Keeping Foster Youth on Track for High School Graduation: An Overview of Laws

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Christopher Maricle, California School Boards Association
OVERVIEW OF PRESENTATION

1. LCFF & Foster Youth
2. Foster youth outcome and barriers
3. Strategies for overcoming the barriers
4. Education Rights of High School Foster Youth
   a. School Enrollment/Placement
   b. Partial Credits
   c. AB 167/216 Graduation
EDUCATION OUTCOMES OF CALIFORNIA’S FOSTER YOUTH
Under LCFF, school districts are now accountable for foster youth’s education outcomes.

- In developing their LCAPs, school districts should develop goals to improve state priority areas including:
  - Student achievement.
  - Pupil engagement including high school graduation, drop out rates and attendance.
  - School climate.
The revealed gap

? foster youth in California & ? in L.A. County

? % change schools at least once during the school year.

? months of learning is lost each time they change schools.

? % of foster youth graduate from high school on time

? % earn a post-secondary degree (AA) or certificate.

? % obtain a bachelor’s degree.
Barriers to on-time graduation

- **Placement changes disrupt education**
- **High rates of disability**
- **Poor school quality**

Children and youth in foster care are four times more likely to change schools in a given school year than other students.

Nearly one in five youth in foster care has a disability, twice the rate of the general population.

15 percent of youth in foster care attend the lowest performing 10 percent of schools in California, as compared to 10 percent of the general population.
$S^3$

Safety  Support  Stability
Since 2004, the CA Legislature has adopted several laws to support foster youth...

<table>
<thead>
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... and several best practices have emerged.
Enrollment / 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).

Foster Youth Education Toolkit, pp. 11
Overview of the Law – EC 48853

• Foster youth have a right to immediate enrollment in their local public high school, *unless*:
  ▪ ERH decides otherwise
  ▪ Disciplinary proceedings
  ▪ Educational need / reason

  ▪ Group homes can’t require attendance of group home school

  ▪ Continuation school or independent study not req’d

Foster Youth Education Toolkit, pp. 6
Impact on LCFF

- **Why Should Schools Care?**
  - Foster youth are more likely to be enrolled in continuation schools than other student populations.
  - Continuation schools do not offer the same level of instructional supports as comprehensive schools.
  - Students enrolled in continuation schools are more likely to drop out than their peers in local public schools.

  *Foster Youth Education Toolkit, pp. 5-15*

- **What Should Schools Do?**
  - In drafting their LCAPs, school districts should develop goals and activities to ensure that foster youth remain enrolled in their local public school, and are not pushed out to continuation schools.
Partial Credits
Overview of the Law
Education Code 49069.5, 51225.2

- Foster youth who transfer high schools mid-semester have a right to receive check out grades and partial credits for all work satisfactorily completed.

- Sending schools must issue check out grades based on the last day of actual attendance and calculate and issue credits on an official transcript.

- Receiving schools must accept all check out grades and partial credits, apply them to the same/equivalent courses, and immediately enroll the youth in the same/equivalent courses.

- Foster youth may not be required to retake any portion of a course already completed if it would prevent them from graduating on time.

*Foster Youth Education Toolkit, pp 53-57*
• Why Should Schools Care?
  ▪ Schools’ failure to issue partial credits to youth who repeatedly transfer high schools is a major barrier to graduation.
  ▪ Foster youth who do not receive partial credits lack the motivation to participate in school if they expect to transfer schools again.
  ▪ In 2013, over 70% of surveyed school districts in California did not have a partial credit policy.
What Should You Do?

- **What Should Schools Do?**
  - Adopt a partial credit policy that outlines how schools should calculate partial credits.
  - In developing LCAPs, schools should ensure that school personnel are trained to issue and accept partial credits.

- **What Should Child Welfare Professionals Do?**
  - Collect transcripts from each school attended for high school age youth to make sure that all credits are accounted for.
  - When checking a youth out of school, request that they award partial credits.
What Should Youth Do?

- Learn their rights and advocate for themselves.
- Check their transcript and make sure it includes all of their work.
- Try to perform their best, even if only in a school for a short time.
- Make sure that each new school enrolls them in the same classes that they were in before.
California’s Partial Credit Model Policy

- Developed and endorsed by various state agencies and organizations, including the California Department of Education and California School Boards Association (AR 6173.1).
- Youth earn 0.5 credits for every 7 class periods attended for each class they were passing as of the last day of actual attendance.
- Class periods lasting 89 minutes or less count as 1 class period for purposes of calculating partial credits. If 90+ minutes, count as 2 class periods.
- Continuation schools, independent study, or adult schools may issue partial credits according to the model policy or their approved credit plan adopted pursuant to Education Code Section 51225.3(b).

Foster Youth Education Toolkit, pp 53-57
California’s Partial Credit Model Policy, at kids-alliance.org/partialcredits
### Tools: Partial Credit Calculation Table

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

*Foster Youth Education Toolkit, Calculation/Conversion Table, pp. 53*
# Student Withdrawal Report

**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 Loss

<table>
<thead>
<tr>
<th>course name</th>
<th>corresponding graduation requirement</th>
<th>check out grade*</th>
<th># of periods attended</th>
<th>Length of each period (in min.)</th>
<th># of credits earned</th>
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* 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 all absences, homework, class work, participation, and attendance. Foster youth's 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.

