



LGBTQ, FOSTER & HOMELESS YOUTH SYMPOSIUM

"Challenges and Opportunities in Serving LGBTQ,
Foster and Homeless Youth"

November 16, 2016 11:00 a.m. - 1:00 p.m.

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SCCSBA/SCCOE

"Challenges and Opportunities in Serving LGBTQ, Foster and Homeless Youth"

November 16, 2016

11:00 – 1:00

Lunch Provided

Gilroy Room, SCCOE
First Floor, South Building
Enter from the Main Entrance
1290 Ridder Park Drive
San Jose, CA 95131

Agenda

Welcome and Introductions Reid Myers, President

Santa Clara County School Boards Association (SCCSBA)

Overview Mary Ann Dewan, Ph.D., Deputy Superintendent

Santa Clara County Office of Education (SCCOE)

Guest Speakers - Youth Perspective

Telling Our Story

Youth Representatives from Youth Space; Adrienne Keel,

Outreach Coordinator for The LGBTQ Youth Space

Panel Discussion – Serving LGBTQ Youth Panelists:

Kelly Cavalo, MSW, DFCS; Holly Wade, Ph.D., Chief Student Services Officer, Palo Alto Unified School District; Brenda

Carrillo, Ed.D., Wellness and Support Services Director, Palo Alto Unified School District and, Maribel Martínez, Manager, Office of LGBTQ Affairs, County of Santa Clara Office of the County

Executive

Q/A Panel members will address questions from audience members

Panel Discussion – Serving Homeless

And Foster Youth

Panelists:

Elise Cuitini, Silicon Valley Children's Fund; John Hogan, Teen

Force; and Deborah Pell, Chief Program Officer, Bill Wilson

Center

Q/A Panel members will address questions from audience members

Closing/Next Steps Reid Myers, President, SCCSBA

Section ILGBTQ+ Policy

Berkeley Unified School District Gender Identity and Access

BP 5157 Students

The Berkeley Unified School District is committed to providing a safe, supportive, and inclusive learning environment for all students, including transgender students, and to ensuring that every student has equal educational opportunities and equal access to the District's educational programs and activities. California and federal law (Cal. Ed. Code § 220 and Title IX, 20 U.S.C. § 1681) requires schools to treat transgender students equally and fairly. State and federal law and District policy require that all programs, activities, and employment practices be conducted without discrimination based on, among other things, actual or perceived gender identity, gender expression, or gender. California Education Code § 201 further provides that public schools have an affirmative obligation to combat bias, and a responsibility to provide equal educational opportunities to all pupils. Additionally, District policy requires that all schools and all personnel promote mutual respect and acceptance among students and staff. Thus, the District has a legal obligation to ensure that transgender students are safe, supported, and fully included in all school activities, programs, facilities, and educational opportunities. No person shall be subjected to discrimination on the basis of actual or perceived gender identity, gender expression, gender, or sexual orientation. (Cal. Ed. Code § 220, 20 U.S.C. § 1681 (Title IX))

The Board of Trustees considers harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression to be a major offense. The District shall investigate all complaints of harassment, discrimination, intimidation, or bullying and take appropriate action against any student or employee who is found to have violated this policy. Harassment, discrimination, intimidation, or bullying of a student by another student in violation of this policy may constitute cause for disciplinary action. Students shall be advised that harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression are unacceptable conduct and will not be tolerated. Students shall be informed that they should contact the school principal or designee if they experience such harassment, discrimination, intimidation, or bullying. Harassment, discrimination, intimidation, or bullying by an employee in violation of this policy constitutes cause for disciplinary action, up to and including dismissal.

The Superintendent shall adopt, and may periodically revise, administrative regulations necessary to implement and enforce this policy. The regulations shall provide an adequate description of this policy to parents, students and employees, provide appropriate complaint and resolution procedures, and establish due process for persons accused of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression. The Superintendent shall ensure that students receive age-appropriate information and education related to sexual orientation, gender identity, and gender expression. In addition, the Superintendent shall designate qualified individuals to provide appropriate training and educational programs on the issue of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression. Each school must ensure that all students, including

LGBTQ students, are provided a safe and supportive learning environment that is free of harassment, discrimination, intimidation and bullying. Administrators, faculty and staff are required to intervene when they witness harassment, discrimination, intimidation and bullying of any student if they can do so safely.

