

Education of Foster Youth

(Revised 01/28/22)

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Forms

The following forms are referenced in this file:

- 04-24P Consent to Treat- Parent (English/Spanish)
- 04-24A-P Authorization to Use or Disclose Protected Health Information – All Providers
- 04-24C Order Authorizing Examination and Treatment- Court
- 04-89 School Records Request
- 04-92 School Notification (CWS/CMS Template)
Educational Stability for Foster Children brochure
- 04-258 Placement Needs and Services Plan (CWS/CMS Template)
- 04-95 Best Interest In School of Origin Decisions: A Checklist for Decision Making

Related files

For additional information, click on these links:

- Educational Rights of Foster Youth
 - Documentation of Educational Information
 - Education Transportation
 - Case Plan
 - Child and Family Team Meetings
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Background

California law ([AB 490](#), statutes of 2003) affords the following education rights to all foster children:

- Educational placement must be based on the “best interest of the child” versus where the foster child resides.
- The ability to remain in the school of origin until the end of the school year, despite a change in placement, and while any educational placement dispute is being settled.
- Quick enrollment despite missing/incomplete records; i.e., immunizations, owed fees to old school or not having a school uniform.
- Requirements for Local Education Agencies (LEAs) to identify a foster youth liaison to ensure proper educational placement of the child, quick enrollment, proper transfer of records, credits and grades within 2 days of the move.
- Requirements of the LEA to ensure foster children do not lose credits or receive lowered grades due to absences resulting from change of placement or attending court hearings or court related events.
- School districts and the County Office of Education must accept full and/or **partial** credits that have been earned at all school types, including Juvenile Court and Community Schools (JCCS), nonpublic and public schools.
- Educational records are to be released to the county placing agency for the purpose of school enrollment and transfer per WIC 16010 and per Education Code 49076 (a) (11).
- The county placing agency must have [educational liaisons](#).

SWs and the educational rights holders need to be aware of these education rights and advocate for children when appropriate.

[AB 167](#) (statutes of 2010) requires school districts to exempt 11th or 12th grade foster youth from any coursework/district requirements, that are **in addition to** statewide coursework requirements, if the youth transfers from another district or between high schools within the same district. Unless, the district finds that the youth is reasonably able to complete the additional requirement(s) in time to graduate while remaining eligible for foster care benefits.

If a youth is granted such an exemption, the school district must notify the youth and youth’s education rights holder:

- if any of the waived requirements will affect the youth’s ability to be admitted into college, and
- what transfer opportunities may be available through the California Community Colleges.

In January 2013, Congress passed federal legislation, known as the Uninterrupted Scholars Act (USA), making it easier for child welfare agencies and SWs to assist foster youth to succeed academically.

USA amended Section 444(b) of the General Education Provisions Act (commonly known as the “Family Educational Rights and Privacy Act of 1974” or “FERPA”) to allow “an agency caseworker or other representative of a State or local child welfare agency, or tribal organization” the right to access a student’s school records.

Remaining in the School of Origin

At initial removal and any subsequent change of placement, SWs and parents or educational representatives may advocate for a child to remain in the school of origin pursuant to state law and/or the McKinney-Vento Act.

Per Ed Code 48853.5 section:

School of Origin (SOO) means the school that the foster child attended when permanently housed or the school in which the foster child was last enrolled. If the school the foster child attended when permanently housed is different from the school in which the foster child was last enrolled, or if there is some other school that the foster child attended with which the foster child is connected and that the foster child attended within the immediately preceding 15 months, the educational liaison, in consultation with, and with the agreement of the foster child and the person holding the right to make educational decisions for the foster child, shall determine in the best interest of the foster child, the school that shall be deemed the school of origin.”

Furthermore:

At initial detention, placement, or any subsequent change in placement of a foster child, the local educational agency (LEA) serving the foster child shall allow the foster child to continue their education in the school of origin for the duration of the jurisdiction of the court.

If the jurisdiction is terminated before the end of an academic year, the LEA will allow a former foster child (K-8) to continue their education in the school of origin through the duration of the academic school year.

If the jurisdiction is terminated while a foster youth is in high school, the LEA shall allow the former foster child to continue their education in the school of origin through graduation.

Foster children will have the benefit of matriculating with their peers in accordance with the established feeder patterns of school districts. If a foster child is transitioning between school grade levels, the LEA will allow the child to continue in the school district of origin in the same attendance area. Or, if a foster child is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, to the school designated for matriculation in that school district.

SWs are to consider the child/youth’s voice in the matter of school of origin. SWs should advocate for the child to remain in the school of origin when it is reasonable and safe and consider the individual child’s needs:

- What does the child want? Which school does the child prefer? Why?
- How will the school of origin impact sibling placement?
 - SWs will consider the importance of keeping siblings together in a same placement vs. possible separate placement to ensure attendance in school of origin
- How long is the placement expected to last, and what is the permanent plan?
- How many schools has the child attended this year? How many over the past few years?

