

Citations and Abbreviations Key

- Best Interest Determination (BID)

INTRODUCTION

It is the intent of the Legislature to ensure that students in foster care have a meaningful opportunity to meet the challenging academic achievement standards to which all students in the state are held. Educators, social workers, probation officers, caretakers, advocates, and juvenile courts must work together to serve the educational needs of students in foster care.

GUIDING PRINCIPLES

Students in foster care—including dependent children of the court of an Indian tribe, and youth who are subject to a voluntary placement agreement—must have access to the same academic resources, services, and extracurricular and enrichment activities that are available to all students. All educational and school placement decisions are made by the educational rights holder, in consultation with other parties, and must be based on the child's best interests and must consider, among other factors, educational stability and the least restrictive educational setting necessary to achieve academic progress.

Educational matters must be considered at every court hearing. Social workers and probation officers have many education-related reporting requirements.

FOSTER YOUTH UNDER TRIBAL COURT JURISDICTION

AB 1055 (2021) amended provisions of the Education Code to ensure that tribal foster youth receive the same protections as other foster youth. Now tribal foster youth in California schools have the same rights and protections, including but not limited to, school of origin, grade and credit protections, timely transfer of records, and immediate enrollment in a school despite fees and fines owed at the last school of attendance. When working with tribal foster youth, it is important to coordinate with the Tribe's social worker or educational designee. All references to foster youth and social workers throughout these fact sheets also refer to tribal foster youth and tribal social workers.

SCHOOL STABILITY

Students in foster care may attend programs operated by the local educational agency (LEA) of residence of the licensed children's institution or foster family home in which the foster youth is placed, or the foster child may continue in their school of origin unless one of the following applies: (1) The student has an IEP requiring placement in a nonpublic, nonsectarian school or agency, or in another LEA; or (2) The parent or guardian or other person holding the right to make educational decisions (educational rights holder or ERH) for the student determines that it is in the best interest of the student to be placed in another educational program, in which case the ERH shall provide a written statement that the ERH has made that determination.

Before placing a child in a juvenile court school, community school, or other alternative school setting, the ERH must consider placement in the regular public school.

- School of Origin

A foster child's "school of origin" is (1) the school in which the child was last enrolled, (2) the school the child attended when permanently housed (i.e., prior to removal from the home), or (3) any other school the child attended within the immediately preceding 15 months to which the child feels connected.

If a foster child's residence changes, the LEA must let the child remain in their school of origin.

For the purposes of the school of origin right, "foster child" means a child who is the subject

must give written notice of the impending change to the current LEA and the receiving Special Education Local Plan Area (SELPA) at least 10 days in advance.

If the child's attorney or ERH requests a hearing on the proposed change, the social worker or probation officer must provide a report on the proposed change including whether a dispute exists, how the proposed change serves the best interest of the child, and the responses of all interested parties within two court days after the hearing is set, and the hearing must be held within five court days. Pending the hearing, the child has a right to remain in their school of origin.

LEAs and placing agencies must work together to ensure foster children attend the school of origin as the default following a change of placement unless the ERH, in consultation with the other parties in court and the school districts, determines it is in their best interest to change schools.

- [Role of the Court](#)

At any hearing that follows a decision to change a foster child's initial placement or any subsequent change of placement that could lead to a removal from the school of origin, the court must determine whether the placing agency made the appropriate notifications, including:

- The social worker notified the court, the child's attorney and the ERH, no more than one court day after making the placement decision, of the proposed placement decision.

- Fees or Items Owed

The new school shall immediately enroll the foster child even if the foster child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including but not limited to records or other proof of immunization history, proof of residency, other documentation, or school uniforms.

A student shall not owe or be billed for a debt owed to a school or district. If a student owes debt to a school or district, the school or district shall not take negative action against a student, such as withholding grades, transcripts, or a diploma. This provision applies to current and former foster youth even if they have willfully damaged or refused to return property.