Complaints alleging discrimination, harassment or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other discrimination/harassment/bullying complaints. Consistent with the Uniform Complaint Procedures, complaints alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity should be given immediate attention; fully and appropriately investigated in a timely manner; and resolved through appropriate corrective action. This policy is intended to supplement, and not replace, state and federal laws prohibiting sexual harassment. Complaints under those laws shall be processed through the procedures established by appropriate state and/or federal agencies.

Adopted: December 11, 2013

Berkeley USD Gender Identity and Access

AR 5157 **Students**

PURPOSE

The purpose of this Administrative Regulation is to advise District staff regarding issues relating to transgender and gender non-conforming students in order to create and maintain a safe learning environment for all students and to ensure that every student has equal access to the District's educational programs and activities.

This regulation sets out guidelines for school and District staff to address the needs of transgender students and explains how these nondiscrimination laws should be implemented in situations where questions may arise about how to protect the legal rights or safety of students. This regulation does not anticipate every situation that might occur with respect to transgender students, and the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of all students, including transgender students, maximizing inclusion and social integration while minimizing exclusion and stigmatization.

DEFINITIONS

These definitions are not meant to label any student, but are intended as functional descriptors. Students may or may not use these terms to describe themselves.

<u>Gender</u>: Socially determined characteristics, roles, behaviors, and attributes a society expects from and considers appropriate for males and females; these characteristics are often referred to as "feminine" and "masculine." Under California law, "gender" is defined to include a person's gender identity. (Cal. Ed. Code § 210.7)

<u>Gender Fluid</u>: Persons who do not identify as, or who do not express themselves as, solely male or female.

<u>Gender Identity</u>: A person's internal, deeply-rooted identification as male or female. All people have a gender identity, not just transgender people.

<u>Gender Nonconforming</u>: Displaying gender traits that are not consistent with stereotypical characteristics associated with one's legal sex assigned at birth, or others' perceptions of that sex. This term can be used to describe people whose gender expression differs from stereotypical expectations about how boys and girls are "supposed to" look or act.

<u>LGBTQ</u>: An umbrella term that stands for "lesbian, gay, bisexual, transgender, and questioning."

Sex: The biological condition or quality of being a female or male human being.

<u>Sexual Orientation</u>: A person's romantic or sexual attraction to people of the other and/or same gender. (Cal. Ed. Code § 212.6) Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, and bisexual.

Sexual orientation and gender identity are different. Transgender students may identify as gay, lesbian, bisexual, or heterosexual.

<u>Sexualized Bullying</u>: Unwanted or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, gender identity and expression, sex, sexual behavior, sexual orientation, or other related personal characteristics with the intention to humiliate. Anti-gay and sexist epithets are common forms of sexualized bullying.

<u>Transgender</u>: A person whose sex at birth is opposite from who they know they are on the inside.

DETERMINING A STUDENT'S GENDER IDENTITY

The responsibility for determining a student's gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with the parent or guardian.

A school should accept a student's asserted gender identity when there is evidence that it is a sincerely held part of the student's core identity. A school may not question or disregard the student's assertion of his or her gender identity unless school personnel have a credible basis for believing that the student is asserting a particular gender identity for some improper purpose.

There is no threshold medical or mental health diagnosis or treatment requirement that any student must meet in order to have his or her gender identity recognized and respected by a school. The term "gender transition" describes the experience by which a transgender person goes from living and identifying as one gender to living and identifying as another. For most transgender youth, the experience of gender transition involves no medical intervention. Rather, most transgender youth will undergo gender transition through a process commonly referred to as "social transition," whereby they begin to live and identify as the gender consistent with their gender identity. Some transgender youth who are close to reaching puberty, or after commencing puberty, may complement social transition with medical intervention, such as hormone suppressants or hormone therapy, under the care of a physician. Whether such interventions are available or appropriate will depend on the unique circumstances of each individual.

Similarly, a student is not required to have obtained a court-ordered name or gender change in order to have his or her requested name and gender identity recognized and respected by a school.

PRIVACY

All persons, including students, have a right to privacy: the right to decide when, with whom, and how much highly personal information one wants to share about oneself to others. This includes the right to control dissemination of highly personal and private information such as one's transgender status or sexual orientation.

District and school personnel should not disclose a student's transgender status to others, including, but not limited to, other students, parents, and/or other school personnel, unless they are legally required to, or the student has authorized such

disclosure, or there is a specific and compelling "need to know" in order to protect the transgender student's interests. In those rare circumstances where disclosure is deemed to be absolutely necessary, before making any disclosure, school officials should inform the transgender student of the need to disclose and provide them with the opportunity and resources they may need to make the disclosure themselves.

