



CDSS

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GOVERNOR

REASON FOR THIS TRANSMITTAL

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

December 7, 2012

ALL COUNTY LETTER NO. 12-70

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY ADOPTION AGENCIES
ALL ADOPTION DISTRICT OFFICES
ALL GROUP HOME PROVIDERS
ALL FOSTER FAMILY AGENCIES
TITLE IV-E AGREEMENT TRIBES

SUBJECT: EDUCATIONAL STABILITY AND CASE PLAN ASSURANCES

REFERENCE: 42 USC 675(1)(G); ASSEMBLY BILL (AB) 1612 (CHAPTER 725, STATUTES OF 2010), AB 1933 (CHAPTER 563, STATUTES OF 2010); SENATE BILL (SB) 1353 (CHAPTER 557, STATUTES OF 2010); EDUCATION CODE SECTIONS 48850 AND 48853.5; WELFARE AND INSTITUTION CODE SECTIONS 16501.1, 16001.9, AND 16010; ALL COUNTY LETTER (ACL) NO.10-12, DATED MARCH 15, 2010, ACL NO.11-51, DATED SEPTEMBER 23, 2011

The purpose of this ACL is only to address educational stability and the case plan assurances related to educational stability. Public Law (PL) 110-351 and 112-34 amended Title IV-E of the Social Security Act to require that the case plan includes a plan for ensuring the educational stability of the child while in foster care, hereinafter referred to as “educational stability plan,” including:

- An assurance that each placement of the foster child takes into account the appropriateness of the current educational setting and the proximity of the foster home placement to the school in which the child is enrolled at the time of placement.
- An assurance that the county agency has coordinated with the appropriate Local Educational Agency (LEA) to ensure that the foster child remains in the school in which the child is enrolled at the time of each placement; or
- If remaining in such school is not in the best interests of the foster child as determined by the child’s education rights holder, assurances by the state agency and the appropriate LEA to provide immediate and appropriate enrollment in a new school, which includes submission of all educational records to the new school.

EDUCATIONAL STABILITY PROVISIONS

Legislation contained in AB 1933 amended Education Code section 48853.5 to permit a foster child to remain at the school of origin for the duration of the court's jurisdiction, or until the end of the academic year in cases where jurisdiction is terminated, and permits the foster child to matriculate with his/her classmates consistent with the established feeder patterns of school districts for as long as the court has jurisdiction. Since the school of origin is the default, the determination process to change the child's school needs to be based on all the factors that contribute to the student's best interest despite any placement changes.

Additionally, in a court hearing relating to a change of placement that affects a child's attendance at his or her school of origin, the California Rules of the Court Rule 5.651(e) requires the court to determine whether the social worker, within 24 hours of determining that a proposed placement change would result in removal of the child from the school of origin, notified the child's attorney and the educational rights holder of the proposed placement change. Social workers are encouraged to assist the child and the educational rights holder in making a decision regarding whether or not it is in the child's best interests to remain in their school of origin.

CASE PLAN ASSURANCE

The educational stability plan requires the social worker to:

- Consider educational stability issues, including proximity to the child's school of origin and school attendance area, the number of school transfers the child has previously experienced, and the child's school matriculation schedule, when selecting the most appropriate placement (Education Code section 48853.5(d)(3)).
- Consider placements that ensure the foster child's educational stability, promote the least restrictive environment, and support the child's right to attend school with minimal disruption to school attendance and educational stability (Education Code section 48850(a)(1)).
- Include specific information on educational stability in the Health and Education Passport (Welfare and Institution Code section 16010(a)).

DOCUMENTATION

The placement agreements, SOC 154A (*Agency-Foster Family Agency Agreement*) and SOC 156 (*Agency-Foster Home Agreement*), have been updated to include assurances related to educational stability as identified in ACL 11-51. A foster parent or Foster Family Agency (FFA) must immediately report to the responsible placement agency any changes that would affect educational travel for a child in care. A foster parent or FFA

is required to review and sign a new placement agreement (SOC 154A or SOC 156) for a child with an education stability plan that includes travel to the school of origin. Additionally, the social worker should immediately provide the caregiver, or proposed caregiver, with information regarding a child's education stability plan.