**Remaining in the
School of Origin
(cont.)**

- How is the child doing academically?
- Would the timing of a transfer coincide with a logical juncture such as after testing, end of a semester, or end of a school year?
- How would the length of commute impact the child?
- Does the child have any anxieties about upcoming moves or changes in his/her life?
- Are there any safety issues to consider?
- Does the child have an IEP? What are the special education needs?

To determine if it is reasonable for the child to remain at the school of origin, the SW must consult with:

- the school of origin (contact the school counselor or Vice Principal)
- the caregiver, and
- the person who has the educational rights.

All parties must agree on the best interest of the child and be willing to be flexible in developing a school services plan. Often this plan requires problem solving and looking for alternative solutions, especially for transportation, with input and coordination on behalf of parents, SWs, schools, caregivers, and relatives or other appropriate persons. All parties are to collaborate to ensure foster children experience education stability, as there are benefits to positive stability including but not limited to:

- Students are more likely to achieve higher scores on standardized tests. A child may score lower on standardized tests compared to other students due to disruptions to school/education stability.
- It strengthens academic success and resilience. It is difficult for a child to recover academically after a change in school or placement.
- It increases the student's chances of being promoted to the next grade level and of graduating.

SW staff will share the Educational Stability for Foster Children brochure with parents and caregivers to remind them the importance of the educational stability. This form may also be shared with a potential educational or developmental rights holder, should they have questions about being an educational rights holder.

**Best Interest In
School of Origin
Decisions**

SWs are to encourage families to invite education partners and the educational rights holder to all initial and change of placement (COP) Child and Family Team (CFT) meetings to assist with the discussion of school of origin.

The 04-95 form will be used as a tool during all initial placement and COP CFT meetings to identify or discuss the child's SOO, transportation method and educational needs.

A copy of the completed 04-95 will be uploaded into the child's case in CWS/CMS.

**SW Requirements
When Taking a Child
into Custody**

When taking a child into custody, the SW will:

- gather information from the parent/current caregiver for the Health and Education Passport (HEP) and Placement Needs and Services Plan, including but not limited to:
 - Health information, including the name of the birth hospital, medical and dental providers, allergies, immunizations and medications the child may need
 - A signed medical release (04-24P and 04-24AP or 04-24C)
 - Educational information, including the current school, grade, grade level performance, special needs and a copy of the current Individual Educational Plan (IEP), if applicable
- fax a completed 04-89 to the child’s school to request school records.
 - School information can be searched via the California Department of Education School Directory: <http://www.cde.ca.gov/re/sd/index.asp>

Education Code §49076 allows SWs access to education records to develop the case plan, and assist with school transfers or placement.

If the child is not able to remain/return to the school of origin, the SW:

- Request the parent to inform the school that the child may not return due to a personal family matter.
- Document the child’s educational needs, as well as grade level and start/end dates into the Educational Notebook.
- Assess the appropriateness of advocating for education services.

For assistance during transition (records retrieval, etc.), the SW should utilize the regional [School Success Educational Liaisons](#).

**SW Requirements
for Children in Out-
of-Home Care**

To ensure educational needs are met for all children in out-of-home care and experiencing a COP, the SW will:

Requirements
<ul style="list-style-type: none">• Consult with the child’s current educational rights holder to consider the proximity to a child’s school and choose a placement that will allow the child to remain in their current school, whenever possible and safe.• Gather education information from the parents, caregiver, and educational rights holder.• Review the child’s Education Notebook to ensure up-to-date school information, educational rights holder and correct grade level.<ul style="list-style-type: none">○ SWs will document the school of origin decision into CWS/CMS as per Documentation of Educational Information.○ SW staff must enter all educational information into the CWS/CMS Education notebooks upon receipt or at a minimum, prior to each court hearing. Or○ The regional Health and Education Passport Office Assistant (HEP OA) may assist, if SW provides the necessary information to update the Education Notebooks.

SW Requirements for Children in Out-of-Home Care (cont.)

To ensure educational needs are met for all children in out-of-home care and experiencing a COP, the SW will:

Requirements
<ul style="list-style-type: none">• Notify the child’s school of school change in order to promote timely record transfer.• If the child is not able to remain in the same school, send a completed 04-92 to the school to dis-enroll the child within one working day to ensure timely record transfer.• School records are to be transferred by the School District/LEA within 5 working days of a request by an education provider. Document educational needs as well as grade level and start/end dates into CWS/CMS as outlined in Documentation of Educational Information.
<ul style="list-style-type: none">• At the time of a new placement, provide the following to the caregiver:<ul style="list-style-type: none">○ 04-258, within 30 days of an initial placement or○ HEP, within 48 hours of a change of placement.○ A copy of the child’s current IEP.<p>NOTE: Providing a copy of the current IEP is to avoid delay in enrollment at the child’s new school.</p> <p>Advise caregivers to notify school staff of new emergency contact information when a foster child has just been placed in their home.</p>