- Timely Transfer of Records

Within two business days after the foster child's request for enrollment, the educational liaison for the new school shall contact the school last attended by the foster child to obtain all academic and other records.

Within two business days after receiving a transfer request from a county placing agency or notification of enrollment from the new LEA, the prior LEA shall transfer the student out of school and deliver the educational information and records of the student to the next educational placement. The last school attended by the foster child shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended. This applies to current and former foster youth even if they have willfully damaged or refused to return property.

As part of the transfer process, the current LEA shall compile the complete educational record

WHY DOES THIS MATTER?

child who receives child protective services or experiences or is at risk of abuse, neglect, or exploitation, or has a disability. These families qualify regardless of income.

Families in state preschool are not required to have a "need" for part-day care.

For example, the parents do not need to work or attend school to enroll their child in a state preschool program. But they do need to show a need for child care to have full-day care.

. The 24-month eligibility rules and similar waiting list rules described in the previous section also apply to California State Preschool.

Other Early Education Options Include the Following:

- California Work Opportunity and Responsibility for Kids (CalWORKs) Child Care

CDSS also administers CalWORKs child care, which has three stages. Families, resource parents, and caregivers who receive CalWORKs cash assistance are entitled to immediate, continuous CalWORKs Stage 1 child care for 12 months or until transfer to the CalWORKs Stage 2 child care program. To qualify, the family, resource parent, or caregiver must be working or engaging in a Welfare-to-Work (WTW) activity such as attending parenting classes; education-related appointments for their child; domestic violence,

Early Care and Education (continued)

Early Care and Education (continued)

Available Services, Including ECE

Services and supports paid for through the Early Start program may include, where appropriate, ECE in integrated community-based programs, and therapies and support services in those

hour notice to the LEA.

The LEA is responsible for taking any action necessary to ensure that the parent/ERH understands the proceedings at a meeting, including arranging for an interpreter for the hearing impaired or a foreign language interpreter.

If the parent/ERH needs time to think over or disagrees with part of an IEP plan, they do not have to sign the document at the IEP meeting. Parents have the right to withhold consent to the IEP document in part or in its entirety. Any part of the IEP document to which the parent/ERH does not consent cannot be implemented and may become the basis for a due process fair hearing or other dispute resolution option (e.g., a SELPA or LEA-level alternative dispute resolution process). Any part of the IEP that is agreed to should be clearly written on the document. The child's ERH must sign the IEP document before any services can begin.

Timelines

A student's IEP must be reviewed at least once annually, or more frequently upon request by

OTHER RELEVANT LAWS AND POLICIES

function of general

An SST is a

INTRODUCTION

Suspensions and expulsions are two types of school discipline. Both are governed by . A suspension is a short-term removal from school.

parent/ERH consent, enrollment in a drug rehabilitation program.

Readmission After Expulsion

An expulsion order remains in effect until the school district orders readmission. The date when a student must be considered for readmission to the district must be set by the governing board at the time of the expulsion decision. The date must be :

- For mandatory expulsions, one year from the date of the expulsion.
- For non-mandatory expulsions, the last day of the semester following the semester in which the expulsion occurred.
- For non-mandatory expulsions during summer sessions or intersessions of year-round programs, the last day of the

STUDENTS WITH DISABILITIES

Protections in the Individuals with Disabilities
Education

INTRODUCTION

The key to improving outcomes for youth in foster care and former juvenile court school pupils is identifying the specific roadblocks to their educational success and working to remove them.



Students who report on their FAFSA that they did not file a tax return are typically required to submit an IRS Verification of Non-Filing; however, if an individual is unable to obtain a verification of non-filing from the IRS and the institution has no reason to question the student's good-faith effort to obtain the required documentation, the institution may accept a signed statement certifying that the individual attempted to obtain the verification and was unable to obtain the required documentation.

See <https://jbay.org/resources/irs-vnf/> for additional information.

Cal Grant Eligibility

Foster youth who were in foster care at any point after age 13 qualify for extended eligibility for the Cal

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