The child welfare agency must document the plan for assuring educational stability in the child's case plan. Attached to this ACL are checklists of steps a social worker **may** follow in order to satisfy the educational stability requirements. Attachment A contains a sample of *Best Practices Checklist for Developing the Educational Stability Plan* and a *Sample Case Plan Reflecting Documentation of Education Stability Plan Requirements* that would include information on the manner in which the social worker has moved forward to meet the requirements for each child. In addition, Attachment B titled, *Best Practices for Discussing Educational Stability and School of Origin When Developing the Education Stability Plan and Addressing Placement Changes*, is another sample for county use.

EDUCATIONAL TRANSPORTATION EXPENSES

The California Department of Social Services (CDSS), in collaboration with counties and stakeholders, established a statewide rate and methodology for reimbursement of the cost of travel to a foster child's school of origin. The AB 1612 added travel to the school of origin as a reimbursable cost in the foster care program. Please see ACL No.11-51 for additional information regarding education travel expenses.

If you have questions regarding the educational stability plan, please contact the Foster Care Support Services Bureau at (916) 651-7465. If you have questions regarding rates and/or methodology for educational travel expense reimbursement, please contact the Foster Care Rates Bureau at (916) 654-1543.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE,
Deputy Director
Children and Family Services Division

Attachments

Best Practices Checklist for Developing the Education Stability Plan

The social worker is required to develop and implement an educational stability plan as part of any case plan and to include assurances in that plan that addresses the following:

- Each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity of the foster home placement to the school in which the child is enrolled at the time of placement;
- The local social service agency has coordinated with appropriate local education agencies to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or
- If remaining in such school is not in the best interests of the child, assurances by the local social service agency and the local education agencies to provide immediate and appropriate enrollment in a new school, which includes submission of all educational records of the child to the new school.

The following checklist is designed to help the social worker develop the plan and satisfy the assurances. The questions on the checklist should be discussed with the child and the parent, or the education rights holder if one has been appointed by the court. The checklist also helps to assess who to appoint as a stable and qualified education rights holder.

Checklist of Questions to Answer to Create the Education Stability Plan	
<input type="checkbox"/>	<p>Where is the current education setting and is it appropriate?</p> <p>Complete Attachment B (<i>Best Practices Checklist Regarding School of Origin</i>) to assess appropriateness of the current education setting, recognizing that student has a right to remain in the school of origin, unless it is <u>not</u> in his/her best interest.</p>
<input type="checkbox"/>	<p>Who is the education rights holder?</p> <p><u>Note:</u> It is critical for education stability that every child has an education rights holder who is willing to follow the child to any placement(s), attend education meetings as appropriate, understand the child's education rights under state and federal law, and will advocate for the child's best interests to ensure education success and stability.</p> <p>If the parent's education rights have been limited and someone has not been appointed, discuss this with the Judge and child's attorney immediately and request appointment. If the parent's education rights have not been limited, is the parent capable of carrying out these important responsibilities. Address why or why not in the case plan.</p>

<input type="checkbox"/>	<p>If the child does not have an education rights holder, or the current education rights holder is inappropriate, are there any relatives or other individuals with whom the child has an existing relationship (e.g., a mentor, non-school related after-school provider, local church leader) who would be willing to hold the child's education rights?</p> <p>Note: Ideally the person who holds the education rights is also someone who is willing to be a long-term caregiver. However, it is also critical that the person who is willing to hold education rights is able to do so, even if the child no longer lives with them. A discussion about the importance of continuity of the education rights holders, even if the child changes placement within or outside of the county, should be had with the proposed education rights holder.</p>
<input type="checkbox"/>	<p>Is there any relative(s) in the area near the school who would be able to appropriately care for the child?</p>
<input type="checkbox"/>	<p>Is there are any teacher(s), parent(s) of a friend, or others at the school site or in the neighborhood with whom the child has an existing relationship who would be able to appropriately care for the child (either in the short term while a longer term close placement can be found or in the long term)?</p>
<input type="checkbox"/>	<p>Have you run a search based on zip code and location to determine whether there is any available licensed placement(s) near the child's school?</p>
<input type="checkbox"/>	<p>Out of the closest appropriate placements, which placement will best accommodate the child's transportation needs to school? (At which placement is the foster parent able to drive the child to the school of origin, at which placement is the bus/metro/subway easiest for the child to take with the least transfers/safest commute, at which placement are there other individuals (foster youth agency/FFA workers) who can assist with transportation in the long or short term?)</p>
<input type="checkbox"/>	<p>Identify and contact the Foster Youth Education Liaison (every school district is required to have a liaison):</p> <p>*Immediately inform the Judge, the county and child's attorney that the school is not allowing the child to stay in the school of origin.</p> <p>Ask the Foster Youth Education Liaison at the current school district what resources are available to help ensure school stability for the youth (including funding for transportation costs, special buses, etc.)?</p> <p>Can the Liaison help monitor the educational progress of the foster youth at the school, ensure the school knows about the foster youth's needs and rights, and link the student with any mentors or positive programs to help him/her remain stable and connected to school?</p> <p>Have you identified other resources the school has to assist the foster child and help create continuity and educational success (after-school programs, clubs, teacher relationship building opportunities, mentors)?</p>