If the child has special education needs and/or an IEP, in addition to the above, the SW should:

Attend IEP meetings, as needed.
<p>Inform the Special Education Local Planning Area (SELPA), School District/Local Education Agency (LEA), and School/Education Provider as follows:</p> <ul style="list-style-type: none">• Notify the current and receiving SELPA that the child is moving to a new placement, 10 days prior to placing.• Give the receiving SELPA a copy of the IEP and child’s educational rights holder’s name and contact information.• Identify whether the court has limited the parent’s educational rights and whereabouts of the parents. <p>Inform the SELPA, LEA or County Office of Education of any child potentially eligible for special education.</p>

SW Requirements for Children in Out-of-Home Care (cont.)

Children placed in Licensed Group Homes (LGH)/Short Term Residential Treatment Program (STRTP) are required by law to attend public school, unless an IEP designates otherwise. A child may attend the on-grounds non-public school only if the IEP team has determined that there is no appropriate public program in the community (i.e. resource specialist program, special day class, etc.) and the on-grounds program is appropriate and can implement the child's IEP. 2 CCR § 60510(b)(2).

If the child is placed in an STRTP/LGH, in addition to the general requirements, and IEP requirements (if applicable) the SW will:

- Refer the child to the regional [School Success Educational Liaisons](#) for assistance with education support services, such as gathering other education related information.
- Notify the SELPA and the LEA and provide information to facilitate the transfer of records.

The McKinney-Vento Act

Federal Public Law #107-110, known as the McKinney-Vento Act or No Child Left Behind, provides educational rights and protections to children who are homeless. The definition of homeless includes children in foster care who are living in transitional placements such as PCC, ESC foster homes, LGH detention beds or who are otherwise awaiting foster care placement.

Under the Act, homeless children are afforded these rights:

- The right to remain in the SOO until the end of the school year in which they move into permanent housing
 - For foster children, permanent housing means any court-ordered placement.
- Transportation to the SOO, to the extent it is feasible
- School placement based on the "best interest of the child"
- Immediate enrollment **even without documentation** to a new school
- Prompt transfer of school records
- Prompt resolution of school placement disputes

Polinsky Children's Center (PCC)

For children detained at PCC, PCC school staff will identify appropriate children to advocate for and will contact the SW to coordinate efforts.

AB 490 McKinney Vento Liaisons

As required by both the Federal McKinney-Vento Act and California state law (AB 490 statutes of 2003), each school district has appointed a liaison to assist with problem solving. SWs and SCPs may contact the district liaison when problems arise in developing an educational services plan with the school. AB 490 liaisons differ from the regional School Success Education Liaisons.

Refer to the following lists for the current charter school and district liaisons:

- [Contact List: Charter School AB490 McKinney Vento Liaison List](#)
- [Contact List: District AB490 McKinney Vento Liaison List](#)

Interagency Agreement

San Diego County Interagency Agreement is an agreement between partnered systems to ensure educational support to students in foster care. The purpose of the agreement is the ability of the system to mitigate academic obstacles, faced by foster children and youth, which are often hampered by unclear lines of responsibility and accountability and unshared or incomplete information.

The following systems have collaboratively developed specific roles and responsibilities of each stakeholder and to establish procedures for the implementation of the law at the local level:

- Superintendent Of Schools Foster Youth Services Coordinating Program (FYSCP)
 - San Diego County Local Education Agencies (LEAs)
 - San Diego Momentum Learning
 - Superior Court Of California, County Of San Diego
 - County of San Diego, Health And Human Services Agency Child Welfare Services
 - County of San Diego Probation Department
 - San Diego County Department Of The Public Defender (SDPD)
 - San Diego County Department Of The Alternate Public Defender (SDAPD)
 - Children's Legal Services Of San Diego, Inc. (CLSSD)
 - Voices For Children Court Appointed Special Advocates (CASAs)
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Required Case Plan Elements for All Youth 10 and Older in Out-of-Home Placements

Refer to Case Plan for comprehensive case plan requirements. There are two education related case plan elements that SWs must report:

1. Comprehensive Sexual Health Education (CHSE):
 - The case plan needs to indicate that the youth received or will receive comprehensive sexual health education (CHSE) through their school or by other means (health care professional), at least once during middle school and once during high school.
2. Postsecondary education, including career and technical education:
 - The case plan must identify a Postsecondary Education Support Person, unless a youth states that they are not interested in pursuing postsecondary education.

Postsecondary Education Support person is an adult who will assist the youth with applications for postsecondary education and related financial aid, and may include the youth's:

- High School counselor
- Court Appointed Special Advocate (CASA)
- Guardian, or
- Any other appropriate adults.

