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Educator and Foster Youth Liaison Resource Guide for Understanding Youth in Foster Care

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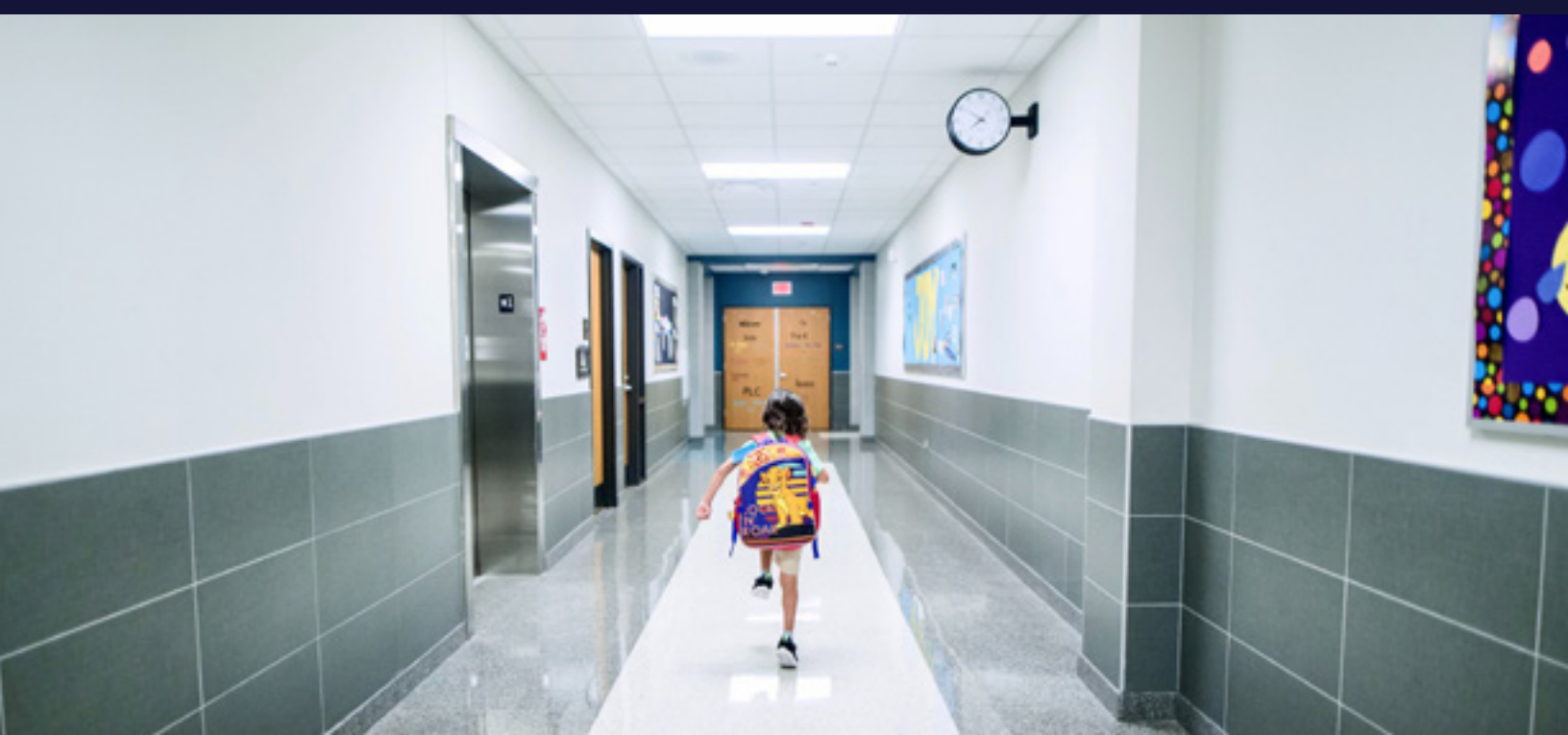


CHAPTER 1

Introduction or Intent of the Resource Guide

This guide was created in order to provide educators with a resource to support students in foster care. The primary purpose is to empower educators with information, tools, and resources that could positively impact the educational experiences of foster youth. It is our intention — **to promote collaboration among education, child welfare, and court systems in order to improve educational outcomes and school stability for youth in foster care and increase awareness of the barriers and challenges that exist within the educational journey of a foster youth.**

Working to achieve these goals, the California Department of Education (CDE) strives to fulfill the provisions of federal and state legislation regarding foster youth. The CDE's Foster Youth Services Coordinating Program (FYSCP) continues to work collaboratively with other state agencies and education partners as well as advocacy groups from around the state to ensure that local educational agencies (LEAs) are provided with the tools and resources necessary to properly serve their foster youth.



CHAPTER 2

Understanding Foster Care

Pursuant to California Education Code (EC) Section 42238.01(b), the following children and youth are considered “foster youth” for purposes of this guide:

- A child or youth who is the subject of a petition filed under Welfare and Institutions Code (*WIC*) Section 300 (meaning a court has taken jurisdiction over a child and declared the child to be a dependent of the court due to the presence or risk of abuse or neglect). This includes both children who are living at home while a dependent of the court as well as children who the court has ordered to be removed into the care, custody, and control of a social worker for placement outside the home.
- A youth between ages eighteen and twenty-one who is enrolled in high school, is a non-minor dependent under the placement responsibility of child welfare, probation, or a tribal organization participating in an agreement pursuant to *WIC* Section 10553.1, and is participating in a transitional living case plan.
- A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court’s jurisdiction in accordance with the tribe’s law.
- A child who is the subject of a voluntary placement agreement, as defined in subdivision (p) of Section 11400 of the *WIC*.

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Pursuant to EC Section 48853.5, the following children are considered a foster youth and receive educational entitlements from LEAs in addition to the youth listed above:

- A child or youth who is the subject of a petition filed under *WIC* Section 602 (meaning a court has taken jurisdiction over a child and declared the child to be a ward of the court due to the child's violation of certain criminal laws) and has 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).

The California Department of Social Services (CDSS) Out-of-Home Care System is designed to protect children who cannot safely remain with their families. Most children and youth in care have been removed from their parents and made dependents of the court. However, there are children and youth in care that are wards of Juvenile Probation or are on probation and live with legal guardians. Parents and/or guardians can also voluntarily place their child(ren) in out-of-home care placements as well.

