



CDSS

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ARNOLD SCHWARZENEGGER
GOVERNOR

March 15, 2010

ALL COUNTY LETTER (ACL) NO. 10-12

TO: ALL COUNTY WELFARE DIRECTORS
ALL TITLE IV-E AGREEMENT TRIBES
ALL COUNTY JUVENILE PROBATION OFFICERS
ALL CHILD WELFARE PROGRAM MANAGERS
ALL LOCAL EDUCATION ADMINISTRATORS

SUBJECT: THE FOSTERING CONNECTIONS TO SUCCESS AND INCREASING
ADOPTIONS ACT OF 2008 (PUBLIC LAW 110-351) CASE PLAN
ASSURANCES AND EDUCATIONAL TRANSPORTATION
REIMBURSEMENT

REFERENCES: SOCIAL SECURITY ACT; TITLE IV-E 42 U.S.C. SECTIONS 675(1) (G);
675(4) (A); AND 671(A) (30); WELFARE AND INSTITUTIONS CODE
(W&IC) SECTIONS 706.6(J); 16501.1; 16000 (B) AND 11460(B);
EDUCATION CODE (ED CODE) SECTIONS 48850(A); 48853.5(D); AND
48853.5

The purposes of this ACL are to notify counties of the requirements of [Public Law \(PL\) 110-351](#) and to provide direction for compliance with these new federal mandates. PL 110-351 amended Title IV-E of the Social Security Act to require that case plans for children and youth in foster care include specified assurances for educational placement stability. In addition, PL 110-351 provides for the cost of reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement as an allowable foster care maintenance cost.

Conforming language regarding case plan assurances was added to the W&IC by [Senate Bill \(SB\) 597](#) (Chapter 339, Statutes of 2009). The California Department of Social Services (CDSS) is currently seeking to amend state statute to conform to the expansion of the federal definition of allowable foster care maintenance payments. Until state statutory language is enacted, the federal statute governs.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

EDUCATIONAL STABILITY

California recognized the importance of educational stability for children and youth in foster care and passed [Assembly Bill \(AB\) 490](#) (Chapter 862, Statutes of 2003), which amended provisions of the Education Code and the W&IC. The AB 490 amended W&IC section 16501.1(c)(1) to include the proximity to the child's school in which he/she is enrolled at the time of placement as an additional consideration that must be documented in the case plan when selecting a placement that will meet the child's best interests. The AB 490 also made changes to Education Code section 48853.5(d)(4)(B) which required the county to coordinate with the Local Education Agency (LEA) to expedite the process of immediately enrolling the child in a new school, if the child is not remaining in the school of origin. For additional information on AB 490, please refer to [All County Information Notice I-80-04](#).

Education Code section 48853.5(d) permits a child to remain in the school of origin until the end of the school year, which includes summer school, if it is in the child's best interest to do so. If a dispute arises with regard to educational placement, the child has a right to stay in the school of origin until the dispute is resolved. Because the new federal mandates expand upon previous provisions enacted by AB 490, it is anticipated that efforts already being taken to implement this state law, such as working with LEAs to determine how best to address the child's best interest in the area of education, will be helpful in fulfilling the mandates of the new federal law.

The PL 110-351 further strengthens educational case plan requirements. To comply with the federal law and with conforming state statutes, social workers and probation officers must include documentation of compliance with W&IC sections 706.6(j) and 16501.1(f) (8) (A) and (B), which require the following assurances:

- That a foster child's placement takes into account the appropriateness and proximity to the child's school of current enrollment, and there has been a coordination of effort with the child's LEA to ensure the child remains in his/her current school of enrollment; or
- If remaining in the school of origin is not in the child's best interest, the placement agency and the LEA have provided immediate and appropriate enrollment in a new school, with all of the child's educational records provided to the school.

For assistance on case plan assurances, please contact the Foster Care Support Services Unit at (916) 651-7465.

CASE PLAN ASSURANCE DOCUMENTATION

Effective January 1, 2010, case plans must include documentation of compliance with W&IC sections 706.6(j) and 16501.1(f) (8) (A) and (B). Provided that the court report is a

component of the case plan, the required documentation may be in the court report. When online capability is completed, CWS/CMS users will be instructed to go to the CWS/CMS training website for assistance in documenting case plan assurances.

EDUCATIONAL RESOURCES AND CONTACT INFORMATION

Counties are encouraged to work with local [Foster Youth Service Coordinators and AB 490 Foster Youth Liaisons](#) to ensure that the child's educational best interests are taken into consideration during case planning. For guidance in making educational placement and transportation decisions for children and youth in foster care, please refer to "[School Selection for Students in Out-of-Home Care](#)" from the National Center for Homeless Education and the Legal Center for Foster Care and Education. Counties may also refer to [California Foster Care Education Fact Sheets](#) with translations for [Chinese, Spanish, Tagalog and Vietnamese](#). For policy and state level questions in regards to the education issues of foster youth contact Jackie Wong, Statewide Foster Youth Services Coordinator for the California Department of Education at jawong@cde.ca.gov or 916-327-5930.

EDUCATIONAL TRANSPORTATION EXPENSES

Certain educational transportation expenses, including transportation costs related to parent/teacher conference attendance, are now allowable foster care maintenance costs for children and youth in grades K through 12. The CDSS is working with counties and stakeholders to establish cost calculation procedures, which will be delineated in a subsequent All County Letter. If you have questions or comments regarding cost calculation procedures for educational travel expense reimbursement, please contact the Foster Care Rates Bureau at (916) 324-4837.

In addition, the CDSS will issue a claiming instruction letter upon completion of the cost calculation procedures. Counties will be permitted to claim educational transportation expenses retroactive to January 1, 2010. In preparation for filing for retroactive costs, counties should maintain appropriate documentation to support the expenditures for that time period, including the number of children who are eligible to receive educational travel benefits.

The CDSS appreciates the cooperation of counties in implementing these important new federal requirements and will provide additional guidance as it becomes available.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division