)
Physical Education (20 credits)	Physical Education (20 credits)
Electives (0 credits)	Electives (50 credits)
<b>TOTAL: 130 Credits</b>	<b>TOTAL: 230 credits</b>

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

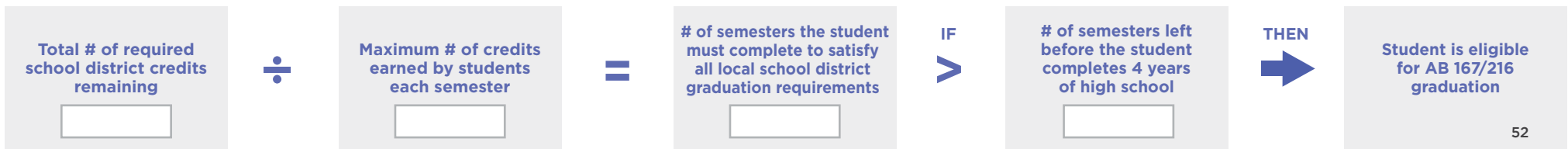
# AB 167/216 Graduation: Eligibility & Credit Checklist



Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Current Grade: \_\_\_\_\_ Current Semester: \_\_\_\_\_ Current School/District: \_\_\_\_\_

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

## Eligibility Calculation



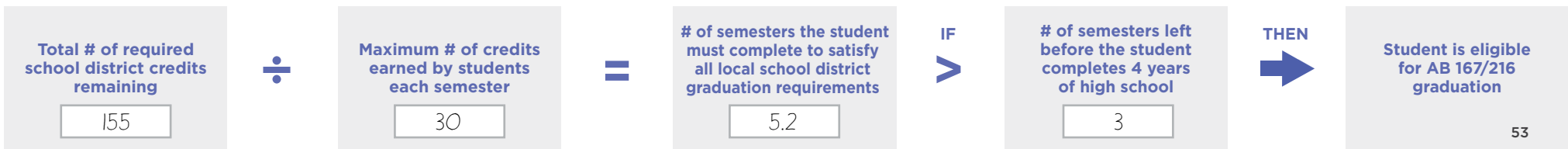
# AB 167/216 Graduation: Eligibility & Credit Checklist Sample



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

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

## Eligibility Calculation





Date: \_\_\_\_\_

TO: Education Rights Holder ("ERH"): \_\_\_\_\_ Probation Officer/  
Social Worker: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_

RE: Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Current High School: \_\_\_\_\_ Date of Enrollment: \_\_\_\_\_

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

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

**The above named student has the following graduation options:**

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

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

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

School Official: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Please make sure to keep a copy of this certification letter for your records. It can be used at any future school to verify that the student is already certified as AB 216 eligible. The above named student retains the right to graduate under AB 216 even if they transfer schools again or their foster care/probation case closes before they receive their high school diploma.

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

If you have any questions or concerns about AB 216 graduation, please contact the student's counselor.

Graduate under AB 216 in 4 years

Graduate under school district requirements in 4 years

Graduate under school district requirements in 5 years

Acknowledgment of eligibility but deferring decision until a later date

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

# Disenrolling Foster Youth



This section includes:



Disenrolling Foster Youth and  
Forwarding Education Records

 [View the Foster Youth Education Toolkit and resources online](#)



# Disenrolling Foster Youth and Forwarding Education Records

## Overview of the Law

### Foster Youth Disenrollment Rights

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

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

### Forwarding Foster Youth Records:

School districts must compile a youth's complete education record as of the last day of actual attendance and forward all records to the new school within two business days of a request. This includes but is not limited to a transcript (including full/partial credits and check out grades), current class schedule, attendance,

immunization/health records, and special education/Section 504 plans. School districts may not withhold records or prevent the youth from graduating because of outstanding fines. When requested, school districts must also send a copy of a youth's education records to:

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

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

## Best Practices for Disenrolling Foster Youth

### STEP 1

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

### STEP 2

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Meet with the ERH to discuss school of origin rights and options. See [School of Origin](#).

### STEP 3

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

### STEP 4

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

### STEP 5

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Provide essential records (e.g., transcript) to ERH and youth.

### STEP 6

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

For more information on the Foster Youth Education Toolkit, visit [kids-alliance.org/edtoolkit](http://kids-alliance.org/edtoolkit) or contact:



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CHILD WELFARE COUNCIL

**Sponsor of the Partial Credit  
Model Policy Workgroup**  
[chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx](http://chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx)



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