Currently, children and youth in care are placed in family homes with relatives, in licensed foster family homes, in homes certified by foster family agencies and in group homes. Statutorily, relatives are given preference over other types of placements. All providers of care for these children, except relatives and legal guardians, are studied and licensed by CDSS, county licensing bureaus, or foster family agencies. Thousands of children in California's foster care system require temporary out-of-home care because of parental neglect, abuse, or exploitation. The largest percentages are African American and Latino children. Some stay in foster care for weeks; some for years. The children are of all ages and varying needs.ⁱ

When a child is placed in foster care, they are generally placed with a foster family. The various types of placements available for foster youth are further outlined later in this guide. Foster parents provide a supportive and stable family for children who cannot live with their birth parents until family problems are resolved. In most cases, foster parents work with social services staff to reunite the child with birth parents. Foster parents often provide care to many different children.

A written case plan is developed and facilitated by the county social worker for each child and family to ensure care and protection consistent with the best interests and special needs of the child in mind. The youth in foster care has the right to help create and sign their case plan. The case plan consists of health, education, placement and independent living transition plans, as well as the services the youth requires.

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The plan includes a judicial or administrative review every six months to determine if out of home care is still required. If, after 12 to 18 months, family reunification is not working, California statute requires that an alternative permanent placement plan becomes the goal for the child.

Identification of Child Abuse and Neglect

Child abuse is more than bruises or broken bones. While physical abuse often leaves visible scars, not all child abuse is as obvious, but can do just as much harm. It is important that individuals working with and around children be able to know what constitutes child abuse or child neglect and know how to identify potential signs.

CHILD ABUSE AND/OR CHILD NEGLECT CAN BE ANY OF THE FOLLOWING:

- A physical injury inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child.
- The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. This is whether the harm or threatened harm is from acts or omissions on the part of the responsible person.
- The willful harming or endangerment of the person or health of a child, any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition.

One does not have to be physically present or witness the abuse to identify suspected cases of abuse, or even have definite proof



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that a child may be subject to child abuse or neglect. Rather, the law requires that a person have a “reasonable suspicion” that a child has been the subject of child abuse or neglect. Under the law, this means that it is reasonable for a person to entertain a suspicion of child abuse or neglect, based upon facts that could cause a reasonable person, in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.

Red flags for abuse and neglect are often identified by observing a child’s behavior at school, recognizing physical signs, and observations of dynamics during routine interactions with certain adults. While the following signs are not proof that a child is the subject of abuse or neglect, they should prompt one to look further.



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WARNING SIGNS

Warning Signs of Emotional Abuse in Children

- Excessively withdrawn, fearful, or anxious about doing something wrong.
- Shows extremes in behavior (extremely compliant or extremely demanding; extremely passive or extremely aggressive).
- Doesn't seem to be attached to the parent or caregiver.
- Acts either inappropriately adult-like (taking care of other children) or inappropriately infantile (rocking, thumb-sucking, throwing tantrums).

Warning Signs of Neglect in Children

- Clothes are ill-fitting, filthy, or inappropriate for the weather.
- Hygiene is consistently bad (unbathed, matted and unwashed hair, noticeable body odor).
- Untreated illnesses and physical injuries.
- Is frequently unsupervised or left alone or allowed to play in unsafe situations and environments.
- Is frequently late or missing from school.

Warning Signs of Physical Abuse in Children

- Frequent injuries or unexplained bruises, welts, or cuts.
- Is always watchful and "on alert" as if waiting for something bad to happen.
- Injuries appear to have a pattern such as marks from a hand or belt.
- Shies away from touch, flinches at sudden movements, or seems afraid to go home.
- Wears inappropriate clothing to cover up injuries, such as long-sleeved shirts on hot days.

Warning Signs of Sexual Abuse in Children

- Trouble walking or sitting.
- Displays knowledge or interest in sexual acts inappropriate to his or her age, or even seductive behavior.
- Makes strong efforts to avoid a specific person, without an obvious reason.
- Doesn't want to change clothes in front of others or participate in physical activities.
- A sexually transmitted disease or pregnancy, especially under the age of fourteen.
- Runs away from home.

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Reporting Child Abuse or Neglect

Educators and foster youth liaisons as well as all other school staff have an important role in protecting children from abuse and neglect. If child abuse or neglect is suspected, a report should be filed with qualified and experienced agencies that will investigate the situation. Telephone numbers for each county's emergency response for child abuse reporting are located at California Emergency Response Child Abuse Reporting Telephone Numbers.

Obligations of Mandated Reporters

A list of persons whose profession qualifies them as “mandated reporters” of child abuse or neglect is found in California Penal Code Section 11165.7. The list is extensive and continues to grow. It includes all school/district employees, administrators, and athletic coaches. All persons hired into positions included on the list of mandated reporters are required, upon employment, to be provided with a statement, informing them that they are a mandated reporter and their obligations to report suspected cases of abuse and neglect pursuant to California Penal Code Section 11166.5.

All persons who are mandated reporters are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the job of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a pupil shares information with a mandated reporter leading him/her to believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an educator or foster youth liaison must contact an appropriate local law enforcement or county child welfare agency. This legal obligation is not satisfied by making a report of the incident to a supervisor or to the school. An appropriate law enforcement agency may be one of the following:

- A Police or Sheriff's Department (not including a school district police department or school security department).
- A County Probation Department, if designated by the county to receive child abuse reports.
- A County Welfare Department (*CWD*) / County Child Protective Services (*CPS*).

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The report should be made immediately over the telephone and should be followed up in writing. The law enforcement agency has special forms for this purpose that they will ask you to complete. If a report cannot be made immediately over the telephone, then an initial report may be made via e-mail or fax. A report may also be filed at the same time with your school district or county office of education (COE). School districts and COEs, however, do not investigate child abuse allegations, nor do they attempt to contact the person suspected of child abuse or neglect.

School districts and COEs may have additional policies adopted at the local level relating to the duties of mandated reporters. School staff should consult with their district to determine if there are additional steps that must be taken. These policies do not take the place of reporting to an appropriate local law enforcement or county child welfare agency.

Rights to Confidentiality and Immunity

All school staff, including educators and foster youth liaisons, are considered mandated reporters. Mandated reporters are required to give their names when making a report. However, the reporter's identity is kept confidential. The report of suspected child abuse is also confidential. As a mandated reporter, you have immunity from state criminal or civil liability for reporting as required.

Consequences of Failing to Report

A person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (California Penal Code Section 11166[c]).

After the Report is Made

The local law enforcement agency is required to investigate all reports. Cases may also be investigated by Child Welfare Services when allegations involve abuse or neglect within families.

