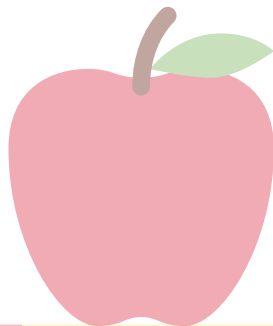


CALIFORNIA EDUCATION LEGISLATION FOR YOUTH IN FOSTER CARE



**Los Angeles County
Office of Education**

Foster Youth Services Technical Assistance Program



AUGUST, 2021



AB 490 IMMEDIATE ENROLLMENT

(STEINBERG, 2003)

- Allows students in foster care to be **immediately enrolled** in school even if all required school records, immunizations, or school uniforms are not available.
- Requires school districts to **calculate and accept credit** for full or partial coursework satisfactorily completed by the student.
- Authorizes the **release of educational records** of students in foster care to the county placing agency for the purpose of compliance with Welfare and Institutions Code (WIC) 16010, case management responsibilities required by Juvenile Court or law, or to assist with the transfer of enrollment of a pupil.
- Requires an LEA to deliver a pupil's **education information and records** to the next educational placement **within 2 days** of receiving a request from the previous school.
- Ensures that students in foster care will **not be penalized for absences** due to placement changes, court appearances, or related court activities.
- Allows students in foster care to remain in **their school of origin**.
- Amends sections 48645.5, 48850, 48859, 49061, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 of the Education Code.



AB 1933 SCHOOL OF ORIGIN

(BROWNLEY, 2010)

- Allows students in foster care to remain in their **school origin** for as long as they are in foster care, if it is in their best interests.
- What is the **definition of "school of origin"**? (1) The school that the student attended when they were **permanently housed** or in which they were **last enrolled** while in foster care, (2) a school that the student is **connected to**, or (3) **a school the student has attended in the last 15 months**.
- Amends section 48853.5 of the Education Code.



AB 643 UNINTERRUPTED SCHOLARS ACT

(STONE, 2013)

PUBLIC LAW 112-278

- Allows records of students in foster care to be **released to child welfare agencies** (Child Protective Services, Probation, etc.) for the purposes of addressing the student's educational needs without the consent of their education rights holder (ERH).
- Amends section 49076 of the Education Code.





SB 233 CAREGIVER ACCESS TO STUDENT RECORDS

(BEALL, 2017).

- Ensures that **caregivers** have access to a copy of a student in foster care's health and education records
- Authorizes a student in foster care's case plan to include their ERH contact information in addition to their health and education records
- Requires caregivers to notify a student in foster care's ERH, and in some instances their social worker, of any educational needs that require an ERH's consent or participation
- If the caregiver is unable to communicate with the ERH, they are required to communicate that information with the student's social worker or attorney instead of the ERH
- Amends sections 49069.3 and 49076 of the Education Code.



AB 216 GRADUATION EXEMPTION

(STONE, 2013).

- Students in foster care 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 local school district requirements within four years of high school. *Cal. Educ. Code 51225.1*.
- If a student is not able to graduate within 4 years they are allowed to remain for a **fifth year of high school** to complete local graduation requirements. The school district **must inform the youth** of their right to remain in high school and make arrangements to allow for continued enrollment in the local comprehensive school of residence if the ERH determines that it is in the **student's best interest**. The **ERH or student over age 18** is the only person who can determine if graduating under AB 216 is in the student's best interest.
- Applies to **students in foster care and students on formal probation** who have been removed from their home or are subject to a petition under WIC Sections 300, 309, or 602.
- Once a student in foster care enrolls in a new school they must meet with a school counselor or foster care liaison within the **first 30 days** to determine if they are eligible for graduation under AB 216.
- Once a student is found eligible for graduation under AB 216 it cannot be revoked. If a student is found ineligible at the time they meet with a counselor to review eligibility, they can request to be **reconsidered for eligibility at a later time**.
- Amends Sections 51225.3 of, and adds Section 51225.1 to the Education Code.





