DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, California 95814

December 28, 2004

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order
[ ] Clarification Requested by one or more Counties
[x] Initiated by CDSS

ALL COUNTY INFORMATION NOTICE I-80-04

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS

SUBJECT: DOCUMENTATION OF THE EDUCATIONAL NEEDS OF CHILDREN RECEIVING IN-HOME SERVICES AND CHILDREN IN FOSTER CARE

The purpose of this All County Information Notice (ACIN) is three fold. First, it is to emphasize the importance for social workers, probation officers or other responsible personnel to document in the case file or Child Welfare Services/Case Management System (CWS/CMS) when the educational needs of children and youth receiving in-home services are assessed, and to document how the identified needs were addressed. Second, this notice also briefly outlines the requirements of Assembly Bill (AB) 490, Chapter 862, Statutes of 2003, which imposes new duties and rights related to the education of dependents and wards in foster care. Finally, this notice also informs counties of a new Educational Advocacy Curriculum that has been developed by the Northern Regional Training Academy.

The federal Child and Family Services Review (CFSR) requires that the State comply with the federal Well Being Outcomes for children. Federal Well Being Outcome 2, Item 21 states that: "Children receive appropriate services to meet their education needs." The key issue identified in the final report for California's review was that "in some cases although the education needs were assessed, services were not provided to meet the identified needs." This was particularly noted for children and youth receiving in-home services. For each area in which California was found to be in non-conformity, the development of an action step to address the area was required. The action steps for these areas are contained in California's Program Improvement Plan, which was negotiated with the federal government and approved in June 2003. Consistent with California's Program Improvement Plan, the California Department of Social Services (CDSS) is issuing this letter encouraging counties to ensure that, as part of the assessment of all children, if it is determined there is an educational need, to document how the identified educational needs were addressed. This would include any referrals made to schools or other educational providers, and any services, planned or delivered.

While it is recognized that in many cases services and supports are being provided to meet the educational needs of children receiving in-home services as well as to children placed in out-of home care, documentation of this is not being made consistently for children receiving services in-home. By documenting the information, it assists workers in identifying which services have been requested, utilized and successful; records

service type and duration; demonstrates to the Court that reasonable services have been provided to children; and will also assist the state and counties in future performance in federal reviews.

Educational Advocacy Curriculum

As children in out-of-home care face more difficulties in school than the general population, social workers, parents, foster parents, Court Appointed Special Advocates (CASAs) and others can help these children reach their potential by advocating for success in their education. The educational advocacy curriculum, developed by the Northern California Regional Training Academy, provides practical knowledge and tools for educational advocacy for use by social workers and probation officers. Topics include the educational rights of children in California, an overview of special education, how to be a strong educational advocate for children in the child welfare system, and disciplinary issues in regular and special education settings. The curriculum, which will also serve as a resource guide, is in the final development stage and will be tested by the Northern California Regional Training Academy. It is anticipated that the curriculum will be available by the end of 2004, or the beginning of 2005 for training of trainers. It will then be made available to county staff development departments and other regional training academies.

Assembly Bill 490

Related to the issue of education for foster youth is AB 490, Chapter 862, statutes of 2003, which outlines the educational needs and rights of children and youth in out-of-home care. The CDSS, in conjunction with the Department of Education, is preparing a more detailed all county letter concerning AB 490. This letter will be released soon. Briefly, the bill states it is the intent of the Legislature to ensure that all pupils in foster care have a meaningful opportunity to meet the challenging state academic achievement standards to which all students are held. In fulfilling their responsibilities to these students, educators, county placing agencies, care providers, advocates and the juvenile courts shall work together to maintain stable school placements and ensure students are placed in the least restrictive educational programs and have access to the academic resources, services, and extracurricular and enrichment activities that are available to all students. In all instances educational and school placement decisions must be based on the best interests of the child. Further, the Legislature finds that the mobility of students in foster care often disrupts their educational experience, and the efficient transfer of pupil records is a critical factor in the swift placement of foster children in educational settings. Although many counties have already begun implementation of AB 490, which was effective on January 1, 2004, included is a summary of the key provisions of the bill, which may be a useful tool to share with substitute caregivers.

Summary of Key Provisions of AB 490

1. Requires school districts and county offices of education to accept credit for full or partial coursework satisfactorily completed by the student and earned while attending a public school, juvenile court school or nonpublic, nonsectarian school.

2. Requires that a public school be considered as the first school option for students who are foster youth.

3. To ensure proper placement, transfer and enrollment in school for foster youth, requires Local Educational Agencies (LEAs) to designate a staff person as a foster care education liaison.

4. Permits foster children to remain in their school of origin for the duration of the school year when their placement changes and remaining in the same school is in the child's best interests. This does not supercede any other law governing the placement of a student detained in a county juvenile hall, or committed to a county ranch, camp, forestry camp or regional facility.

5. As soon as the county placing agency becomes aware of the need to transfer a foster youth to a different school, requires an LEA to deliver the pupil's education information and records to the next school within 2 days of receiving a transfer request from a county placing agency.

6. Authorizes the release of educational records of a student placed in out-of-home care to the county placing agency to assist with the transfer or enrollment of the student, or for the purpose of compliance with case management responsibilities required by the Juvenile Court or law.

7. Requires county placing agencies to consider, as a factor in placement decisions, the child's school attendance area.

8. Creates a shared responsibility for LEAs and the county placing agencies for the timely transfer of pupils and their records when a change of schools occurs.

9. Provides that a foster youth has the right to remain enrolled in and attend their school of origin pending resolution of any school placement disputes.

10. Permits the immediate enrollment of a foster youth in school even if all required school records, immunizations, or school uniforms are not available.

11. Ensures that foster youth who have absences from school due to a verified court appearance or a related court ordered activity, shall not have their grades lowered as a result of these absences.

A resource for county placing agencies is the California Department of Education's web site for foster youth services. The web site is at http://www.cde.ca.gov/ls/pf/fy/ and contains a complete list of foster youth services programs within county offices of education; resources related to foster youth services programs, including web links and reports; and several studies and reports related to the education of foster youth.

A county letter is being developed in consultation with counties on data entry issues so that educational and other well being outcomes can be tracked and measured. The letter will contain instructions pertaining to the documentation of referrals and service provision in CWS/CMS. The well being outcome indicators are being generated as part of the new California Child Welfare Outcomes and Accountability System. Information regarding the Child Welfare Outcomes and Accountability System can be found at http://www.childsworld.ca.gov/ . This web site contains information regarding the Outcomes and Accountability System report, the work plan, and the All County Letters and All County Information Notices released regarding this new quality assurance system.

If you have questions related to the documentation of services and supports provided to meet the educational needs of children, please contact Teresa Contreras, Bureau Chief, Child Welfare Policy and Program Development Bureau at (916) 651-6160.

If you have questions related to the educational needs of children in foster care, please contact Heidi Wackerli of the California Department of Education's Foster Youth Services at (916) 445-5737.

If you have questions related to the educational advocacy curriculum, please contact Greg Rose, Bureau Chief, Resources Development and Training Support Bureau at (916) 651-6160.

Sincerely,

Original Document Signed By

Susan Nisenbaum

SUSAN NISENBAUM, Chief
Child Protection and Family Support Branch