<table>
<thead>
<tr>
<th>course</th>
<th>teacher name</th>
<th>comments</th>
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**Signature of School Counselor/Registrar:** [ ]

**Date Official Transcript issued:** [ ]
RECEIVING SCHOOL PARTIAL CREDIT REQUEST LETTER

Date: ____________________________

TO: Principal: ____________________________

School: ____________________________

Address: ____________________________

Re: Check Out Grades and Partial Credits Request

Student Name: ____________________________ D.O.B.: ____________________________

Dear Principal ____________________________:

Please be advised that ____________________________, a foster youth, recently enrolled in ____________________________

NAME OF STUDENT ____________________________ RECEIVING SCHOOL ____________________________

Following the student’s enrollment, we sent a records request to ____________________________ on ____________________________

SENDING SCHOOL ____________________________ DATE ____________________________

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 51225.2, 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 immediately compile, complete, and forward to our office 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 high school.

If you have any questions, please contact me at ____________________________ or your district’s AS 490 Education Liaison.

Thank you in advance for your assistance.

Sincerely,

__________________________________________

School Registrar/Counselor
AB 167/216 Graduation
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 school district requirements within four years.

Foster Youth Education Toolkit, pp. 58-64
Who Qualifies

- Youth **in foster care:** open dependency court case (subject to 300 or 309 petition)
- Youth **on probation:** open delinquency case in criminal court (subject to 602 petition)—only need to be charged, not found guilty
- Does not matter where the youth lives (e.g., foster home, group home, relative home, biological parent, juvenile hall or camp)

Transfer Schools After Second Year

- Two methods for calculating completion of second year: (1) length of enrollment or (2) # of credits earned
- Schools must use whichever method will make the youth more likely to be eligible.

_Foster Youth Education Toolkit, pp. 58-64_
“Reasonably Complete” Standard

- At the time of transfer, the youth could not complete all local graduation requirements by the end of four years of high school if they took a normal course load for the school.

Graduation Options for Eligible Youth

- Accept the exemption and graduate by completing minimum state requirements.
- Reject the exemption and graduate by completing all local school district requirements.
- Remain in their local high school for a 5th year and complete all local school district requirements.
  - Youth have a right to remain in their local high school for a 5th year even if they turn 19 years old.

*Foster Youth Education Toolkit, pp. 58-64*
Notification Requirements

- Within 30 days of enrollment, the new school must certify youth as eligible or ineligible for AB 167/216 graduation and provide written notification to the (1) youth; (2) education rights holder; and (3) social worker/probation officer.

- If eligible, notification must include:
  - The right to remain in local high school for a 5th year,
  - Effect of AB 167/216 graduation on UC/CSU admissions (youth likely will not have met A-G 4 year university admission requirements), and
  - Information regarding community college transfer opportunities to 4 year universities.

Foster Youth Education Toolkit, pp. 58-64
Who Decides

- Only the ERH, or a youth over 18, can determine whether graduating under AB 167/216 is in the youth’s best interest.
- ERHs can change their decision at any time prior to graduation.

Additional Rights

- “Once eligible, always eligible” It does not matter if youth transfer schools again, their case closes, or they return to biological parents’ care.
- Ineligible youth can request reconsideration at any time.
- A school district, youth, ERH, social worker, or probation officer cannot request a transfer solely to qualify for AB 167/216 graduation.

*Foster Youth Education Toolkit, pp. 58-64*
Impact on LCFF

- Why Should Schools Care?
  - A large number of foster youth graduate under AB 167/216 because they are unable to meet changing local graduation requirements.
  - AB 216 added many procedural protections to AB 167 that schools must understand and implement (notification requirements, ERH consent, 5th year of high school).
What Should You Do?

- **What Should Schools Do?**
  - Schools should update local policies to include the AB 216 changes.
  - In drafting their LCAPS, schools should develop goals and activities to ensure that youth graduating under AB 216 have the academic skills needed to succeed in higher education and employment.

- **What Should Child Welfare Professional Do?**
  - Ensure that the youth and their education rights holder understands their options and the implications of their decision one way or another.

- **What Should Youth Do?**
  - Speak to trusted adults about plans for the future and how this option might impact those plans.
  - Determine potential plan for graduation under district criteria and AB 167/216 so there is a clear understanding of the different paths.
Tools: Graduation Checklist

<table>
<thead>
<tr>
<th>SCHOOL DISTRICT GRADUATION REQUIREMENTS</th>
<th>COURSES COMPLETED/ CREDITS EARNED</th>
<th>DISTRICT COURSES/ CREDITS REMAINING</th>
<th>AB 167/216 COURSES/ CREDITS REMAINING</th>
</tr>
</thead>
<tbody>
<tr>
<td>English (____ credits)</td>
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<td>Math (____ credits)</td>
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<td>Science (____ credits)</td>
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<td>Social Studies (____ credits)</td>
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<td>Visual &amp; Performing Arts (____ credits)</td>
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<td>Physical Education (____ credits)</td>
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<td>Foreign Language (____ credits)</td>
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<tr>
<td>Electives (____ credits)</td>
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<tr>
<td>Total Credits:</td>
<td>Credits Completed:</td>
<td>Credits Remaining:</td>
<td>AB 167/216 Credits Remaining:</td>
</tr>
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</table>

Eligibility Calculation

\[
\text{Total # of required school district credits remaining} \div \text{Maximum # of credits earned by student each semester} = \text{# of semesters the student must complete to satisfy all local school district graduation requirements} \\
\text{IF} \quad \text{# of semesters left before the student completes 4 years of High school} > \quad \text{THEN} \quad \text{Student is eligible for AB 167/216 graduation}
\]

Foster Youth Education Toolkit, AB 167/216 Graduation: Eligibility Checklist, p 61
Questions?

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  – a.moonves@kids-alliance.org

To download the Foster Youth Education Toolkit, visit
www.kids-alliance.org/edtoolkit

To download the Partial Credit Model Policy, visit
www.kids-alliance.org/partialcredits