

## INTRODUCTION TO AB 490 POLICY BRIEFS

### Background on California Assembly Bill (AB) 490

The Institute for Higher Education Policy estimates that foster youth change placements about once every six months, and some research suggests that they lose an average of four to six months of educational attainment each time that such a move is accompanied by a change in school placement.<sup>1</sup> Faced with these educational disruptions and other obstacles, it is no surprise that foster youth frequently fall behind in school and graduate from high school in lower numbers than their peers (around 50 percent of foster youth compared with 70 percent of their peers<sup>2</sup>).

In 2004 a comprehensive set of laws created by Assembly Bill (AB) 490 took effect to address the barriers to equal educational opportunity for California's foster children and youth. These laws apply to children who are declared dependents and wards<sup>3</sup> of the juvenile court and whose cases are supervised by child welfare or probation agencies.<sup>4</sup>

### Collaboration and Responsibility

The legislative intent of AB 490 was that "...educators, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least-restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all other pupils..."<sup>5</sup>

### The Policy Briefs

In some places across California, there has been tremendous progress toward implementation of AB 490. In most places, however, there is a great deal more that can and must be done to support our youth. The Policy Briefs that follow introduce critical provisions of AB 490 and offer ideas for implementation that could improve educational opportunities for foster youth. They cover:

- Immediate enrollment in schools,
- Transportation,
- Partial credits, &
- Least restrictive educational placements.

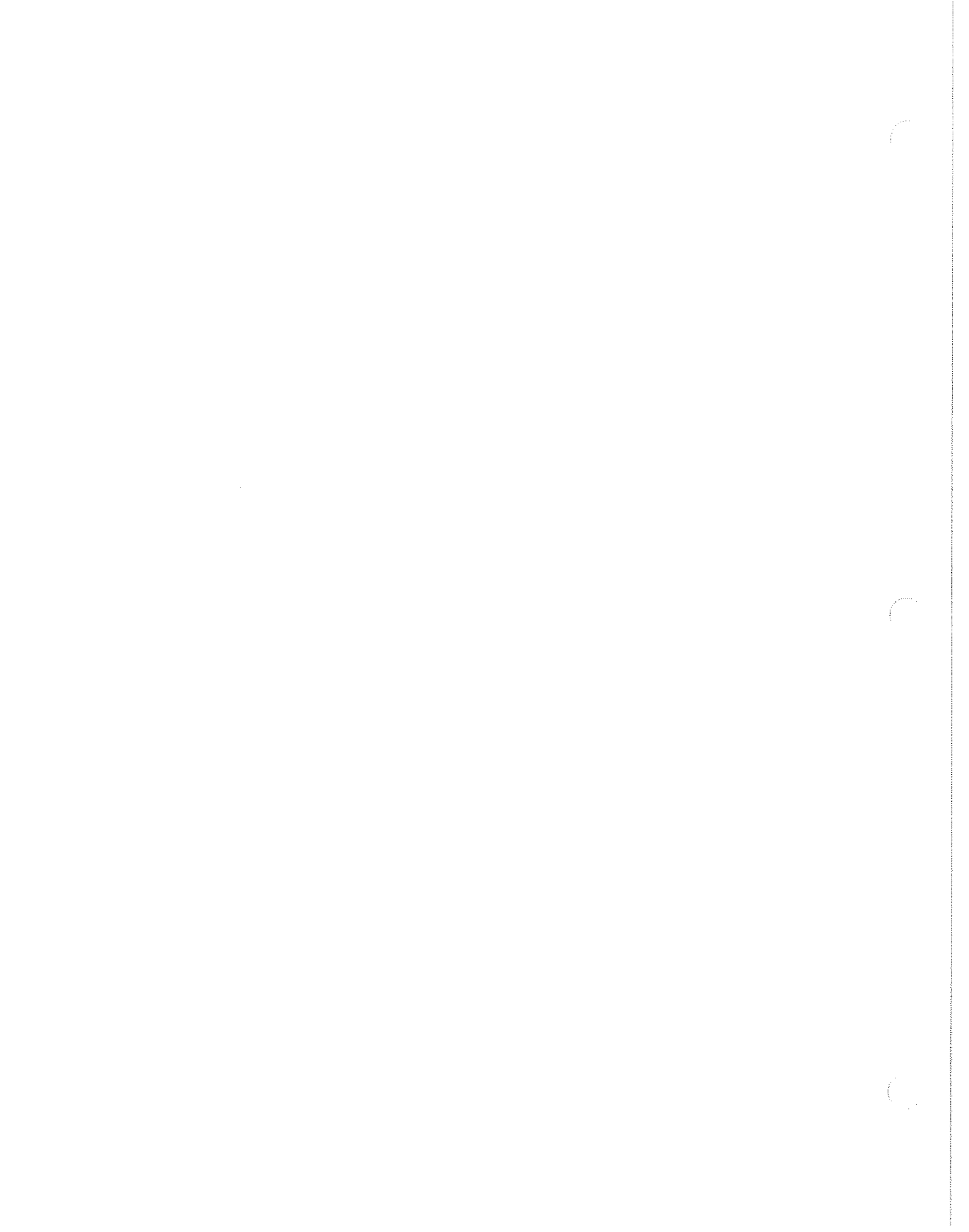
<sup>1</sup> *Higher Education Opportunities for Foster Youth, A Primer for Policymakers*, Thomas R. Wolanin, The Institute for Higher Education Policy (December 2005), p. 29, available online at: <http://www.ihcp.com/Pubs/PDF/fosteryouth.pdf> (last retrieved January 2, 2007)