Child Protective Services

CPS is the major organization to intervene in child abuse and neglect cases in California. Existing law provides for services to abused and neglected children and their families. More information can be found at CDSS' CPS web page (<https://www.cdss.ca.gov/reporting/report-abuse/child-protective-services>).

Journey Through Foster Care

A student's journey through foster care can be better understood by the description in the table below.

FOSTER CARE STAGES	DESCRIPTION
CPS Investigation	<p>When a referral is received, the social service staff obtains facts from the person making the referral to determine if the referral alleges abuse, neglect, or exploitation. The Emergency Response staff determines if an in-person response is indicated. Whenever a report indicates the need for protection, CPS will:</p> <ul style="list-style-type: none"> • Accept the case • Intervene in the crisis, if required • Apply Family Preservation and Support Services for some families • Assess or identify problems, gather facts and clarify the problems • Plan and provide services, set goals, identify resources and timeframes • Document the case • Terminate the case or transfer it to another program
Removal of Youth	<p>If it is determined that a child cannot remain in the home, even with family preservation and support services, then foster placement is arranged in the most family-like setting, that is located close to the parent's home, consistent with the best interests of the child.</p>
Placement	<p>When a child cannot be returned to a safe home after services have been delivered, the child must be provided with a family-like living arrangement as soon as possible.</p>
Treatment Plan	<p>Up to 18 months of services are provided to children and their families when a child has been removed from the home and the family is making progress toward reunification.</p>
Permanency Plan Hearing	<p>A permanency plan hearing is held 12 months after a child enters foster care. A child is considered to have entered foster care from either the date of the first judicial finding of deprivation (i.e., adjudication) or to the date 60 days after the date on which the child is removed from home. The court explores the option of ordering activation of the identified alternative permanent plan. Resource Parents attend permanency hearings and participate as the judge requests.</p>
Termination Hearing	<p>Termination of parental rights is a court order that permanently ends the legal parent-child relationship. This type of order terminates rights such as inheritance, custody, and visitation, as well as responsibilities regarding child support and liability for the child's misconduct.</p>
Adoption	<p>Once a parent's rights have been terminated, a child is available for adoption. The adoption caseworker either starts searching for a permanent home or begins the process of finalization if the child is already in an identified permanent home. The court considers a child's educational needs throughout the adoption process. Until an adoption is finalized, caseworkers partner with caregivers to make certain the child receives any necessary school services.</p>

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Where Do Children and Youth in Care Live While in Foster Care?

There are various types of placements for youth in foster care. Each placement is based on the individual needs of the youth and the ability of the caregivers to meet their needs. The goal of each placement is to provide a youth with a safe, stable, and nurturing environment. These placements may affect a youth in school or after school differently. It is helpful when educators remain sensitive to the variety of settings a student may live in and consider the impact of these environments on the student.

Below is a list of placement types in which a youth in foster care may live:

Placement Type & Definition

- **Resource Family Home:**
Foster Families, also known as resource families, have completed a background check, home environment assessment, psycho-social assessment, and have received training in how to temporarily care for the children who are placed with them.
- **Kinship Care:**
Whenever possible, Department of Children and Family Services (DCFS) seeks to place children and youth with a family member or a non-related adult close to the child (called a “non-related extended family member” [NREFM]) to provide as much stability and familiarity for your child as possible. Be sure to tell DCFS about any relatives or friends who you believe are able to safely care for your child.
- **Short Term Residential Treatment Program (STRTP):**
California’s Continuum of Care Reform recommends that foster children and youth remain in a family setting while they are separated from their parents whenever possible. However, for children who require intensive support and cannot be placed in a family-based setting, STRTPs provide short-term, high-quality, intensive therapeutic intervention services. STRTPs are not considered long-term placement options. All services are designed to stabilize, support and transition children and youth into a family setting when they are ready.
- **Transitional Housing:**
Transitional housing is available to foster youth between the ages of sixteen and twenty-four that allows you to live in a supervised independent setting with or without an adult on site. These placements include apartments, condos, houses, college dorms, a host family’s home and more.

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Who Supports Youth in Foster Care?

When a child is placed into foster care, there are many adults and service providers who play critical roles in their lives. It is important for educators to understand who these individuals are and what role they play in meeting the needs of the youth.

SOCIAL WORKER

The social worker is the child welfare staff member responsible for the oversight of the youth's case and has multiple responsibilities. The social worker is the direct link between the youth, parents, caregivers, the court system, and service providers. The social worker is responsible for ensuring that the youth's needs are met and all necessary services are provided to the youth while in care. The social worker visits the youth frequently and ensures that the placement is safe and appropriate. In addition, the social worker is responsible for ensuring that the educational placement is appropriate and the youth is afforded their educational rights.

CAREGIVER

Caregivers provide a supportive and stable family for children who cannot live with their birth parents until family problems are resolved. In most cases, caregivers work with social services staff to reunite the child with birth parents. Caregivers often provide care to many different children. A license is required to operate a foster home. Caregivers work with social services staff to determine the type of child best suited for their home (i.e., age, health issues, and gender). Caregivers receive a monthly payment to feed, clothe, and meet the material needs of the children placed in their care.

Caregivers may be a relative, NREFM, or a foster parent who is affiliated with a child placing agency or child welfare or group home staff. Caregivers have responsibilities related to a student's education. Caregivers are to be notified if there are any concerns about a youth in foster care.

COURT-APPOINTED SPECIAL ADVOCATE

Some youth in foster care have a Court-Appointed Special Advocate (CASA). A CASA is a volunteer who works with CPS and the juvenile justice system related to juvenile dependency. CASAs are trained to work on the behalf of children in the foster care system who have suffered abuse and/or neglect. CASAs make recommendations to the court about how a child moves forward in foster care and they can advocate for educational needs of a youth such as, tutoring. CASAs will talk to people in the child's life such as relatives, teachers, caregivers, social workers, or attorneys.

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FAMILY OF ORIGIN

Each case is unique and children in foster care may or may not see their biological parents, siblings, or other family members. Sensitivity to court dates, visitation, and other circumstances, such as school assignments related to family, is important. Birth parents may still hold educational rights and may still make decisions related to their child's education.

THERAPY/MEDICAL PROVIDERS

Youth in foster care may receive counseling, therapy, or other services. Schools are encouraged to coordinate with caregivers when possible to ensure that student's individual service needs are met. Allowing service providers to provide therapeutic services during the school day can help minimize student absences from school.

COURT/JUDGE

Courts play a critical role in the life of a youth in care. No child enters or exits foster care without a court order. Every day, a judge decides if a child will return home, have parental rights terminated, or if they are available for adoption. Court dates can cause disruptions to a youth's schooling and should be considered excused absences and students should not be penalized in any way. School staff should ensure that the youth are still on track for course completion.