District and school personnel may encounter situations where a transgender student has not disclosed their transgender status to their parents. Whenever possible, school administrators should speak with the student to confirm the manner in which the student will be referred to in conversation with the parent/guardian. Generally, when contacting the parent or guardian of a transgender student, school personnel should use the student's legal name and the gender pronoun that corresponds to their legal sex, unless the student, parent, or guardian has specified otherwise.

All students, including transgender students, have the right to openly discuss and express their gender identity or transgender status and to decide when, with whom, and how much to share that private information. In sharing this information, a student does not give up the right to privacy and at no time may the school use a student's self-disclosure as grounds for sharing information about the student's gender identity or transgender status without the student's permission.

NAMES/PRONOUNS

Should a student or parent/legal guardian request to have the student addressed by a name and pronoun different from those associated with the student's sex at birth, the school will honor that request and set expectations for their consistent use. District and school officials may not require proof of a court-ordered name or gender change before honoring such a request. Districts and schools should also endeavor to proactively adapt student information systems to accommodate requested names and pronouns to prevent inadvertently revealing information that would violate the student's privacy.

While inadvertent slips or honest mistakes in the use of names or pronouns may occur, staff or students intentionally and persistently refusing to respect a student's gender identity by using the wrong name and gender pronoun is discriminatory and is a violation of this policy.

SCHOOL RECORDS

The District is required to maintain an official, permanent pupil record with the legal name and gender appearing on the student's birth certificate. On all other school-related records or documents, however, at the request of or with the consent of the student's parent/legal guardian (unless the student is over 18), schools should use a transgender student's requested name and gender pronoun. This would include physical records and documents, diplomas and other certificates of advancement, electronic records and documents, and school IDs. Every effort should be made to update student records with the student's requested name and gender pronoun or gender marker, and not to circulate records with the student's assigned birth name or gender marker. Schools should also identify routine areas where a transgender student's privacy could be violated by the improper usage of the legal name and gender marker. These include but are not limited to pre-printed labels, standardized tests, student IDs or library cards, lunch tickets, school photos, notices from the main

office, attendance slips, grade books, posted lists of student names, lesson plans, seating charts and roll sheets used by substitute teachers, and any other places where students' names are commonly written.

In order to protect the student's privacy, and to prevent accidental disclosure of a student's transgender status, the school should maintain the official, permanent pupil record in a secure location, separate from the student's other records. If the official record is maintained electronically, similar security measures should be implemented to protect student privacy.

In the event that a student identifies as transgender, but is unable to obtain consent from a parent or legal guardian, a school administrator should meet with the student to discuss how the student would like to be addressed at school and implement a plan to ensure that the student's privacy is protected.

When a student or parent/legal guardian presents the school with documentation of a court-ordered legal name and/or gender change, the school must then change the official, permanent pupil record, to reflect the student's new legal name and gender, in a timely manner.

Transgender students who transition after having graduated may ask their previous schools to amend school records or a diploma or transcript that include the student's birth name and gender. When requested, schools should amend the student's record, including reissuing a high school diploma or transcript, to reflect the student's current name and gender.

RESTROOM AVAILABILITY

Schools may maintain separate restroom facilities for male and female students. However, students shall have access to the restroom that corresponds to their gender identity.

Where available, a single stall, "gender neutral" restroom (such as in the health office) may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a "gender neutral" restroom shall be a matter of choice for a student and no student shall be compelled to use such a restroom.

As a proactive measure, administrators should take steps to identify private genderneutral restrooms on their campus, as well as to de-stigmatize the use of such private options. Establishing clear guidelines and expectations with regards to students' physical privacy and boundaries is also important. Both can be reinforced through language in student handbooks, posted expectations, and through orientation and other processes for familiarizing students and guardians to the school and its facilities.

LOCKER ROOM ACCESSIBILITY

Schools may maintain separate locker room facilities for male and female students. However, students shall have access to the locker room facility that corresponds to their gender identity.

If any student has a need or desire for increased privacy or safety, regardless of the underlying reason, they may be provided access to a reasonable alternative changing area or locker room such as:

- Use of a private area in the public area of the locker room facility (i.e., a nearby restroom stall with a door, an area separated by a curtain, or a P.E. instructor's office in the locker room).
- A separate changing schedule (either utilizing the locker room before or after other students).
- Use of a nearby private area (i.e., a nearby restroom or a health office restroom).

