



Educational Advocacy Program

Educators and policymakers often point out that parents are children's first and most enduring teachers. Indeed, no bond is more fundamental and life-defining than the one between parent and child. Children in foster care or out-of-home care, however, have had that crucial bond broken, frayed, or interrupted through no fault of their own. Traumatized first by the maltreatment, neglect, or abuse that brings them to the attention of the CPS, then by their removal from their family, and possibly yet again by their experiences in the foster care system, these children are among our most vulnerable. For almost 5,000 children and youth who are involved in the dependency system in Sacramento County each year, a solid education is their best hope - in some cases, their only hope - of achieving independence and success in adulthood. A quality education builds on a foundation of educational continuity and school stability. Unfortunately, too many children in foster care experience multiple placement changes, and changes in home placement frequently result in a change in school placement. Every school change has a significant impact on a student's education.

Whenever students enter a new school, they must adapt to different curricula, different expectations, new friends, and new teachers. A stable school environment provides children with opportunities to develop positive relationships with supportive and caring teachers, school counselors, and classmates. These relationships, and an established school routine, often provide a measure of protection from the disruption and uncertainty associated with out-of-home care. Hence, both school stability and uninterrupted attendance are necessary.

In 2005, SCA started its Educational Opportunity Program (EOP) under an Equal Justice Works fellowship grant. Prior to SCA's hosting of this project, Sacramento County did not have an educational advocacy program for youth in out of home care. The EOP remains the sole project dedicated to the direct representation of legal educational rights of this youth population in our county. The project's primary focus was to achieve wide-scale implementation of [AB-490](#), sometimes referred to as the foster care educational bill of rights - [Under CA Law \(AB490\)](#) youth in foster care have the rights to:

- Have a willing and available adult represent their best educational interests;
- Stay in your same school, even after they enter foster care, and even if they change placements;
- Get help from the [Foster Care Education Liaison](#) in their school district (every district must have one) to protect their education rights, help them to enroll, and help them get their credits;
- Be free from any discipline or punishment for missing school because of court-related activities, like hearings or other court-ordered meetings scheduled within school hours;
- Receive immediate enrollment in a new school, if that's in their best interest, even if they are missing some of your school and/or health records, or don't have a uniform yet;
- Have their school records transferred to your new school within 2 business days, if they do move schools - to make sure they get their credits and are enrolled in the right classes;



- Receive full or partial credit for their attendance and the school work they completed before moving schools.

However, the project was greatly expanded due to the demands of this population's special education requirements as well as related due process violations that this population faces. All California school districts must have a promotion/retention policy that provides for the identification of pupils who are at risk of being retained in their current grade level. Students so identified may be eligible for interventions, such as tutoring, summer school or other services "to assist the pupil to attain acceptable levels of academic achievement." Parents must be provided notice when a pupil is identified as being at risk for retention and such notice must be provided as early in the school year as practicable. Educ. Code §§ 48070-48070.5.

Many foster youth are academically "at risk" and, thus, may be "at risk for retention." It is important that these students have access to the opportunities for remedial instruction mandated by statute and that a parent or the person who retains educational decision-making rights for a foster youth receives proper notice concerning retention, especially since students identified as "at risk for retention" are often given priority enrollment status for summer school.

Access to Quality Services to Meet Academic Needs

The Foster Youth Services (FYS) 2006 Report to the Governor and the Legislature notes that "[a] majority of foster youth students are academically deficient . . . [and that] seventy-five percent of foster youths are working below grade level." This report also estimates that "approximately 78,800 of foster youth are currently not receiving counseling, tutoring, mentoring, or other vital services provided through the FYS Programs." In addition, issues arise regarding the quality of such services that are being provided to foster youth.

Special Education

Many foster youth are entitled to special education and related services under federal and California law. Studies have estimated that anywhere from 30 to 41% of children in foster care receive some sort of special education services. Elizabeth Yu et al., *Improving Educational Outcomes for Youth in Care*, A National Collaboration, CWLA Press, 2000. Twenty-six percent FYS Countywide Programs report that "untimely receipt of Imp's" is a challenge in their county.

Many challenges exist in ensuring that foster youth are appropriately identified for and provided with special education services. Key problems include: significant lags in timing prior to assessments, implementation of IEP's, and receipt of related services; delays caused by requirement that student be assessed for AB 3632 services prior to certain educational placements; holders of educational rights are often not informed of available services; and educational surrogates may lack minimal levels of competency.

English Learner (EL) or Limited English Proficient (LEP) students

A school district must provide specialized programming through which LEP students can acquire the English language skills necessary so that they will be able to eventually participate equally



with the students who entered school with an English language background. 20 U.S.C. § 1703(f); Educ. Code §§ 300 et seq.. Parents or guardians of LEP students must be provided a "full written description of. . .any alternative courses of study and all educational opportunities offered by the school district and available to the pupil." 5 C.C.R. § 11309.

For foster youth who are identified as LEP, it is extremely important to consider their language needs when determining what educational placement is in the best interests of the child pursuant to AB 490. Whenever possible, there should be continuity in the type of language program made available to such a youth when changing a placement.

Migrant Students

Foster youth who are migrant students are also eligible for migrant education supplemental services designed to address the special needs of migrant students enrolled in California schools. As with our LEP student population, we do not know the number of foster youth who are eligible for migrant education supplemental services.

No Child Left Behind

Under "No Child Left Behind" (NCLB), the State of California receives millions of dollars from the federal government to address the needs of the State's academically "at risk" student groups and those students who attend the State's highest poverty schools. Pursuant to NCLB, a complicated "accountability" system has been developed under which school districts are evaluated on a yearly basis concerning the academic progress of their students. Individual schools and districts that fail to make "adequate yearly progress" for a certain period of time are identified for "Program Improvement" (PI) and are subject to various corrective actions and interventions. Youth in out-of-home care attending PI schools are also eligible for certain services and options.

Supplemental Services

Eligible low income students who attend Title 1 schools that have been in PI status for two years or more, are entitled to supplemental educational services, which are generally tutoring services provided by State-approved contracted entities outside of the regular school day.

"Neglected and delinquent" children are specifically identified as one of the intended beneficiaries of programs and services provided under NCLB. 20 U.S.C. § 6301(2). Unfortunately, access to supplemental services and school choice is dependent upon the extent to which a school district provides meaningful and adequate notice concerning the availability of such options and a parent's ability to understand such notice and to act upon it. Too often the parents of foster youth and those designated to make educational decision for them in lieu of their parents, do not regularly receive such notice and, thus, may have no knowledge concerning the availability of such options. Thus, academically "at risk" foster youth too often do not have access to supplemental educational services or other interventions made available to other students to address academic deficits.

School Choice



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Students who attend a Title 1 funded school that has been identified for Program Improvement, corrective action, or restructuring must be given the option of school choice. Under school choice, students must be given the option of transferring to another non-PI public school within the district and they must be provided transportation. If transportation funding is limited, then students from low-income families who are the lowest achieving students may be given priority.

The Equal Justice Fellowship grant was for a period of two years and expired in September of 2007. SCA is committed to sustaining the educational advocacy position.