SB 578 ACCEPTING PARTIAL CREDITS

(NEGRETE MCLEOD, 2011).

- Requires districts or COEs to **accept coursework satisfactorily completed** by a student in foster care while attending another school and to **award full or partial credit** for such coursework as specified.
- Prohibits a school district or COE from **requiring a student in foster care to retake a course** if the student has satisfactorily completed the entire course in a public school, juvenile court school, or NPS.
- Requires the credits accepted **to be applied to the same or equivalent course**, if applicable, as the coursework completed in the student's previous public school, juvenile court school, or NPS.
- Prohibits, if a student does not complete an entire course, a school district or COE from **requiring a student to retake the portions** of the course completed, unless the school district or COE in consultation with the ERH for the student, find that the student is reasonably able to complete the requirements in time to graduate from high school. Specifies that when partial credit is awarded in a particular course, a student in foster care **shall be enrolled in the same or equivalent coursework**, if applicable, so that the student may continue and complete the entire course.
- Adds to Section 51225.2 of the Education Code.



AB 2306 JUVENILE COURT SCHOOLS

(FRAZIER, 2016).

- Allows school districts to **exempt former juvenile court school students** who transfer between schools any time after their second year of high school from all coursework and other district requirements that are in addition to the statewide coursework requirements as specified in *E.C 51225.3*. Students who qualify under AB 2306 will be eligible to use the state coursework requirement of 130 credits (refer to AB 216).
- Amends Sections 48645.3, 48645.5, 51225.1, and 51225.2 of the Education Code.



AB 1166 RETROACTIVELY EXEMPT

(BLOOM, 2015).

- Regarding AB 216 and reduced course graduation requirements, if the receiving high school fails to provide notice of the possible exemption to a student in foster care within the required 30 calendar day period, then they shall still be eligible for the exemption even if their case has closed.
- If a student in foster care is exempt from the local graduation requirements then the exemption will continue to apply to them **even if they are no longer in foster care** or if they **transfer to another high school**.
- Amends Section 51225.1 of the Education Code.





AB 1909 STUDENT DISCIPLINE

(AMMIANO, 2012).

- Requires a district's foster care liaison to **notify** a student in foster care's appropriate county child welfare representative (social worker, probation officer, etc.) of pending expulsion proceedings, a suspension extension until an expulsion decision is rendered, and pending manifestation determination for a student with an IEP.
- Must be notified within **10 days** of an expulsion hearing.
- The bill authorizes the student's **caregiver or ERH to provide the contact information** of the student's attorney to the school district when they have been **placed outside of the county of jurisdiction**.
- Amends Sections *48853.5*, *48911*, and *48915.5* and adds Section *48918.1* of the Education Code.



AB 1227 HUMAN TRAFFICKING AWARENESS

(BONTA, 2017).

- AB 1227 requires California public schools to **offer education and training on human trafficking**.
- Requires school districts to include **human trafficking prevention education in grades 7-12** (at least once in middle school and once in high school) as part of comprehensive sexual health education.
- Note: Children in foster care are one of the student populations most at risk for becoming victims of human trafficking. California has the highest human trafficking rate in the United States.
- Amends Sections *51934* and *51950* of the Education Code.



AB 81 RESIDENCY REQUIREMENTS FOR SPORTS

(AUDRA STRICKLAND, 2009).

- Requires the California Interscholastic Federation (CIF) to allow students in foster care to **maintain residential eligibility** to participate in school sports when their residential placement changes in the following ways: (1) a transfer pursuant to a court order, or (2) a transfer pursuant to the determination of a social worker that changes are needed in that student's home setting.
- Amends Section *48850* of the Education Code.





AB 1567 BEFORE AND AFTER SCHOOL PROGRAMS

(CAMPOS, 2016).