However, use of such an alternative changing space shall be a matter of choice for a student and no student shall be compelled to use such an alternative. School administrators should also work to de-stigmatize the use of such options, as well as to establish clear guidelines and expectations with regard to respecting privacy and boundaries in changing areas and other close quarters.

SPORTS AND PHYSICAL EDUCATION CLASSES

Transgender students shall be permitted to participate in physical education classes, intramural sports, and competitive athletic activities in a manner consistent with their gender identity. This is consistent with California and federal law as well as the policies established by the California Interscholastic Federation. (CIF Bylaws § 300(D)).

DRESS CODES/SCHOOL UNIFORM POLICIES

All students have the right to dress in accordance with their gender identity and gender expression. School dress code and uniform policies should be gender-neutral, and should not restrict students' clothing choices on the basis of gender or traditional stereotypes about what males and females "should" wear.

HARASSMENT AND BULLYING

Complaints alleging discrimination, harassment or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other discrimination/harassment/bullying complaints. Consistent with the Uniform Complaint Procedures, complaints alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity should be given immediate attention; fully and appropriately investigated in a timely manner; and resolved through appropriate corrective action.

Revised: December 11, 2013



PALO ALTO UNIFIED SCHOOL DISTRICT
STUDENT SERVICES DIVISION
25 CHURCHILL AVENUE
PALO ALTO, CALIFORNIA 94306
(650) 329-3709 FAX (650) 326-7463

STAFF GUIDANCE MEMORANDUM

Ensuring Equity and Nondiscrimination-Gender Identity and Access

2016-17

The Board of Education (BOE) is committed to creating a safe learning and working environment for all students and employees. This Guidance Memorandum for employees is designed to summarize information relevant to supporting students who are transgender to ensure equity and nondiscrimination.

This memorandum provides background for staff when dealing with student issues related to gender and some general guidance with changes in the law related to students who identify as transgender. We have prepared this memorandum to address not only the changes in the law but also to provide a brief background of why changes were made. However, as you know, each case presents unique factors that will need to be considered.

This guidance memo is meant to support Board Policy (BP5157)/Administrative Regulations (AR5157) that were approved by the Board of Education December 8, 2016 to support Gender Identity and Access for students in our school district. This notice is meant to provide guidance and specifics on how to support our transgender youth and relevant background information, please see the complete BP/AR5157 for further information (available on the PAUSD website).

RELEVANT BACKGROUND INFORMATION

In August 2013, the Governor signed Assembly Bill ("AB") 1266, the "School Opportunity and Success Act," which became effective on January 1, 2014. This new law requires schools to allow students who identify as transgender to use school facilities and participate on sports teams (e.g., bathrooms, locker rooms) that most correspond with their gender identity.

AB 1266 was written in response to statistics indicating that transgender youth are more likely than their peers to feel unsafe at school, making them three times more likely to miss a class or school due to unsafe or uncomfortable conditions. AB 1266 was passed in an effort to make youth who identify as transgender feel safe at school and provide them with an equal learning opportunity.

We understand the changes imposed by AB 1266 may differ from the personal beliefs of staff, parents, and community members. Nevertheless, AB 1266 became effective on January 1, 2014, and as such, the District is required to ensure staff compliance with the law.

AB 1266 OVERVIEW:

AB 1266 was signed by the Governor on August 12, 2013 and became effective on January 1, 2014.

AB 1266 is the first law of its kind in the United States. Even with the new mandates, the law cannot anticipate every situation. As such, we advise addressing transgender issues on a case-by-case basis.

AB 1266 amended California Education Code section 221.5, which now provides that "[a] pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records." (Cal. Ed. Code section 221.5(f).)

OTHER LEGAL BACKGROUND:

AB 9, or "Seth's Law," effective July 1, 2012, is a new law that reinforces and expands the Safe Place to Learn Act to help safeguard all public school students. "Seth's Law" is named after a 13-year-old California student who committed suicide after being bullied at school.

Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

REQUIREMENTS:

Requires that a pupil be permitted to participate in sex-segregated school programs, activities, and facilities including athletic teams and competitions, consistent with his or her gender identity, regardless of the student's biological sex.

Requires the District to allow students to use the restroom, locker room, and other facilities that are consistent with the student's gender identity.