ATTORNEY

Attorneys in charge of representing a youth in foster care have a tremendous responsibility. The attorney for the child must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship. A school must notify the attorney if a youth in care is suspended or recommended for expulsion.

EDUCATION RIGHTS HOLDER

Every foster youth under age eighteen must have an education rights holder (ERH), who is required to make education decisions in the youth's best interest. Foster youth who are eighteen or older have the right to make their own education decisions. The ERH may be the parent or legal guardian, a caregiver, or another person chosen by the court. The ERH cannot be the youth's social worker or probation officer, attorney, or group home or school staff members. It is important to know who a youth's ERH is.



CHAPTER 3

Educational Entitlements for Youth in Foster Care

Children and youth in care are a small subset of the overall student population yet face unique challenges that greatly affect their educational success. Students in foster care represent one of the most vulnerable and academically at-risk student groups enrolled in California schools. Before entering foster care, children and youth may have experienced abuse, neglect, and trauma that could lead to behavioral and educational issues that can impact educational success.

Foster youth educational outcomes in California are far behind their peers. The outcomes for foster students, outlined below, are published annually. These outcomes and more can be accessed on DataQuest (<https://dq.cde.ca.gov/dataquest/>). DataQuest is the CDE's online, public reporting system that provides reports about California's schools and school districts. To find out how to access reports specifically for foster youth on DataQuest, view these Instructions on Accessing Data (<https://www.cde.ca.gov/ds/sg/documents/guidetoaccessdata.docx>).

In order to close the achievement gap, there are a number of educational entitlements afforded to children and youth in foster care. These educational entitlements are discussed in detail below.

CHAPTER 3 Educational Entitlements for Youth in Foster Care

Foster Youth Education Rights

California *EC* § 48853.5 outlines the education rights for youth in foster care. They are summarized below:

SCHOOL OF ORIGIN

Youth in care have the right to stay in the same school after they move to a new foster care placement. A “school of origin” (SOO) can be:

- The school they attended when they first entered foster care,
- The school they most recently attended, or
- Any school they attended in the last 15 months that they feel connected to.

The school district must work with the foster youth, their ERH, caregiver, and social worker/probation officer to develop a plan to transport the youth to their SOO. If the youth is transitioning from elementary school to middle school or from middle school to high school, they have the right to transition to the same school as their classmates. If there is any disagreement about which school they will attend, they have the right to stay in your SOO until the disagreement is resolved.

IMMEDIATE ENROLLMENT

Youth in care have the right to immediately enroll in their regular home school after they move placements. They cannot be forced to attend a continuation school or other alternative education program, such as independent study, even if they are behind in credits or have discipline problems at school. Foster youth have a right to immediately enroll in school and begin attending classes, even if they do not have the paperwork they would normally need for enrollment (such as birth certificate, transcript, or individualized education program) or they did not check-out from their previous school.

The previous school must send the education records to the new school after they enroll. Youth have the right to participate in any activities available at the new school, such as sports teams, tutoring, or after-school clubs, even if they miss a tryout or sign-up deadline.



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PARTIAL CREDITS

If a youth in care changes schools during the school year, they have a right to partial credits in all classes that they are passing when they leave their old school, even if they do not complete the entire class. After a foster youth changes schools, the new school must accept the partial credits issued by the previous school.

After a youth changes schools, they have the right to be enrolled in the same or similar classes they were enrolled in at their last school. A youth in care cannot be forced to retake a class or part of a class that they have already completed with a passing grade, if it would make them off-track for high school graduation. They have the right to take or retake any class that they need to go to a California State University or University of California. And their grade cannot be lowered because they were absent from school for a court hearing, placement change, or a court-related activity.

GRADUATION RIGHTS

Youth in care have the right to stay in high school for a fifth year to complete their school district's graduation requirements, even if they are over eighteen. If a youth in care is behind on their credits, and they transferred schools after grade ten, they may be eligible to graduate under Assembly Bill (AB) 167/216 by completing only the state graduation requirements (130 credits in specific classes) instead of the school district's requirements. If a youth is eligible, the decision of whether to graduate under AB 167/216 is made by the youth's ERH.

COLLEGE RIGHTS

Youth in care have the right to have the application fee waived when they apply to a community college in California. In addition, they have the right to receive the maximum amount of federal student aid and may be eligible for up to \$5,000 per year from the Chafee scholarship.

SCHOOL DISCIPLINE RIGHTS

Recent legislation extended requirements for parental notification of pupils in foster care. A school district is now required to provide written notice to a foster child's attorney and county social worker of a decision to transfer the foster child to a continuation school, stating the facts and reasons for the decision, informing them of the opportunity to request a meeting with the district prior to a student being transferred, and indicating whether the decision is subject to periodic review and the periodic review procedure. In addition, an LEA must provide notice to the foster child's

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attorney or county social worker be informed of the specific facts and reasons for the proposed transfer, and have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the pupil's behalf.

A foster youth cannot be suspended for more than five school days in a row or for more than 20 days in a school year. In addition, they have a right to be told why they are being suspended and the right to provide their version of events and evidence before they are suspended, unless there is an emergency. If the behavior for which they are being suspended could subject a youth in care to criminal charges, the youth should consult with your ERH or attorney before providing an oral or written statement to the school or police.

A foster youth's attorney and social worker must be invited to a meeting before the suspension can be extended beyond five days and a suspension can only be extended if the youth is being considered for expulsion. Foster youth have a right to a formal hearing, and to be represented by an attorney at that hearing, before they are expelled. In addition, if the youth is facing a possible expulsion, their attorney and social worker must be notified. If the youth in care is also in special education, their attorney and social worker must be invited to a meeting to decide whether their behavior was related to their disability.

SCHOOL RECORD RIGHTS

Youth in care have the right to access their school records if they are sixteen years or older or have finished grade ten. In addition, the youth's social worker/probation officer and ERH can access their school records as well.

Best Interest Determinations

The Every Student Succeeds Act (ESSA) requires that State Education Agencies (SEAs) provide assurances that students in foster care enroll or remain in the SOO unless there is a determination that it is not in his or her best interest to attend the SOO. The best interest determination (BID) must be based on all relevant factors, including appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. See Elementary and Secondary Education Act § 1111(g)(1)(E) and *EC* § 48850(a)(1).