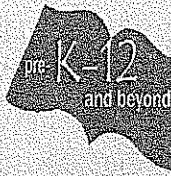
<sup>2</sup> *Id.* at Executive Summary, p. v.

<sup>3</sup> Under Welfare & Institutions Code (WIC) § 300, children who have been abused, abandoned or neglected are subject to jurisdiction of the juvenile court, which may declare them "dependents." Under WIC § 602, children who have violated a law while under 18 are subject to jurisdiction of the court, which may declare them "wards."

<sup>4</sup> EC § 48853.5(a)

<sup>5</sup> EC § 48850(a).





## POLICY BRIEF - AB 490 IMPLEMENTATION

### **IMMEDIATE ENROLLMENT:**

Foster youth face tremendous barriers to educational success due to frequent disruptions in their home and school placements. These barriers can be further exacerbated by lengthy delays while the youth is awaiting enrollment in a new school or district. AB 490 addresses this obstacle by entitling foster youth to immediate enrollment in school, even if they do not have the documentation that is normally required. Recognizing that the transfer of student records is a critical factor "in the swift placement of foster children in educational settings", AB 490 also has requirements concerning the transfer of student records that should facilitate efficient transfer procedures for foster youth.

- **Right to Immediate Enrollment:** A new school must "immediately" enroll a foster youth even if the youth has outstanding fees, fines, textbooks, or other items due to the school last attended or is unable to produce records or clothing normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency, other documentation, or school uniforms. EDUC. CODE § 48853.5(d)(4)(B).
- **Transfers; Responsibility:** Proper and timely transfer between schools of pupils in foster care is the responsibility of both the local education agency and the county placing agency. EDUC. CODE § 49069.5(b).
- **Sending School:** Upon receiving a transfer request from a county placing agency, a school district is required, "*within two business days,*" to deliver the "educational information and records of the pupil to the next educational placement." EDUC. CODE § 49069.5(d).
- **Foster Care Liaison:** Every local education agency must have an educational liaison for foster youth, who is responsible for ensuring and facilitating proper school placement, enrollment and checkout from school. EDUC. CODE § 48853.5(b)(1).