DEFINITIONS:

These definitions are intended as functional descriptors rather than labels for any student. Students may or may not use these terms to describe themselves.

Gender: Socially determined characteristics, roles, behaviors, and attributes a society expects from and considers appropriate for males and females; these characteristics are often referred to as "feminine" and "masculine." Under California law, "gender" is defined to include a person's gender identity. (Cal. Ed. Code § 210.7)

Gender Identity: A persons' internal sense of their own gender. Though Western society traditionally recognized only two genders (male and female), understanding of gender has expanded beyond the binary to recognition of gender fluidity, inclusive of: agender, genderqueer, pangender, transgender, etc. All people have a gender identity.

Gender expression: An individuals' gender-related appearance and behavior, whether or not stereotypically associated with the individuals' assigned sex at birth. (Education Code 210.7)

Gender Nonconforming: Displaying gender traits that are not consistent with stereotypical characteristics associated with one's sex assigned at birth, or others' perceptions of that sex. This term can be used to describe people whose gender expression differs from stereotypical expectations about how boys and girls are "supposed to" look or act.

Non-binary (also genderqueer): An individual whose gender identity or gender expression falls outside or in between the category of male or female. Non-binary and genderqueer are umbrella terms that include gender-fluid and agender, among other gender identities.

Gender-fluid (also bigender): An individual whose gender identity shifts between male, female and mixed gender states.

Cisgender - An individual whose gender identity aligns with their assigned sex at birth.

Transgender: An individual whose gender identity is different from that traditionally associated with the assigned sex at birth.

Agender (also genderless, non-gender and neutrois): An individual who does not have a felt sense of gender identity or has a gender identity that is neutral.

LGBTQQ: An umbrella term that stands for "lesbian, gay, bisexual, transgender, queer and questioning."

Sex: The biological condition or quality of being female, male or intersex.

Sexual Orientation: An individual's romantic or sexual attraction to people of the other and/or same gender. (Cal. Ed. Code § 212.6) Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, bisexual and asexual.

Sexual orientation and gender identity are different. Students who identify as transgender may use a wide range of terms such as gay, lesbian, bisexual, or heterosexual.

Gender-based Harassment: Includes but is not limited to unwelcome or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, gender identity and gender expression, sex, sexual orientation, or other related personal characteristics, or on the basis of association with a person or group with one or more of these actual or perceived characteristics. Gender-based Harassment is a form of harassment on the basis of sex and shall be handled pursuant to the provisions in BP 5145.7 and AR 1312.3.

GUIDANCE FOR ADDRESSING TRANSGENDER ISSUES

PRIVACY

All individuals, including students, have a right to privacy: the right to decide when, with who, and how much highly personal information to share about oneself to others. This includes the right to control dissemination of highly personal and private information such as transgender status or sexual orientation.

District and school personnel shall not disclose a student's transgender status to others, including, but not limited to, other students, parents, and/or other school personnel, unless legally required to, or the student has authorized such disclosure, or there is a specific and compelling "need to know" in order to protect the transgender student's interests.

All students, including transgender students, have the right to openly discuss and express their gender identity or transgender status and to decide when, with whom, and how much

private information to share.

OFFICIAL RECORDS

The District is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on day-to-day schoolwork. For instance, if the student wants to be called by a certain name, that name can be used on schoolwork and the teacher should call on that student by the requested name. This is the same as for any student who is known by another name; for instance where "Rebecca" is known as "Becky."

A change of a student's *official permanent record* to reflect a change in legal name or legal gender is done upon receipt of documentation that such change has been made pursuant to a court order.

In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators should adopt practices to avoid the inadvertent disclosure of confidential information.

NAMES/PRONOUNS

A student should be addressed by their preferred name and the pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required for this to occur, and the student need not change his or her official records to be referred to by their preferred name.

GENDER-SEGREGATED ACTIVITIES

In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.

RESTROOM ACCESSIBILITY

Students shall have access to the restroom that corresponds to the gender identity they consistently assert at school. Students who identify as transgender may still be given the option of using alternate accommodations, such as a single stall and/or gender-neutral restroom, but that student is not required to use the alternate accommodations, and if the student chooses not to use the alternate accommodation then the student must be allowed to use the restroom that corresponds to the student's gender identity.

LOCKER ROOM ACCESSIBILITY

Students who identify, as transgender must have access to the locker room facilities that corresponds to their gender identity consistently asserted at school.