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BID PROCESS

A child may become a foster youth as the result of a dependency or delinquency petition filed in juvenile court or a voluntary placement agreement. When such a foster youth is removed from their home as a result of these circumstances, or changes placement, the youth must be permitted to remain in their SOO, unless there is a determination that it is not in their best interest to do so. Federal guidance states the BID to be based on the following factors:

- Preferences of the child
- Preferences of the child’s parent(s) or education decision maker(s)
- The child’s attachment to the school, including meaningful relationships with staff and peers
- Placement of the child’s sibling(s)
- Influence of the school climate on the child, including safety
- The availability and quality of the services in the school to meet the child’s educational and socioemotional needs
- History of school transfers and how they have impacted the child
- How the length of the commute would impact the child, based on the child’s developmental stage
- Whether the child is a student with a disability under the Individuals with Disabilities in Education Act who is receiving special education and related services, or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the SOO
- Whether the child is an English learner and is receiving language services, and, if so, the availability of those required services in a school other than the SOO, consistent with Title VI and the Equal Education Opportunity Act
- LEAs should coordinate with the child welfare agency to develop a dispute resolution process to address disagreements
- To the extent feasible and appropriate, a child must remain in his or her SOO while awaiting a decision to reduce the number of school moves

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California statutes and rules of court provide that the ERH and student make the decision whether the student will remain in their SOO (*EC 48853[a][3]*, *EC 48853.5[f][6 & 7]*, *WIC 361[a][4][A]*, *WIC 319[j]*, *WIC 726[c][1]*, and *California Rules of Court 5.650* and *5.651*). As part of this process, the LEA is required to designate a staff person as the educational liaison for a foster child (this will be referred to as the educational liaison). The educational liaison will collaborate with the ERH and student to make a BID, as detailed below.

The educational liaison must also do both of the following [*EC 48853.5(c)*]:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children
2. Assist foster children when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records, and grades





CHAPTER 4

Identifying Foster Youth and Maintaining Confidentiality

Identification of Foster Youth in California's Schools

Identifying which students are in foster care may be challenging in the school setting, but is an important part of improving educational outcomes for youth in care. Identification at the LEA level begins with accessing California Longitudinal Pupil Achievement Data System (CALPADS). The CDSS provides the CDE with two files each week for the weekly statewide matching process. The data in these files originate from the Child Welfare System/Case Management System (CWS/CMS) data system which is used by county social service offices and employees. More detail is given below on accessing CALPADS reports for school personnel. Identification is important to ensure that youth in foster care are afforded their education rights and are receiving all the necessary services they require such as, counseling.

IDENTIFICATION OF FOSTER YOUTH IN THE CALIFORNIA STATE EDUCATIONAL DATA SYSTEM

Foster youth are identified in schools through the statewide foster match process. This process matches CALPADS enrollment data to data from the CDSS CWS/CMS data system. LEAs may also conduct local matches in CALPADS with their CWDs. In this process, LEAs verify student demographic and enrollment data from local student information systems with data in CALPADS and manually match records in CALPADS using Case ID or Client ID from CWS/CMS.

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Once a record has been matched in the weekly match process, that record will appear the following week in the LEA's or COE's CALPADS 5.6/5.7 enrolled foster youth reports. These records will appear each week until the student is either no-longer foster or is no longer enrolled within the LEA or COE. Enrolled students who are no longer foster will appear the following week in the enrolled former foster youth reports or the COE's CALPADS 5.8/5.9 reports. Access to these reports requires CALPADS user access with the "Foster Youth" role. These reports can be found at the CALPADS website (<https://www.calpads.org/>).

Confidentiality

IMPACT OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Information sharing between education and child welfare is an important part of ensuring youth in foster care have academic success. The Family Educational Rights and Privacy Act (FERPA) requires schools to ensure protection of a student's educational records. FERPA is sometimes identified as a barrier to sharing information between education and child welfare. However, FERPA should not be a barrier to providing records and information regarding students in foster care.

Recent amendments to FERPA further clarify information sharing for students in foster care. The Federal Uninterrupted Scholars Act allows educational agencies to release education records to child welfare caseworkers or other representatives of a state or local child welfare agency. Further pertinent information includes:

- According to FERPA, the caregiver or other person authorized by the child's legal guardian should have access to education records.
- FERPA regulations define a parent to include natural parent, guardian, or an individual acting as a parent in the absence of a natural parent or guardian.
- FERPA permits school districts to release records in compliance with a court order or subpoena.
- FERPA exceptions allow student records to be released by a school district to another school district where the student seeks or intends to enroll or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer, even if parental consent was not received.



CHAPTER 4 Identifying Foster Youth and Maintaining Confidentiality

PRACTICES TO IDENTIFY FOSTER YOUTH AND ENSURE CONFIDENTIALITY

Identifying students in a way that maintains confidentiality and provides sensitivity to the youth is critical. Once students in foster care are identified, districts can implement process and procedures on a local level to ensure confidentiality will be in place while also ensuring that important persons are informed and the youth receives all necessary services and resources to ensure academic success.

While each district will create its own local processes and procedures to identify, enroll, and support youth in care, staff should always be aware of the need for ensuring confidentiality. It is important to the school staff to understand the potential negative impacts of revealing a foster youth's status from their peers or unnecessary staff members.

Here are some strategies to help protect the confidentiality of youth in foster care:

- Keep all files, forms, trackers, etc. filed away securely and out of the view of others.
- Avoid having conversations about confidential information when others could overhear. Be careful with talking to school staff about sensitive information when other staff members or students could overhear.
- Develop training and increase awareness for school staff who enroll youth around identification and confidentiality practices at each school site.

Communicating Confidential Information

Federal and state laws require that a child's status regarding being in foster care needs to be generally kept confidential. There are times that it is appropriate to share information on a "need-to-know" basis with school staff who work with a youth in care. This is an important part of ensuring that a student's needs are being met to ensure academic success.

