

EDUCATION RIGHTS OF FOSTER YOUTH

Paving the Way to High School Graduation

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The revealed gap

56,000 foster youth in California & **33,000** in L.A. County

8 school changes on average during their time in care.



4-6 months of learning is lost each time they change schools.



58 % of foster youth graduate from high school on time.

71 % of foster youth graduate from high school by age 19.



20 % earn a post-secondary degree (AA) or certificate.



3 % earn a college 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

Definition of “Foster Youth”

Under LCFF, the term foster youth includes:	Under AB 490 and related laws, foster youth includes:
<p>Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.</p>	<p>Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.</p>
<p>Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602) and who has been removed from his or her home by the court and placed into foster care under a “suitable placement” order. This includes youth who have been placed in a foster home, relative home, or group home. It does not include youth who have been placed in a juvenile detention facility, such as a juvenile hall or camp.</p>	<p>Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602), regardless of where the youth lives.</p>
<p>Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42238.01.</p>	<p>Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42238.01.</p>

Education Rights Holders

- The education rights holder is the person in a youth's life who has the legal authority to make decisions affecting a child's education.
- Generally, biological parents continue to be education rights holders unless the court limits or revokes their rights to make education decisions.
- At age 18, a youth holds their own education rights.
- If the biological parents cannot serve as education rights holders, the court can appoint any of the following people:
 - Foster parent
 - Relative caregiver
 - Community member with a relationship to the youth
 - CASA
 - But **never** a group home staff, social worker, probation officer, or other professional involved with the youth.

School of Origin

Foster youth have a right to remain in their “school of origin” unless it is in their best interest to change schools.

- School of Origin: Foster youth have a right to attend their school of origin. The school of origin can be:
 - The school youth attended before youth were placed in foster care
 - The school youth most recently attended
 - Any other school a youth attended within the last 15 months that he/she has a connection to, such as a strong relationship with teachers or participation in after-school activities.

- Best Interest:

- When deciding what would be best for the youth, the following factors may be considered:
 - The wishes of the youth
 - The physical, emotional, and education needs of the youth
 - Distance between foster home placement and school of origin
 - The quality of education offered at school of origin vs. school of residence
 - The strength of the youth's connection to the school of origin
 - The timing of the school transfer (mid-semester, end of semester)

- Best Interest:

- Who decides whether remaining in the school of origin is in the youth's best interest depends on the youth's age
 - If a youth is over 18 years old, he/she gets to make the decision of what is in his/her best interest.
 - If a youth is under 18, that decision will be made by his/her court appointed education rights holder.

Getting to School

- Youth have the right to remain in their school of origin even if their placement changes and their school is not within walking distance or the bus route of the new placement.
- Federal law makes clear that youth have a right to transportation to their school of origin. The Child Welfare Agency and the School District must have a plan for how they will share responsibility for providing this transportation.

How Long Does the Right Last

- The right to remain in the school of origin lasts the entire time youth are in foster care. If their cases close in the middle of the school year, youth have a right to remain in their school of origin at least until the end of the present academic year.
- While the foster care case is open, if the school of origin is an elementary school, youth can continue to go to the same middle and high school that their classmates attend.
- If a youth's case closes while they are in high school, they may remain in their school of origin until high school graduation.

New Law

- AB 1068, Cooley
- Signed October 12th, goes into effect January 1st, 2020
- Requires that the ERH be invited to the Child and Family Team Meeting (CFT) if there will be discussion of a placement change and/or discussion about school of origin.
- Also underscores the existing law that if the child's educational rights holder determines that remaining in, or returning to, the child's school of origin is in the child's best interest, the child and family team, in consultation with the foster care educational liaison, shall determine an appropriate transportation plan for the child to attend their school of origin and any available extracurricular activities.

School Transfer

If it is in the foster youth's best interest to transfer schools, the new school must immediately enroll them.

- Foster youth have a right to be immediately enrolled in a new school even if they do not have their academic or immunization records or owe fees/fines to their last school.
- The new school must request the records and transcripts of the youth from the previous school within 2 business days of enrollment. The previous school must forward the records 2 business days later.
- Foster youth must be enrolled in the least restrictive environment.

Partial Credits

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

Education Code 49069.5, 51225.2

Foster Youth Education Toolkit, pp 56-59

Partial Credits

- 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.

Education Code 49069.5, 51225.2

Foster Youth Education Toolkit, pp 56-59

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 56-59

California's Partial Credit Model Policy, at kids-alliance.org/partialcredits

Tools: Partial Credit Calculation Table

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

High School Graduation

Foster youth who change schools after their 2nd year of high school can graduate from high school by only completing state graduation requirements if they cannot reasonably complete the additional local graduation requirements.

- Foster youth and their ERHs must be told if they are eligible for AB 167 graduation within 30 days of transferring.
- Foster youth have a right to remain in high school for a 5th year in order to complete all graduation requirements.
- Only a youth (who is over 18) or the ERH can determine if they should graduate under AB 167.

Pros and Cons of AB 167 Graduation

Pros

- Receive a regular high school diploma.
- Graduate on time with your classmates.
- May be eligible to attend community college for free.

Cons

- Usually not eligible to apply to 4 year universities in California right after high school.
- May make it more difficult to remain AB 12 eligible.
- Lose learning opportunities and supports offered by high school.
- No longer eligible for extra-curricular high school activities, including sports.



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RIGHTS

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