Students who identify as transgender may still be given the option of using alternate

accommodations, such as a curtained stall and/or gender-neutral changing area, but no student shall be required to use the alternate accommodations.

Any alternate arrangements should be provided in a way that protects the student's ability to keep his or her transgender status confidential. For example, if a new student who identifies as transgender enrolls in the school and has not made anyone aware of his or her gender status, the District can offer alternate bathroom and locker room facilities to help protect the student's privacy. However, a transgender student cannot be required to use a locker room that conflicts with the student's gender identity.

PHYSICAL EDUCATION CLASSES & INTRAMURAL SPORTS

Students who identify as transgender and gender nonconforming must be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

INTERSCHOLASTIC COMPETITIVE SPORTS TEAMS

Students who identify, as transgender and gender nonconforming shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity. (See CIF Bylaw 300-D.)

DRESS CODES

Students who identify as transgender and gender nonconforming have the right to dress in a manner consistent with their gender identity or gender expression.

District Designee for Questions:

If any administrator or school site staff member has any questions regarding the applicability of this Guidance Memorandum to a particular situation and/or scenario, or other questions about the District's nondiscrimination policies and procedures, please contact the District Designee indicated below:

Holly Wade, Ph.D. Chief Student Services Officer 25 Churchill Avenue Palo Alto, California 94306 (650) 833-4242

Palo Alto USD

Students BP 5157

GENDER IDENTITY AND ACCESS

The Palo Alto Unified School District is committed to providing a safe, supportive, and inclusive learning environment for all students, including transgender students, and to ensuring that every student has equal educational opportunities and equal access to the District's educational programs and activities. California and federal law (Cal. Ed. Code § 220 and Title IX, 20 U.S.C. § 1681) requires schools to treat transgender students equally and fairly. State and federal law and District policy require that all programs, activities, and employment practices be conducted without discrimination based on, among other things, actual or perceived gender identity, gender expression, or gender. California Education Code § 201 further provides that public schools have an affirmative obligation to combat bias, and a responsibility to provide equal educational opportunities to all pupils. Additionally, District policy requires that all schools and all personnel promote mutual respect and acceptance among students and staff. Thus, the District has a legal obligation to ensure that transgender students are safe, supported, and fully included in all school activities, programs, facilities, and educational opportunities. No person shall be subjected to discrimination on the basis of actual or perceived gender identity, gender expression, gender, or sexual orientation. (Cal. Ed. Code § 220, 20 U.S.C. § 1681 (Title IX))

The Board considers harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression to be a major offense. The District shall investigate all complaints of harassment, discrimination, intimidation, or bullying and take appropriate action against any student or employee who is found to have violated this policy. Harassment, discrimination, intimidation, or bullying of a student by another student in violation of this policy may constitute cause for disciplinary action. Students shall be advised that harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression are unacceptable conduct and will not be tolerated. Students shall be informed that they should contact the school principal or designee if they experience such harassment, discrimination, intimidation, or bullying. Harassment, discrimination, intimidation, or bullying by an employee in violation of this policy constitutes cause for disciplinary action, up to and including dismissal.

The Superintendent or designee shall adopt, and may periodically revise, administrative regulations necessary to implement and enforce this policy. The regulations shall provide an adequate description of this policy to parents, students and employees, provide appropriate complaint and resolution procedures, and establish due process for persons accused of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression. The Superintendent, or designee, shall ensure that students receive age-appropriate information and education related to sexual orientation, gender identity, and gender expression. In addition, the Superintendent or designee shall designate qualified individuals to provide appropriate training and educational programs on the issue of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression.

Each school must ensure that all students, including LGBTQ students, are provided a safe and supportive learning environment that is free of harassment, discrimination, intimidation and bullying. Administrators, faculty and staff are required to intervene when they witness harassment, discrimination, intimidation and bullying of any student if they can do so safely.

Complaints alleging discrimination, harassment or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other discrimination/harassment/bullying complaints. Consistent with the Uniform Complaint Procedures, complaints alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity should be given immediate attention; fully and appropriately investigated in a timely manner; and resolved through appropriate corrective action. This policy is intended to supplement, and not replace, state and federal laws prohibiting sexual harassment. Complaints under those laws shall be processed through the procedures established by appropriate state and/or federal agencies.