School personnel that could possibly have a need to have access to sensitive non-academic information include the following:

- Superintendent, principal, administrative staff—for enrollment and educational planning purposes
- Teacher(s)—for educational or other relevant academic purposes
- School counselor—for educational or mental health purposes
- Special education personnel—if the youth has an Individualized Education Plan (IEP) or may be eligible for special education services
- Sports coaches—if relevant to some part of the program such as the youth missing the deadline for tryouts

CHAPTER 4 Identifying Foster Youth and Maintaining Confidentiality

Resources:

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

- FERPA FAQs (<https://studentprivacy.ed.gov/frequently-asked-questions>)

THE UNINTERRUPTED SCHOLARS ACT

- Joint Letter from the U.S. Department of Education and the Department of Health and Human Services addressing the Uninterrupted Scholars Act (<https://studentprivacy.ed.gov/resources/joint-ferpa-letter-ed-hhs-regarding-uninterrupted-scholars-act>)
- Video about the Uninterrupted Scholars Act (www.youtube.com/watch?v=4IkflR_Xx6Y&feature=player_embedded)

FEDERAL AND STATE EDUCATION RESOURCES FOR SUPPORTING STUDENTS IN FOSTER CARE

- Office of Superintendent of Public Instruction Foster Care website (www.k12.wa.us/FosterCare/)
- U.S. Department of Education Foster Care website (www2.ed.gov/about/inits/ed/foster-care/index.html)



CHAPTER 5

Enrollment, Transfers, and School Stability

Enrollment

Under California *EC* and the federal ESSA, students in care are entitled to immediate enrollment even if they lack the necessary documents or records required by the school. Delays and challenges in enrollment have major impacts on the education of youth in foster care. Enrollment delays are common despite the laws and regulations in place regarding expedited enrollment requirements. Challenges include the following:

- Partial or missing records.
- School staff having a lack of knowledge regarding the process and mandatory provisions for enrollment of students in care.
- Unclear directions as to who is in charge of transferring records.

School staff play a major role in together with caregivers, foster youth liaisons, and caseworkers to ensure foster youth experience as little as disruption as possible when starting a new school.

CHAPTER 5 Enrollments, Transfers, and School Stability

MISSING RECORDS

When a youth is placed into foster care, it can be very abrupt and immediate which cannot always allow for caregivers to withdraw a youth from their previous school. The previous school may not be aware of the youth withdrawing and may not know where the youth is now attending school to send the records. Transitions into foster care rarely happen at convenient times like semester breaks, so grades may not be readily available. In addition, when youth enter foster care school staff may be unsure about who is legally able to have access to a student's records and who can now make educationally relevant decisions. School staff may be hesitant to release a student's records to someone other than a parent or guardian. However, school staff should work with caregivers, caseworkers, and others to ensure that there are as little disruption to a child's education as possible, despite missing records.

Transfers

Under California *EC 48853.5*, each LEA is required to have a designated staff person as an educational liaison for foster children. The educational liaison is responsible for assisting foster children when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records, and grades.

Within two business days of 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. 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. The educational liaison for the school last attended shall provide all records to the new school within two business days of receiving the request.

A delay in a foster youth's transfer of records can lead to a student unnecessarily repeating a course or not receiving appropriate education services. Thus, it is important that LEAs establish practices and procedures to improve overall records transfers and communication.



CHAPTER 5 Enrollments, Transfers, and School Stability

Withdrawals

Generally, the caregiver or caseworker is responsible for withdrawing students. In some cases and for various reasons, the caregiver or the caseworker who enrolled the youth may not be the same person who withdraws a youth in care. Communication between school staff, caregivers, caseworkers, and the foster youth liaison is necessary to clarify roles and responsibilities.

Because of the FERPA exception, even if a youth in foster care is not formally withdrawn from the previous school, enrollment of the student in another school districts provides authority for the previous school district to release all records to the new school district, regardless of whether there is parental permission.

To read the FERPA exception, visit the Code of Federal Regulations website (<https://www.ecfr.gov/current/title-34/subtitle-A/part-99#99.31>)

School Stability

Youth in foster care have the poorest educational outcomes of any other student group in California in large part due to their school instability. Youth in care change schools often while in care and this can lead to a significant learning loss with each change. Improving school stability and decreasing the number of school placements for youth in care could improve educational outcomes. To address this issue, some California laws ensure youth in foster care have the right to remain in their SOO, despite a placement change.

Special Education Foster Youth Enrollment and School Transfer Considerations

When a student is changing school placement, a 30-day review will be conducted to consider least restrictive environment and services and making appropriate changes as necessary as a team. Further, if the student is being assessed and moves schools, the school will either work with the other school to complete the assessments, work collaboratively to complete assessments, or retest at the new school. Because all districts operate under local control, this can look differently. In best practice, a student undergoing assessment would remain in the school long enough for the assessment to be complete.

Upon enrollment, special education foster youth may not have a copy of or know they have an IEP. In best practice, the new school should contact the previous school for missing records and to verify if the student had an IEP. If discovered that the youth has an IEP, the new school should get a copy of it and implement it to the full extent possible prior to the 30-day review.



CHAPTER 6

The School Experience

School Environment

Creating a school environment that is sensitive to the needs of students in foster care is important to promote their academic success. Students are placed into foster care through no fault of their own and can be a cause of deep shame or stigma. School personnel play an important role in ensuring that the school environment is emotionally safe and supportive to youth in care. The school setting offers students in care opportunities to develop positive connections with peers and supportive adults, as well as build skills for learning and resilience.

Encouraging students in foster care to participate in the decisions made regarding their education can build trust and improve engagement. Youth in care should be allowed to be involved in their own educational decisions and empowered to be their own advocates in the school setting. Youth voice is important in valuing and respecting the student and encourages meaningful involvement. Educators can help ensure that the student's perspective is shared, by gathering information from the youth about their interests, needs, and ideas and sharing that with educational partners, advocates, and caseworkers.

CHAPTER 6 The School Experience

CURRICULUM PLANNING

Special considerations should be given to students in foster care when making curriculum-based decisions. For example, many teachers assign family-based projects and assignments that assume that all students live with their biological families or know about their family histories can be difficult or upsetting for youth in care. Assignments around making a family tree, creating a Mother's Day card, or writing about a family vacation could be very painful. Ensuring that a classroom community is in place where a student in foster care will not be ostracized for having an alternative assignment is also important.

If a student in foster care also has an IEP, it is important that a teacher is aware of the IEP services, and accommodations/modifications. If a teacher has a question as to if a youth has an IEP, they should contact either their administrator or special education case worker. These accommodations/modifications must be in place to support the student's educational setting.

YOUTH CHOICE AND VOICE

Children in foster care may experience a sense of loss or powerlessness. Educators can provide the youth in foster care with voice and choice in their education. Voice in education can look like including a student's wants in the co-creation of a learning plan or pathway. Choice in education could look like providing some options for students relating to the format and content of what they will learn. In general, offering all students voice and choice in the how and when of their education makes them more invested in their education. It also empowers students to feel that they are in charge of their education and make learning more interesting.