In spite of the passage of AB 490, foster youth continue to face obstacles to immediate enrollment and records transfer and may not experience the seamless process envisioned by the statute. According to the "Foster Youth Services (FYS) 2006 Report to the Governor and the Legislature"<sup>1</sup>:

<sup>1</sup> "Report to the Governor and the Legislature" Foster Youth Services Program (Education Code sections 42920-42925) Counseling, Student Support, and Service Learning Office, California Department of Education (February 15, 2006), <http://www.cde.ca.gov/ls/pf/fy/documents/fylegreport2005.pdf>.

- “Resistance to immediate enrollment” was reported by 25% of FYS Countywide Programs as a “challenge.”
- “Untimely transfer of health and education records” was reported by 33% of FYS Countywide Programs as a “challenge.”
- “Inconsistent implementation of AB 490 procedures” was reported by 20% of FYS Countywide Programs as a “challenge.”
- “[M]any FYS coordinators report meeting resistance to the immediate enrollment of foster youths on the part of initial school contact staff (e.g., school secretaries, registrars, and schedulers). The most frequently reported impediments to immediate enrollment are the lack of immunization records or current special education records and IEPs.”
- “Untimely notification of placement changes” was reported by 27% of FYS Countywide Programs as a “challenge.”

Information gathered from other sources reveals that many school districts have not developed or adopted explicit policies or procedures to facilitate the implementation of AB 490’s enrollment-related provisions. Additionally, many county child welfare agencies and probation departments have yet to implement standardized procedures for notifying LEA’s of impending placement changes. This further inhibits the LEA’s ability to comply with the requirements of AB 490.

#### **Considerations:**

The State Superintendent of Public Instruction, the State Board of Education and the California Department of Education (CDE), among other agencies and stakeholders, can play a pivotal role in facilitating the implementation of AB 490’s enrollment provisions:

- 1) **CDE Categorical Program Monitoring:** AB 490 could be included along with the 24 other programs that are monitored through the CDE’s Categorical Program Monitoring (CPM) process. Through CPM, on-site reviews are conducted every year for one quarter of all local educational agencies by state consultants knowledgeable about these programs. According to CDE, the purpose of such reviews is to verify compliance with the requirements of each categorical program and to insure that program funds are spent to increase student performance. (See, <http://www.cde.ca.gov/ta/cr/cc/>.)
- 2) **CDE Complaints Process:** CDE has an administrative complaints process for the filing, investigation and resolution of complaints regarding alleged violations of federal or state law or regulations governing school districts. This process applies to certain programs specified in regulations (e.g. Adult Education, Migrant and Special Education, Discrimination and other programs; See, 5 Cal. Code Reg. §§ 4610 – 4687 and <http://www.cde.ca.gov/re/cp/uc/>). AB 490 provisions could be included in the CDE complaints process to provide an

administrative process for foster youth and others to address and resolve enrollment and other AB 490-related alleged violations of the Education Code.

- 3) **Foster Youth Services:** The Foster Youth Services' websites, both via CDE and the Core and County programs, could be enhanced in order to offer more information concerning AB 490 implementation:
  - It would be helpful to have contact information for all school districts' AB 490 liaisons across the state (instead of listing only the AB 490 Educational Liaisons for only the County Offices of Education). This information could be displayed on CDE and local FYS websites.
  - Links to model AB 490 enrollment-related policies, forms, etc. could also be posted on the FYS website.
- 4) Policies should be created to specify the training or qualifications that all school districts' **AB 490 liaisons** must have in order to fulfill that role.
- 5) **CSBA:** The California School Boards Association's (CSBA) "Governance and Policy" service provides model policies on numerous Education Code requirements. (See, <http://www.csba.org/ps/index.cfm>.) It may be helpful for CSBA to make those policies widely available on their website. Additionally, CSBA could create an accompanying policy brief (or other materials) to underscore their importance.
- 6) Educators, placing agencies, care providers, advocates, and professionals who work in the juvenile courts should all be trained on the provisions of AB 490 and how they can benefit foster youth.
- 7) **California Department of Social Services:** CDSS can issue an All-County Letter that addresses the need for social workers and probation officers who work with foster youth to fulfill their responsibilities under AB 490 and encourages county agencies to collaborate with their partners to fully implement the laws.