SWs may use Child and Family Team (CFT) meetings as a method to develop an appropriate plan for postsecondary education support with the youth. If a youth expresses a desire to pursue postsecondary education, including career and technical education, SWs will need update the case plan, including identifying a Postsecondary Education Support Person.

**Postsecondary
Education
Resources**

Youth may choose not to pursue postsecondary education, but it is highly encouraged that postsecondary education be discussed with the youth, consistent with the best interests of the youth. SWs may refer to the following resources to provide guidance:

- [NextUp Program](#)
- [Assisting Youth Pursuing Post-Secondary Education: Key Dates & Deadlines for Applying & Attending](#)
- [The Financial Aid Guide for California Foster Youth](#)
- [Foster Youth Educational Planning Guide](#)
- [Case Management Check-In Guide: A Chronological Guide to Assist Case Managers Working with College Students](#)
- [Community College Career and Technical Education Programs](#)
- [California College Pathways Student Website](#)

**Public
Postsecondary
Education
Tuition and Fees**

According to [EC section 66025.3 \(b\)](#), a campus of the University of California (UC) or the California State University (CSU) shall not charge any mandatory system wide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees, to a current or former foster youth, if they meet all of the following conditions:

- Is 25 years of age or younger.
- Has been in foster care for at least 12 consecutive months after reaching 10 years of age.
- Meets any of the following:
 - Is under a current foster care placement order by the juvenile court.
 - Was under a foster care placement order by the juvenile court upon reaching 18 years of age.
 - Was adopted, or entered guardianship, from foster care.
- Completes and submits the Free Application for Federal Student Aid (FAFSA).
- Maintains a minimum grade point average and meets other conditions necessary for the student to be in good standing at the public postsecondary educational institution in which they attend, as determined by the appropriate public postsecondary segment.
- Meets the financial need requirements established for Cal Grant A awards.

Mandatory system wide tuition or fees waived in excess of the equivalent of attendance in a four-year undergraduate program. The amount of tuition or fee waiver will be reduced by any state or federal financial aid, including scholarships or grants, received by the student for the academic year or semester, or the equivalent, in which the student receives the tuition or fee waiver.

**Pregnant or
Parenting Students**

Minor or non-minor dependent (NMD) parents will be given the ability to attend school, complete homework, and participate in age and developmentally appropriate activities unrelated to and separate from parenting. The SW may make reasonable and coordinated efforts to ensure that minor or NMD parents who have not completed high school have access to school programs that provide onsite or coordinated childcare (i.e., Emergency Child Care Bridge Program). The SW will ensure the educational rights holder is aware of this. (W&I Code §16002.5 (c)(d)).

Pregnant or Parenting Students (cont.)

In addition, [Ed Code 46015](#) entitles pregnant and parenting students to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. Pregnant and parenting students have the following rights:

- (1) A pregnant or parenting pupil is entitled to eight weeks of parental leave, which the pupil may take before the birth of the pupil's infant, if there is a medical necessity and after childbirth during the school year in which the birth takes place; inclusive of any mandatory summer instruction, in order to protect the health of the pupil who gives or expects to give birth and the infant, and to allow the pregnant or parenting pupil to care for and bond with the infant.
 - (2) A pregnant or parenting pupil who does not wish to take all or part of the parental leave to which they are entitled shall not be required to do so.
 - (3) A pregnant or parenting pupil is entitled to receive more than eight weeks of parental leave, if deemed medically necessary by the pupil's physician.
 - (4) When a pupil takes parental leave, the supervisor of attendance shall ensure that absences from the pupil's regular school program are excused until the pupil is able to return to the regular school program or an alternative education program.
 - (5) During parental leave, a local educational agency shall not require a pregnant or parenting pupil to complete academic work or other school requirements.
 - (6) A pregnant or parenting pupil may return to the school and the course of study in which he or she was enrolled before taking parental leave.
 - (7) Upon return to school after taking parental leave, a pregnant or parenting pupil is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.
 - (8) Notwithstanding any other law, a pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the school in which the pupil was previously enrolled when it is necessary in order for the pupil to be able to complete state and any local graduation requirements. Unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.
 - (9) A pupil who chooses not to return to the school in which he or she was enrolled before taking parental leave is entitled to alternative education options offered by the local educational agency.
 - (10) In accordance with subdivision (d) of Section 221.51, a pregnant or parenting pupil who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.
- If the student is 18 years of age or older, or, if the student is under 18 years of age, the person holding the educational rights for the student, must notify the school of the student's intent to use their parental leave.

Alignment with SET

This file aligns with SET [Value 3](#) "Helping Children And Youth Achieve Their Full Potential And Develop Lifelong Relationships" and the guiding principle to continually focus on children's well-being while they are in care.