Determining Needs of Youth in Care

Similar to the average student in a California school, the academic needs of students in foster care vary greatly. In addition, a student in foster care with an IEP may have bigger gaps in the following areas discussed. Students in foster care, however, face an uphill battle to remain at grade level academically or on track for graduation due to gaps in school attendance, multiple school changes, and the emotional toll from being in foster care. In addition, youth in foster care have a lack of consistent adults in their life who know about their academic history or needed supports. The academic success of youth in care relies more heavily on the school personnel learning about the needs and history of the youth.

CHAPTER 6 The School Experience

ACADEMIC HISTORY

Conducting an academic evaluation all new students helps schools ensure that youth in foster care receive the supports they need to be successful. It allows schools to identify strengths and areas of need and put necessary supports and interventions in place for academic success. Also, having the academic history and necessary interventions on file will make any future changes in school placement go more smoothly and help the youth stay on track for graduation.

School staff could collect the following information:

- Personal information (name, date of birth)
- Contact information (caregiver, social worker, ERH, attorney)
- Last school attended and grade level
- Grades/credits earned
- State testing results
- Attendance and behavior history
- Special education or other services required
- Interventions needed

INTERVENTIONS

Based on the academic evaluation, schools should work proactively to put interventions into place to ensure academic success for youth in care. Some examples of interventions are:

- Tutoring
- Mentoring
- Counseling
- Educational case management
- Social emotional learning supports
- Behavior modifications or accommodations



CHAPTER 6 The School Experience



Special Education Considerations

Students in foster care have access to special education services just like any other student. In accordance with the Individuals with Disabilities Education Improvement Act, if a student is evaluated and determined to be a child with a disability and has an educational need, LEAs are required to provide the student with a free appropriate public education from the ages of three to twenty-one years old.

SPECIAL EDUCATION FOSTER YOUTH EDUCATIONAL DECISIONS

For purposes of special education, an ERH is a person who has the right to make educational decisions for a child. This person can be a foster parent, a guardian, a surrogate parent, or another responsible adult appointed by the court. If there is no one available to represent the child, the court itself may act as the parent for this purpose. A school district may appoint an “educational surrogate” to hold education rights for a child when the child’s biological parent cannot be located and the court is not involved in the child’s life. Here, we use “parent” to mean anyone who holds education rights for a child.

If the student has an IEP, the ERH participates in the development and implementation of the IEP.

CHAPTER 6 The School Experience

Trauma-Informed Practices

Educators play a vital role in the lives of all students, especially those impacted by childhood trauma. Adverse Childhood Experiences (ACEs) are traumatic events that happen during a person's childhood (Felitti, et al., 1998, <https://www.sciencedirect.com/science/article/abs/pii/S0749379798000178>). Children in foster care experience ACEs disproportionately higher than other students (Bramlett & Radel, 2014, <https://pubmed.ncbi.nlm.nih.gov/24806543/>). When educators are trauma-informed, they decrease their chances of re-traumatizing students and have a better understanding of how to support them. According to Edutopia (<https://www.edutopia.org/article/recognizing-signs-trauma>), some classroom signs to help educators recognize students who have experienced trauma are:

- Struggling to focus/concentrate in class
- Managing emotions (anger issues, outbursts, excessive crying, withdrawal, etc.)
- Low academic performance
- Forgetfulness
- Physical and verbal aggressive behavior
- Difficulty transitioning in between activities
- Unreasonable reaction to unexpected setbacks and challenges
- Complains of being sick often

Other signs of trauma in children, according to the Substance Abuse and Mental Health Services Administration (<https://www.samhsa.gov/child-trauma/recognizing-and-treating-child-traumatic-stress#signs>), include:

- Fearing separation from parents or caregivers
- Poor eating habits
- Frequent feelings of anxiousness
- Feeling depressed or alone
- Difficulty sleeping and experiencing frequent nightmares
- Self-harming
- Issues with substance abuse



CHAPTER 6 The School Experience

These signs are not the only indicators that a student has experienced trauma. Trauma-informed educators understand the importance and power of building strong positive relationships with students. On average, students in foster care change schools eight times a year according to Alliance for Children's Rights (https://allianceforchildrensrights.org/wp-content/uploads/ACR_SchoolStabilityReport_12-2020.pdf), which can interfere with learning and make it difficult to establish positive relationships with peers and trusting adults. Building positive relationships with caring adults is essential in the lives of students trying to cope with trauma. Some strategies to help students in foster care impacted by trauma are:

- Create structure and routines to reduce anxiety
- Set clear expectations
- Be patient and flexible
- Offer students choices when possible; it creates empowerment
- Be intentional about building positive relationships
- Demonstrate trustworthiness; students need to know you're going to follow through on your word
- Promote mindfulness and other social-emotional learning techniques that teach students self-regulation
- Build resilience and help students identify their strengths
- Create physical and emotional safety

Trauma-informed educators also understand the importance of recognizing secondary trauma in their lives and participating in self-care and wellness to prevent and combat compassion fatigue and burnout. Strategies to help educators manage secondary trauma and implement wellness include, but are not limited to:

- Create peer support groups
- Set boundaries
- Exercise
- Learn to say "no"
- Ask for help
- Identify your circle of support
- Use the Professional Quality of Life Scale (<https://proqol.org/proqol-measure>) to assess your needs
- Create a self-care plan
- Prioritize your needs

CHAPTER 6 The School Experience

Trauma-Informed Resources for Schools

- The National Child Traumatic Stress Network Child Trauma Toolkit for Educators-
<https://www.nctsn.org/resources/child-trauma-toolkit-educators>
- Substance Abuse and Mental Health Services Administration Child Trauma Toolkit for Educators-
<https://www.samhsa.gov/resource/dbhis/child-trauma-toolkit-educators>
- Crisis Prevention Institute Trauma-Informed Care for Educators Guide-
<https://institute.crisisprevention.com/EDTraumaInformedCare.html>
- Trauma Learning Policy Institute, Tools and Resources for Creating Trauma-Sensitive Schools-
<https://traumasensitiveschools.org/>
- Sesame Street Trauma-Informed Resources for Children-
<https://sesamestreetincommunities.org/topics/traumatic-experiences/>
- The National Child Traumatic Stress Network Self-Care for Educators-
<https://www.nctsn.org/resources/self-care-educators>
- Learning for Justice Wellness Toolkit for Educators-
<https://www.learningforjustice.org/magazine/fall-2015/toolkit-for-i-thought-about-quitting-today>
- FYSCP Technical Assistance Program provides a public facing website with resources relating to trauma informed and responsive practices-
<https://sites.google.com/scoe.net/fyscptap/trauma-informed?authuser=0>

Promoting High School Graduation and Postsecondary Attendance

Promoting high school graduation and college attendance are important for all students but especially for youth in care. Students in foster care may benefit from additional attention or help beyond what is already in place for all students. School staff can advise students in foster care by reviewing their courses and credits and ensuring that the student is informed regarding what they need to do to be on track for graduation. In addition, postsecondary preparation is important for youth in care. Ensuring that youth in care are informed of what the requirements of attending a college or university is important to ensure that the youth at least has the option to work towards college or university attendance.