- Gives **1st priority** access to state-funded after-school programs for students in foster care in elementary school.
- Gives **2nd priority access** to state-funded after-school programs for students in foster care in middle and high school who attend daily.
- Requires an after school or before school program to inform the parents or caregivers of the student's right to receive **priority enrollment** and how to request priority enrollment.
- **Prohibits** a before or after-school program from **charging family fees** or conducting individual eligibility determinations based on need or income for students in foster care.
- Requires administrators of before and after school programs to **allow self-certification** of a student as being in foster youth and authorizes administrators to obtain this information through district foster care liaison.
- This law amends, repeals, and adds Sections 8482.6, 8483, 8483.1, and 8483.95 to the Education Code.



AB 1962 DEPENDENT CHILD OF TRIBAL COURT

(WOOD, 2018).

- This law amends the definition of youth in foster care for Local Control Funding Formula (LCFF) to include 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, provided that the child would also meet one of the descriptions in WIC 300.
- Requires LEAs to work with local tribal partners **to identify tribal court youth** who meet the definition of a student in foster care
- Requires LEAs to **collect and record the student's information** in their local student information systems and report the information to CALPADS
- Amends Section 42238.01 (b) of the Education Code.
- **Resource:** [California Tribal Courts Directory](#)





AB 1055 CLAUDETTE WHITE TRIBAL COURT EDUCATION EQUITY ACT

(RAMOS, 2021). **PENDING LEGISLATION, MAY REPLACE AB 1962**

- This bill **removes the requirement** that a dependent tribal child also meets specified state law standards for purposes of the definition of foster youth for purposes of the local control funding formula. The bill would **add Indian children**, as defined, who are subjects of voluntary placement agreements to the definition of foster youth for purposes of the local control funding formula.
- This bill **extends the educational rights and supports of youth in foster care** to include Indian children to have the following:
 - access to the same academic resources, services, and extracurricular and enrichment activities that are available to all pupils,
 - the right to immediate enrollment and education in the least restrictive environment,
 - the right to remain in the school of origin during specified proceedings, prompt academic record transfers,
 - protections against grade reductions due to changes in residential placement or court-ordered activities,
 - recognition of partial credit,
 - the right to remain in school for a fifth year to complete the local educational agency's graduation requirements,
 - access to fee waivers for certain exams, and procedural protections for disciplinary hearings.
- This bill **prohibits local educational agencies from requiring an Indian tribe or tribal court representative to certify** that a pupil is a dependent of an Indian tribe, consortium of tribes, or tribal organization, and **authorizes** tribal authorities to notify local educational agencies about a tribal pupil's status as a dependent child under the court of an Indian tribe, consortium of tribes, or tribal organization.
- Requires local educational agencies to **provide prescribed information** about these reporting provisions to parents as part of school-level parent and family engagement and annually required outreach to all parents and family members.
- Amends Sections 42238.01, 48853.5, 49069.5, 49085, and 51225.2 of the Education Code.
- **Resource: California Tribal Courts Directory**





AB 12 EXTENDED FOSTER CARE BENEFITS

(BEALL, 2010).

- Allows services for eligible youth in foster care to **extend beyond age 18 up until 21**. These youth are designated as “non-minor dependents” (NMDs)
- The decision to remain in foster care beyond age 18 is **voluntary**.
- To become eligible, at the **six month hearing** prior to a youth in foster care turning 18, the social worker/probation officer **must have a plan** to ensure the youth meet at least one of the following participation criteria:
 - Working toward completion of high school or equivalent program (e.g. GED); OR
 - Enrolled in college, community college or a vocational education program; OR
 - Employed at least 80 hours a month; OR
 - Participating in a program designed to assist in gaining employment; OR
 - Unable to do one of the above requirements because of a medical condition



SB 12 POST SECONDARY EDUCATION FINANCIAL AID ASSISTANCE

(BEALL, 2017).

- Requires social workers and probation officers to list in youth’s case plan a person who will provide **assistance with college application and financial aid** for foster youth ages 16 and older.
- Amends Sections 79220, 79221, and 79226 of , and adds Section 69516 to the Education Code.