SAMPLE CASE PLAN REFLECTING DOCUMENTATION OF EDUCATION STABILITY PLAN REQUIREMENTS

To ensure educational stability for the youth, I have:

- **Assessed the appropriateness of the child's current school placement** using the "best practices" checklist.
 - The child currently attends ABC school and is in 5th grade. He is receiving special education services at his current school, receives mostly A, B, and C grades and, from his reports, he really likes his teachers and has a number of long-term friendships at his school. His cousin also attends this school.
- **Ensured education stability, proximity of school to placement, and school of origins rights:**
 - The education rights holder and the child agreed that the child would like to stay in the school of origin. The education rights holder is the child's aunt. I have spoken with her about the importance of the child continuing to have a strong education rights holder, even if his placement or his school changes. She understands her role and is willing to receive additional training on how to advocate for the child's special education needs, as needed. I will connect her with the local special education advocacy organization for training.
 - To help ensure that the child stays in the school of origin and that there are no disruptions in his/her education, I:
 - searched for any relatives in the area near the school who would be able to care for the child. The aunt is the only relative and she is not able to care for the child at this time.
 - discussed with the aunt and the school foster youth liaison and the student's current teacher and the local pastor regarding the possibility of anyone in the neighborhood or area who might be willing to go through the process to care for the child. At this time, no one is able to do so, however, one counselor expressed a willingness to explore the process.
 - ran a search based on the zip code and location of the school to determine whether there were any available licensed placements near the child's school. There are two such placements. One is 20 minutes away. Another is 30 minutes away. These two placements are outside of the current school district.

- spoke with both potential caregivers. Caregiver A already has three children in her home and would not be able to drive the child to the current school placement. Caregiver B would be able to drive the child three days a week and the FFA is willing to drive the child the other two days. There is also a bus stop near the home and the bus route goes directly past the current school, as well as the middle school that is the feeder school for the child. I spoke with Caregiver B about the education rights holder, and she understands the importance of working with the education rights holder. The child will be placed with Caregiver B.
 - have already made a request for the school of origin transportation rate for the caregiver.
- **Coordinated with the appropriate school agency to ensure education stability:**
 - I contacted the foster youth education liaison for the school district. She agreed that the child should remain in the school of origin and that even if he was moved outside of the school district, there would be no disruption in his education. She also suggested several school based resources, a mentoring program and an after-school tutoring program that would likely be helpful for the child. She agreed to help monitor the child's progress and contact me and the education rights holders if she noticed that the child needed any additional help.

Best Practices for Discussing Education Stability and School of Origin When Developing the Education Stability Plan and Addressing Placement Changes

The law allows a youth to remain in their school of origin, unless it is determined not to be in their best interest. The authority to determine which school the child will attend rests with the person holding educational rights and the child, in consultation with the school district foster care liaison and the placing agency (Education Code section 48853.5).