Free Application for Federal Student Aid Completion

Historically, students in foster care have completed the Free Application for Federal Student Aid (FAFSA) at a much lower rate than that of any other high school seniors.ⁱⁱ Ensuring that students in foster care complete the FAFSA will enable them to enroll and persist in college. Ensuring that youth in foster care have the same access to financial aid in college as their peers is a good first step to closing the disparity gaps that exist between youth in foster care and their non-foster peers.



CHAPTER 7

Discipline

Historically in California, foster youth have been suspended at a higher rate than their non-foster peers.ⁱⁱⁱ Students in foster care have been removed from their home for various traumatic reasons such as abuse or neglect. These traumatic experiences may impact a student’s response to stimuli and result in challenging behavior. When necessary, it is important that students in foster care have behavior supports put in place to help mitigate behaviors that may lead to suspensions or expulsions.

Discipline Rights

As discussed in Chapter 4, students in foster care have discipline rights. A foster youth cannot be suspended for more than five school days in a row or for more than 20 days in a school year. In addition, they have a right to be told why they are being suspended and the right to provide their version of events and evidence before they are suspended, unless there is an emergency. If the behavior for which they are being suspended could subject a youth in care to criminal charges, the youth should consult with your ERH or attorney before providing an oral or written statement to the school or police.

A school district is required to provide written notice to a foster child’s attorney and county social worker of a decision to transfer the foster child to a continuation school, stating the facts and reasons for the decision, informing them of the opportunity to request a meeting with the district prior to a student being transferred, and indicating whether the decision is subject to periodic review and the periodic review procedure.

CHAPTER 7 Discipline

In addition, an LEA must provide notice to the foster child's attorney or county social worker be informed of the specific facts and reasons for the proposed transfer, and have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the pupil's behalf.

For more detailed information about discipline rights see the California Foster Youth Education Task Force Fact Sheets.

Alternatives to Discipline

Disciplinary actions taken against foster youth may have far more significant consequences than intended. Continual suspensions could further the gap for students in foster care in possible academic struggles they are already facing. Students in foster care already generally miss more school days than their non-foster peers and missing school due to suspensions can further exacerbate issues created from chronic absenteeism. Due to this, non-exclusionary and supportive approaches to dealing with disruptive behavior can benefit all students, but these approaches are especially important for youth in foster care.

Some alternatives to traditional discipline to consider for youth in foster care are listed below:

- Implement schoolwide initiatives such as Restorative Practices, Positive Behavioral Interventions and Supports, or Multi-Tiered System of Support.
- Place students on a behavior contract with input and understanding of expectations from the student, parent/guardian, and the teacher.
- Allowing students to complete restitution for any damages they cause by repairing or restoring anything they have damaged.
- Allow students to participate in community service outside of the school day as an alternative to suspension.
- Place students in a skill-building class where they learn skills such as, conflict resolution or appropriate communication.
- Have the student engage in reflective tasks where they reflect on their behavior and what could be done differently in the future.



CHAPTER 7 Discipline

Special Considerations

ABSENCES

Students in foster care often have more absences than their non-foster peers. The reasons for these absences are often related to being in foster care such as, missing school for court appearances or medical appointments. When a student is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.^{iv} Truancy can lead to disciplinary action taken by the school and it is important to ensure that students in foster care have their recoded as excused.

Special Education Foster Youth Discipline Considerations

According to *EC 48900*, students in foster care and that have IEPs can be suspended up to 10 days without regard to disability. After the 10 days or pending a recommendation for expulsion, the social worker, attorney, and ERH should be invited to the manifestation determination meeting.

APPENDICES

Educational Resources for Students in Foster Care

Foster Youth Services Coordinating Program

- Overview of the FYSCP: Foster Youth Services - Parents/Family & Community (CA Dept of Education) (<https://www.cde.ca.gov/ls/pf/fy/>)
- County FYSCP Coordinators: Program Coordinators - Foster Youth Services (CA Dept of Education) (<https://www.cde.ca.gov/ls/pf/fy/contacts.asp>)
- Foster Youth Educational Liaisons: AB 490 Educational Liaisons - Foster Youth Services (CA Dept of Education) (<https://www.cde.ca.gov/ls/pf/fy/ab490contacts.asp>)
- Foster Youth Services Resources: Foster Youth Services Program Resources - Foster Youth Services (CA Dept of Education) (<https://www.cde.ca.gov/ls/pf/fy/resources.asp>)
- FYSCP Hub Resource Webpage (<https://fyscptap.scoe.net/resources>)

Foster Youth Education Rights

- CDE Foster Youth Education Rights Webpage: Foster Youth Education Rights - Foster Youth Services (CA Dept of Education) (<https://www.cde.ca.gov/ls/pf/fy/fyedrights.asp>)
- California Foster Youth Education Task Force Fact Sheets: English (http://www.cfyetf.org/publications_34_2864360923.pdf), Spanish (http://www.cfyetf.org/publications_36_3026627512.pdf)

Foster Youth Educational Outcome Data

- CDE Foster Youth In California School's Webpage: Foster Youth in California Schools - Student Group Information (CA Dept of Education) (<https://www.cde.ca.gov/ds/sg/fosteryouth.asp>)

ⁱCalifornia Department of Social Services Frequently Asked Questions Webpage: <https://www.cdss.ca.gov/inforesources/foster-care/foster-care-and-adoptive-resource/frequently-asked-questions>

ⁱⁱJohn Burton Advocates for Youth, 2021. California Foster Youth FAFSA Challenge. Policies and Procedures. <https://jbay.org/resources/fafsa-challenge-policies-tools/>

ⁱⁱⁱDataQuest Foster Youth Suspension Data Reports: Select Final Report Parameters (ca.gov). <https://dq.cde.ca.gov/dataquest/Expulsion/ExpSearchName.asp?TheYear=2020-21&cTopic=Expulsion&cLevel=State&cName=&cCounty=&cTimeFrame=S>

^{iv}California Department of Education, Truancy Webpage: Truancy - Attendance Improvement (CA Dept of Education), <https://www.cde.ca.gov/ls/ai/tr/>