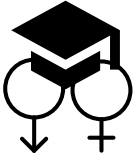


AB 1567 HIGHER EDUCATION OUTREACH & ASSISTANCE FOR YOUTH IN FOSTER CARE

(HOLDEN, 2017).

- Requires social services and county welfare departments, in coordination with California State University and CA Community Colleges, to **verify eligibility of youth in foster care** for participation in programs and other benefits.
- Amends Sections 89340, 89341, 89342, 89344, 89345, and 89346 of, and to amend the heading of Article 5 (commencing with Section 89340) of Chapter 3 of Part 55 of Division 8 of Title 3 of, the Education Code.





SB 89 CA FOSTER YOUTH SEXUAL HEALTH EDUCATION ACT

(COMMITTEE ON BUDGET & FISCAL REVIEW, 2017).

- Requires social workers and probation officers to verify **if students in foster care ages 10 and older** who are in middle or high school have received **comprehensive sexual health education** that meet requirements set forth in the CA Healthy Youth Act
- Ensures students in foster care have been informed on how to consent to and access reproductive and sexual health services
- Requires social services to develop a sexual health education curriculum that can be administered to students in foster care in the event that they are not able to receive it in school
- Requires child welfare workers, caregivers, and judges to be trained on the sexual health curriculum developed by social services
- Note: This law does not require schools to provide this information to students in foster care, however child welfare officials may reach out to schools to inquire about what type of sexual health education a student in foster care has received or will receive.



AB 413 AT-PROMISE AND NOT AT-RISK

(JONES-SAWYER, 2019).

- Requires the term “at-risk” to be replaced with “**at-promise**” to describe youth for the purposes of various provisions of the Education and Penal Codes
- This bill, for the purposes of the Education Code, defines “at-promise” to have the same meaning as “at-risk”.
- Amends Sections 234.1, 8266.1, 8423, 8801, 11300, 33426, 42920, 44324, 45391, 48660.1, 51266, 54690, 60901, and 69981 of, and to add Section 96 to, the Education Code.





AB 379 UNIFORM COMPLAINT PROCEDURE (GORDON, 2015).

- Allows students in foster care, their parents or guardian, or other person holding educational rights to **file a complaint** if they believe the student's educational rights have been violated.
- A complaint of noncompliance regarding the student's educational rights may be filed with the local education agency (LEA) under the **Uniform Complaint Procedures (UCP)** set forth in Chapter 5.1 of Division 1 of the Title 5 of the California Code of Regulations.
- A complaint not satisfied with the LEA **may appeal the decision** to the department pursuant to Chapter 5.1 of Division 1 of Title 5 of the California Code of Regulations and shall receive a written decision regarding the appeal **within 60 days** of the department's receipt of the appeal.
- If the LEA finds the complaint to be true or the Superintendent finds merit in an appeal, the **LEA shall resolve the issue**.
- LEAs are responsible for providing an **annual notification** regarding the Uniform Complaint Procedure and distribute it to students, parents, guardians, staff, and other interested parties.
- Amends Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2 of the Education Code.



SB 512 PUBLIC POSTSECONDARY EDUCATION: SUPPORT SERVICES FOR FOSTER YOUTH. (MIN, 2021).

- Allows eligible current and former youth in foster care, a significant increase in access to post-secondary education, by addressing and removing barriers that affect a student from pursuing post-secondary education.
- Students in foster care after the age of 13 may now participate in the NextUp program, which is at 45 community colleges within California.
- This age modification now aligns with the definition used by the Free Application for Federal Student Aid (FAFSA) which establishes a student's independent status.
- Expands eligibility for priority enrollment at post-secondary campuses.
- This bill also creates a flexibility with income requirements for students transitioning from full-time employment to school, funds can be used to provide support to enrolled students who meet eligibility as they matriculate before the first day of their course.
- Programs should create streamlined systems for both application and entry.
- Amends Sections 66025.9, 79220, 79222, and 79225 of the Education Code, relating to public postsecondary education.

