

Educational Protections for Foster Children:

Legislation



LCFF Local Control Funding Formula

For LCFF Purposes, the definition for Foster Child is as follows:

All children or youth who are the subject of a petition filed under *Welfare and Institutions Code (WIC) Section 300*, are included **regardless of whether they are living at home or are placed outside the home**. Children or youth who are the subject of a petition filed under *WIC Section 602* however, are included only if they have been ordered by a court to be removed from home pursuant to *WIC Section 727* and placed in foster care as defined by *WIC Section 727.4(d)*.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=42238.01.&lawCode=EDC

Foundation of FY Education Law

AB 490 (1/1/04)

- Maintain stable school placements
- Designates FY educational liaisons- ensures proper placement/transfer/ enrollment
- Allows FY to remain in school of origin if best
- Comprehensive/least restrictive schools considered first
- FY will attend school while disputes are worked out
- Immediate enrollment- no records required
- Timely records transfer (2 days)
- Calculate and accept partial credit
- Records access to SW and PO's
- No penalty for court-related absences

http://www.youthlaw.org/fileadmin/ncyl/youthlaw/events_trainings/ab490/AB490_Summary.pdf

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040AB490

School of Origin

AB 1933 (9/10)

Requires LEA to allow FY to matriculate*:

- between grade levels
- from one school to another through high school

(*If court jurisdiction ends before the end of the school year, the child shall be allowed to stay at the school of origin until the end of the school year.)

<http://www.publiccounsel.org/publications?id=0167>

SB 1568 (1/13)

- continue at school of origin through graduation if jurisdiction ends in high school

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1568

School Residency

AB 1573

A foster child who remains in his/her school of origin satisfies the residency requirements for school attendance in that LEA.

*no need for inter-district transfer

EDC§ 48853.5(e)



School Discipline Proceedings

AB 1909 (9/30/12)

- Requires LEA school districts to notify and invite social worker and attorney if facing recommendation for expulsion or subject to a manifestation determination.
- Mandatory expulsion notice is requested (not required).
- Recommendation: keep updated foster youth contact sheet

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201120120AB1909

For sample notice letters link to:

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201120120AB1909

Graduation Requirements

AB 167 (6/20/11)/AB 216 (9/23/13)

A student must meet five eligibility requirements to graduate under AB 167/216

- The youth must be in foster care
- The youth must have transferred schools after their second year of high school
 - Either by the total number of credits earned or the total length of enrollment in high school
- The youth must complete all California graduation requirements
- The district must find that the youth is not reasonably able to complete the additional local graduation requirements within four years of high school
- The youth's educational rights holder must determine that it is in the youth's best interest to graduate under AB 167/216
 - Students have a right to remain in high school for a 5th year if they can complete the local graduation requirements.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB216

Information Sharing

Uninterrupted Scholars Act

Provides child welfare agencies direct access to the children's educational records

AB 643 (2013)

Allows child welfare agency representatives to access pupil records of foster children with parental consent/court order. Amends EDC § 49076(a)(1)(L)(i)(ii)

<https://www2.ed.gov/policy/gen/guid/fpc/ferpa/uninterrupted-scholars-act-guidance.pdf>

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB643

Length of Foster Care

AB 12 (1/12)

- At age 18, youth may opt in for extended foster care until age 21 as “non-minor dependents”
- Provides stability in care during a time of multiple transitions
- Potentially, more youth can and will graduate from HS

Enforcing Foster Youth Education Rights

AB 379 (2015)

Foster Youth rights now enforceable through the State's Uniform Complain Procedure (UCP)

- Educational Placement
- Transfer of credits, records and grades
- Notification of eligibility for graduation under AB167/216
- Awarding and application of partial credits

Notice of Education Rights

AB 224 (2015)

CDE to develop a standard notice of the education rights of foster children and make it available to district's foster youth liaisons.

- Notice language must be clear and accessible to foster youth and caregivers
- Monitoring to ensure that notices are actually disseminated and posted

Ensuring Coordinated Educational/Support Svcs

AB 854 (2015)

The Foster Youth Services Coordinating Program's purpose is to collaborate with child welfare, probation, the courts, local education agencies and post-secondary institutions to minimize school placement changes and improve educational outcomes.

When Foster Youth Law & McKinney Vento Law Intersect



When are FY considered homeless?

*“children and youths who are sharing the housing of other persons due to loss of housing economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; **are living in emergency or transitional shelters**; are abandoned in hospitals; **or are awaiting foster care placement;**”*