The child's case plan must contain assurances that the new placement chosen takes into account the current educational setting and the proximity to the school in which the child is enrolled at the time of placement and that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure educational stability and avoid any education disruption (Welfare and Institutions Code section 16501.1(f))

In consulting with the youth, education rights holders, and foster care liaison, as appropriate, key questions to discuss to determine if staying in the school of origin is not in the student's best interest:

- How long is the placement expected to last and what is the permanent plan?
- How many schools has the child attended this year? How many over the past few years?
- How strong is the child academically (or in other words, how is the child doing at the current school)?
- Which school does the child prefer? Why?
- How would the length of commute impact the child?
- Does the youth have any anxieties about upcoming moves or changes in his/her life?
- Are there any safety issues to consider at the current school?
- Even if the education rights holder, child, and liaison agree that the school of origin is not in the child's best interest, would the timing of a transfer right now impact testing, grades, or credits (e.g. might it be better to make the move after the end of the current semester or year)?

Best Interest: A Checklist for Decision Making for Educational Stability

Before filling out this checklist, it is important to remember that the student has a right to stay in the school of origin, unless it is determined that this would not be in his or her best interest. In addition, the decision about whether to stay in the school of origin is the decision of the child and education rights holder. The case worker and foster youth educational liaison's role in the process is advisory.

As a best practice, child welfare workers should review these questions and considerations regarding educational stability with the child, the education rights holder and, if possible, the foster youth education liaison, at any meeting to discuss the child's placement and prior to determining the location of the child's new placement. If the child will be staying in the school of origin, then all efforts should be made to find an appropriate placement close to the school of origin. Transportation should also be discussed during this meeting to avoid any school disruptions.

Remaining in the Same School (School of Origin) Considerations		Transferring to a New School Considerations	
<input type="checkbox"/>	Continuity of Instruction <i>Student is best served at the same school due to prior history.</i>	<input type="checkbox"/>	Continuity of Instruction <i>Student is best served at a different school due to his or her future.</i>
<input type="checkbox"/>	Age and grade placement of the student <i>Maintaining friends and contacts with peers is critical to the student's meaningful school experience and participation. The student has been in this environment for an extended period of time.</i>	<input type="checkbox"/>	Age and grade placement of the student <i>Maintaining friends and contacts with peers is <u>not</u> critical to the student's meaningful school experience and participation. The student has attended the school of origin for only a brief time</i>
<input type="checkbox"/>	Academic Strength <i>The child's academic performance is weak, and the child would fall further behind if he/she transferred to another school.</i>	<input type="checkbox"/>	Academic Strength <i>The child's academic performance is strong and at grade level and the child would likely recover academically from a school transfer.</i>
<input type="checkbox"/>	Social and emotional state <i>The child is suffering from the effects of mobility, has developed strong ties to the current school, does not want to leave, or involved in school related or extra-curricular activities.</i>	<input type="checkbox"/>	Social and emotional state <i>The child seems to be coping adequately with mobility, does not feel strong ties to the current school, does not mind transferring to another school, or is not involved in school related or extra-curricular activities.</i>
<input type="checkbox"/>	Distance of the commute and its impact on the student's education and/or special needs <i>The advantage of remaining in the school of origin outweighs any potential disadvantages presented by the length of the commute.</i>	<input type="checkbox"/>	Distance of the commute and its impact on the student's education and/or special needs <i>Shorter commute may help the student's concentration, attitude, or readiness for school. The new school can meet all of the necessary educational and special needs of the student.</i>

<input type="checkbox"/> Personal safety of the student <i>The school of origin has advantages for the safety of the student.</i>	<input type="checkbox"/> Personal safety of the student <i>The new school has advantages for the safety of the student.</i>
<input type="checkbox"/> Student's need for special instruction <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the school of origin.</i>	<input type="checkbox"/> Student's need for special instruction <i>The student's need for special instruction, such as Section 504 or special education and related services, can be met better at the new school.</i>
<input type="checkbox"/> Length of anticipated stay in a temporary or permanent location <i>The student's current living situation is outside the school of origin attendance area, but his/her living situation or location continues to be uncertain. The student will benefit from the continuity offered by remaining in the school of origin.</i>	<input type="checkbox"/> Length of anticipated stay in a temporary or permanent location <i>The student's current living situation appears to be stable and unlikely to change suddenly. The student will benefit from developing relationships with school peers who live in his or her community.</i>

*(Adapted from the San Diego County Interagency Agreement for Providing Educational Support to Students in Foster Care and the Texas Homeless Education Office)