Policy PALO ALTO UNIFIED SCHOOL DISTRICT adopted: 12.8.15 Palo Alto, California

Palo Alto USD

Students AR 5157
Gender Identity and Access

PURPOSE

The Board strives to create and maintain a safe learning environment for all students and to ensure that every student has equal access to the District's educational programs and activities. This regulation specifically advises PAUSD staff regarding issues related to transgender and gender non-conforming students.

The Board shall promote the healthy development and safety of all students, including transgender students by maximizing inclusion and social integration while minimizing exclusion and stigmatization. The Board shall also ensure that non-discrimination laws are implemented in situations where questions may arise about how to protect the legal rights of students, on a case- by-case basis, using the following guidelines.

DEFINITIONS

These definitions are intended as functional descriptors rather than labels for any student. Students may or may not use these terms to describe themselves.

Gender: Socially determined characteristics, roles, behaviors, and attributes a society expects from and considers appropriate for males and females; these characteristics are often referred to as "feminine" and "masculine." Under California law, "gender" is defined to include a person's gender identity. (Cal. Ed. Code § 210.7)

Gender Identity: A persons' internal sense of their own gender. Though western society traditionally recognized only two genders (male and female), understanding of gender has expanded beyond the binary to recognition of gender fluidity, inclusive of: agender, genderqueer, pangender, transgender, etc. All people have a gender identity.

Gender expression: An individuals' gender-related appearance and behavior, whether or not stereotypically associated with the individuals' assigned sex at birth. (Education Code 210.7)

Gender Nonconforming: Displaying gender traits that are not consistent with stereotypical characteristics associated with one's sex assigned at birth, or others' perceptions of that sex. This term can be used to describe people whose gender expression differs from stereotypical expectations about how boys and girls are "supposed to" look or act.

Non-binary (also genderqueer): An individual whose gender identity or gender expression falls outside or in between the category of male or female. Non-binary and

genderqueer are umbrella terms that include gender-fluid and agender, among other gender identities.

Gender-fluid (also bigender): An individual whose gender identity shifts between male, female and mixed gender states.

Cisgender: An individual whose gender identity aligns with their assigned sex at birth.

Transgender: An individual whose gender identity is different from that traditionally associated with the assigned sex at birth.

Agender (also genderless, non-gender and neutrois): An individual who does not have a felt sense of gender identity or has a gender identity that is neutral.

LGBTQQ: An umbrella term that stands for "lesbian, gay, bisexual, transgender, queer and questioning."

Sex: The biological condition or quality of being female, male or intersex.

Sexual Orientation: An individual's romantic or sexual attraction to people of the other and/or same gender. (Cal. Ed. Code § 212.6) Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, bisexual and asexual.

Sexual orientation and gender identity are different. Transgender students may identify as gay, lesbian, bisexual, or heterosexual.

Gender -based Harassment: Includes but is not limited to unwelcome or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, gender identity and gender expression, sex, sexual orientation, or other related personal characteristics, or on the basis of association with a person or group with one or more of these actual or perceived characteristics. Gender-based Harassment is a form of harassment on the basis of sex and shall be handled pursuant to the provisions in BP 5145.7 and AR 1312.3.

Title IX of the Higher Education Act Amendments of 1972, 20 U.S.C. § 1681 et seq. Cal Ed Code 220, 234.1
BP 5415.3 Nondiscrimination/Harassment
AR 1312.3-Uniform Complaint Procedures)

SCOPE

This regulation prohibits all discrimination, including discriminatory harassment, based on gender, gender-identity, and gender expression. This regulation applies to the entire school community, including but not limited to educators, school and District staff, students, parents and volunteers (Cal. Ed. Code § 48900 (r)).

Though an incident of alleged unlawful discrimination, including discriminatory harassment, intimidation, retaliation or bullying as defined within this regulation may occur off campus, if the effects of the off-campus incident result in unlawful discrimination, including discriminatory harassment, intimidation, retaliation or bullying at school that is sufficiently serious to interfere with or limit the targeted student's ability to participate in or benefit from the education program, the school must respond promptly and effectively to eliminate the harassment that occurs at school, prevent its recurrence, and address its effects. Such response may include discipline of the alleged harasser in accordance with applicable law and as provided in Board Policy (BP) and Administrative Regulation (AR) 5144. Other possible responses include, but are not limited to, those listed in AR 1312.3 Section G – Remedial Action.

