Foster Youth Services
TULARE COUNTY

What School Staff Need to Know about Foster Care

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or call

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Children are removed from the care of the parents primarily because of abuse or neglect by the parent.

This is a result of complex family, social and environmental conditions. It is estimated that 80% of these cases involve alcohol or other drug abuse.

More than 62,000 children live in foster care in California. These children are moved frequently. Along with multiple homes come multiple school placements. The odds are you will meet a foster child wishing to attend your school. Nearly all of these children have suffered trauma or maltreatment.

Schools can be an important source of stability for children with tumultuous home lives. Foster children need to believe they are welcome in school, are treated the same as their classmates and are safe. Foster youth are entitled to immediate enrollment in school, even if they do not have the documentation that is usually required.

You will be the foster child’s first contact with your school site. What you say and do reflects your school community and makes a difference in the child’s life.
Who might be involved in the lives of foster youth?

Foster children have many adults managing different aspects of their lives. Caregivers and social workers may change several times during a child’s time in the foster care system.

- Social Worker
- Foster Parent
- Attorney
- Probation Officer
- Foster Family Agency Social Worker
- Court Appointed Special Advocate (CASA)
- Educational Advocate
- Biological Parents
- Relatives
- ILP Worker
- Wraparound Program Staff

What types of living arrangements do foster children have?

Some children in foster care experience frequent changes in their living arrangements. They may have also experienced homelessness.

- Emergency Shelter
- Foster Home (licensed or certified)
- Kinship Home (relatives)
- Non-Relative Extended Family Member (not related but known to the child)
- Group Home
What should school staff do when a foster youth arrives at school for the first time?

• Determine whether the child is in foster care placement. Proof of placement in foster care may be provided to schools for purposes of determining residency. [EC§48204(a)]

• Some children placed with relatives are officially placed in foster care by Child Welfare Services. Do not delay enrollment because an official proof of placement document is not available.

• Schools must immediately enroll foster children even if the foster child is unable to produce records or clothing normally required for school enrollment [EC§48853.5(d)(4)(B)]. The word “enroll” means attending classes and fully participating in all school activities.

• School records for foster children must be requested from the previous school within two business days of enrollment. [EC§48853.5(d)(4)(C)]. If the records are not received by the third business day, contact the former school, their district foster care liaison or the Foster Youth Services Coordinator.

• Foster children must attend programs operated by the local education agency unless the child has an IEP requiring a different educational placement, or the person with educational rights determines that it is in the child’s best interest to attend a different education program or to remain in the school of origin [EC§48853(a)(2-3)].

• Before any decision is made to place a pupil in a juvenile court school as defined by EC§48645.1, a community school as described in Sections 1981 and 48660, or other alternative educational setting, the parent or guardian, or person holding the right to make educational decisions for the pupil, shall first consider placement in the regular public school [EC§48853(b)].
Inquire about the following in order to determine appropriate educational placement:

- If the child has an IEP, immediately place the child in an educational setting most similar to the last school placement, pending review [EC§56043(m)(1-3)]. If the child’s new school is in a different Special Education Local Plan Area (SELPA) the local education agency must either adopt the previous IEP or hold a meeting with 30 days to develop a new IEP [EC§56325(a)]. If you do not have a copy of the child’s current IEP, you must still enroll the child in school immediately while you obtain the records.

- 504 accommodation plans (must be followed by the new school).

- The previous school must post full or partial credits to the transcript. You (the new school) must post these credits to the student’s transcript if the previous school was a public school, juvenile court school, or nonpublic, nonsectarian school [EC§58645.5].

- Ask the caretaker to provide you with any educational information he/she may have.

- Ask the caretaker to provide the social worker’s name and phone number on the emergency card.

- Ask the caretaker to provide you with name and contact information for the person with education rights for your new student.

- Contact the Foster Youth Services Coordinator for assistance. The Coordinator may have access to a data system that contains important information about your new student.
What should school staff keep in mind for all currently enrolled foster youth?

• All School districts must designate a staff person as the foster youth education liaison. This liaison has very specific duties that must be completed for every foster child in the district. [EC§48853.5(b)].

• Schools must provide the educational rights holder and foster parents access to all of the child’s records to ensure the representative has adequate knowledge to represent and make educational decision in the child’s best interest. [EC § 49076(a)(1)(N)].

• A Non-Minor Dependent (NMD) holds their own educational rights and must give written consent for anyone else to access those records.

• Check with your District Foster Youth Liaison or Foster Youth Services Coordinator to obtain information regarding special programs your district or county office of education may provide for foster youth.
What should school staff do when a social worker calls?

At least every six months the social worker or probation officer is required to file a report with the court regarding each of the children on his/her caseload. This report should include information about the child’s’ school attendance and performance. The social worker or probation officer are legally entitled to all information about the child.

- Parental consent and court orders are not needed by social workers and probation officers in order to access a foster child’s school records. [EC § 49076(a)(1)(N)].

- Confirm that the person who has identified him/herself as the social worker/probation officer is in fact the student’s social worker/probation officer. All social workers/probation officers have county identification badges. You may also confirm their identity with the foster parent.

- Court Appointed Special Advocate (CASA) have access to school information per WIC 107(a). They will have a badge and an appointment order from the juvenile court. Ask to see those documents before providing records.

- Answer any questions the social worker/probation officer may pose about the student.

- Relate positive experiences you have had with the child.

- If at all possible have the teacher/teachers contact the social worker to provide classroom experience with the child.
• Tell the social worker/probation officer about concerns you have about the child.

• Ask to be notified of court dates, family visits and medical appointments that may take the child out of school or cause emotional upheaval, even if only temporarily.

• Invite the social worker/probation officer to all school events.

• For all education decisions, make sure you have contacted the person with education rights.

• Social workers and probations officers cannot hold educational rights for foster youth [GC§7579.5(i-j)].
Parents have the right to make educational decision or their children unless the child is in a legal guardianship, has been freed for adoption (parental rights terminated), or the court has specifically limited the parent/parents educational rights (one parent may retain educational rights and their other may have their educational rights limited) [WIC 361, 726; GC§7579.5; EC§56055(c);34 CFR 300.30]. All education decision (including assessments, signing the IEP, agreeing to retention and stipulating to an expulsion) for a child must be made by the person holding educational rights.

- A JV-535 form (findings and orders limiting the right to make educational decisions for the child, appointing an educational representative, and determining the child’s educational needs) is issued by the court when it limits the educational rights of the parents. If the court names someone to hold the educational rights for a child, the JV-535 will indicate this.

- The JV-535 is forwarded to the County Office of Education and the school district office of the child’s attendance.

- If the court cannot locate a responsible adult to hold educational rights, the court will state this on the JV-535 and if the child has an IEP or has been referred for assessment, the court will send the JV-535 to the child’s school district with a JV-536 (Local Educational agency response to JV-535 – appointment of a surrogate parent). The district must make reasonable efforts to appoint a surrogate within 30 days of the court’s referral and then notify the court (on the JV-536 of the identity of the surrogate within seven calendar days of the appointment, termination resignation or replacement of a surrogate parent.)
If you have questions about duties and responsibilities of the education rights holder for a foster youth, contact your district liaison or Foster Youth Services Coordinator.

What should school staff do when a foster child leaves or is about to leave the school?

- The social worker should notify the school of a change in placement prior to the student departure [EC§4069.5(c)].

- Consider whether it is in the best interest of the child to remain in the school of origin. If a foster child’s residence changes, the LEA must let the child remain in his/her school of origin for as long as the court has jurisdiction over the child’s placement. Moreover, when transitioning between grade levels, the child has the right to continue in his/her school district of origin or, if applicable, to enroll in the same middle or high school district as his/her classmates, following established school district feeder patterns. If the court’s jurisdiction ends during an academic year and the child is in kindergarten or grades 1 through 8, inclusive, the right to remain in the school of origin lasts through the end of that academic year. If the court’s jurisdiction ends while the child is in high school, the right to remain in the school of origin lasts through graduation. EC § 48853.5(e)(1)-(4). A foster child who remains in his/her school of origin satisfies the residency requirements for attendance in that school district. EC § 48204(a)(2).
Timely transfer of records

Placing Agency’s Duties
As soon as the social worker or probation officer becomes aware of the need to transfer a child to a new school, s/he must notify the LEA of the child’s last expected day of attendance and request that the child be transferred out. EC § 49069.5(c); see also WIC § 16501.1(f)(8)(B).

Old LEA’s Duties
Within two business days of receiving a school transfer request, the current LEA must transfer the child out and deliver his/her records to the new school. The LEA must compile the child’s complete educational record, including a determination of seat time, full or partial credits earned, classes and grades, immunization records, and, if applicable, special education or Section 504 records. EC § 49069.5(d)-(e). All records must be provided regardless of any fees, fines, textbooks, or other items or money owed to the last school. EC § 48853.5(e)(8)(C).

New LEA’s Duty
Within two business days of receiving a request for enrollment, the new school’s foster youth educational liaison must contact the last school to obtain all of the child’s records. EC § 48853.5(e)(8)(C).
What does this mean?

CASA (Court Appointed Special Advocate)
Appointed by the judge to be the child’s voice in court. A CASA is in possession of a court order that gives access to all school records.

CWS (Child Welfare Services)
County agency for which the social worker works. In some counties this agency may be called DCFS (Department of Children and Family Services) or CPS (Child Protective Services)

Ed Rights (Educational Rights)
See “Educational rights and JV-535 and JV-536 forms” for complete explanation.

FFA (Foster Family Agency)
A private non-profit organization with which CWS may contract to provide foster homes, counselors and placement works for children.

FYS (Foster Youth Services)
County Office of Education or school district projects funded to provide a variety of services to improve academic achievement of foster youth.

FYSC (Foster Youth Services Coordinator)
County Office of Education program that provides support services to foster children who suffer the traumatic effects of displacement from family and schools and multiple placements in foster care.

HEP (Health and Education Passport)
Document produced by CWS that contains the child’s health and education history. The social worker should provide a copy to the foster parents.
ILP (Independent Living Program)
Federally funded program which helps foster youth between the ages of 16-21 prepare for transition to independence.

Placement Agreement
Document issued to the foster parents proving that the child was placed in his/her care.

What else should you know?

- It is not the child’s choice to move from school to school or from place to place. Remember these children are not to blame for being in foster care. Often these children are cared for in a new home with people they do not know, and such change is stressful.

- Don’t make assumptions.

- Don’t pry.

- Respect the child’s privacy. Don’t reveal the child’s status as a foster child to anyone without the child’s permission. Many foster children hide the fact that they are in the system from their peers. Even though adults may understand that is not the child’s fault they are in foster care, your student may not want anyone to know. Respect this.

- Ask the foster parent to let the school office know if the social worker changes.