This regulation also pertains to electronic acts or the creation or transmission originated on or off the school site, by means of an electronic device. "Electronic act" means the transmission, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager, of a communication, including but not limited to, any of the following:

- 1. (i) A message, text, sound, or image.
- 2. (ii) A post on a social network internet web site including, but not limited to:
 - a. Posting to or creating a burn page. "Burn page" means an Internet web site created for the purpose of having one or more of the effects listed above
 - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed above. "Credible impersonation" means to knowingly and without consent impersonate a pupil doe the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - c. Creating a false profile for the purpose of having one or more of the effects listed above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile. (AR 5131.2)

Cal Ed Code 220, 234.1 Cal Ed Code 48900(r) Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. BP 5145.7-Sexual Harassment AR 1312.3-Uniform Complaint Procedure AR 5131.2 Bullying Prevention

DETERMINING A STUDENT'S GENDER IDENTITY

The responsibility for determining a student's gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with the parent or guardian.

A school shall accept a student's asserted gender identity. A school may not question or disregard the student's assertion of their gender identity unless school personnel have a credible basis for believing that the student is asserting a particular gender identity for some improper purpose.

A school may not request a medical or mental health diagnosis or require a treatment plan to have a student's gender identity recognized and respected by a school.

Similarly, a student is not required to have obtained a court-ordered name or gender change in order to have their requested name and gender identity recognized and respected by a school.

ADDRESSING A STUDENT'S TRANSITION NEEDS

The term "gender transition" describes the experience by which a transgender individual goes from living as one gender to living and identifying as another. For most transgender youth, the experience of gender transition involves no medical intervention. Rather, most transgender youth will undergo gender transition through a process commonly referred to as "social transition," whereby they begin to live and identify as the gender consistent with their gender identity.

The following position is designated Compliance Officer for Nondiscrimination to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, retaliation or bullying and to answer inquiries regarding the district's nondiscrimination policies: (Education Code 234.1; 5 CCR 4621)

Associate Superintendent, Educational Services 25 Churchill Ave., Palo Alto, CA 94306 650.329.3709 mautrey@pausd.org

(cf. 1312.1 - Complaints Concerning District Employees) (cf. 1312.3 - Uniform Complaint Procedures)

The Compliance Officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify student needs, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and shall address specific subjects related to the

student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to their status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it.

PRIVACY

All individuals, including students, have a right to privacy: the right to decide when, with whom, and how much highly personal information to share about oneself to others. This includes the right to control dissemination of highly personal and private information such as transgender status or sexual orientation.

District and school personnel shall not disclose a student's transgender status to others, including, but not limited to, other students, parents, and/or other school personnel, unless they are legally required to, or the student has authorized such disclosure, or there is a specific and compelling "need to know" in order to protect the transgender student's interests. In those rare circumstances where disclosure is deemed to be absolutely necessary, before making any disclosure, school officials should inform the transgender student of the need to disclose and provide them with the opportunity and resources they may need to make the disclosure themselves.

District and school personnel may encounter situations where a transgender student has not disclosed their transgender status to their parents. Whenever possible, school administrators should speak with the student to confirm the manner in which the student will be referred to in conversation with the parent/guardian. Generally, when contacting the parent or guardian of a transgender student, school personnel should use the student's legal name and the gender pronoun that corresponds to their legal sex, unless the student, parent, or guardian has specified otherwise.

All students, including transgender students, have the right to openly discuss and express their gender identity or transgender status and to decide when, with whom, and how much to share that private information. In sharing this information, a student does not give up the right to privacy and at no time may the school use a student's self-disclosure as grounds for sharing information about the student's gender identity or transgender status without the student's permission.

Care must be taken to protect student privacy. School personnel should not assume that a student who is "out" in some contexts (e.g. within a classroom) is "out" everywhere (e.g. on a sports team). School personnel should also not assume that a student who is "out" now (e.g. in middle school) would still want to be "out" in the future (e.g. high school).

NAMES/PRONOUNS

Should a student or parent/legal guardian request to have the student addressed by a name and pronoun different from those associated with the student's sex at birth, the school

shall honor that request and set expectations for their consistent use. District and school officials may not require proof of a court-ordered name or gender change before honoring such a request. Districts and schools should also endeavor to proactively adapt student information systems to accommodate requested names and pronouns to prevent inadvertently revealing information that would violate the student's privacy.

While inadvertent slips or honest mistakes in the use of names or pronouns may occur, staff or students intentionally and persistently refusing to respect a student's gender identity by using the wrong name and gender pronoun is discriminatory and is a violation of this regulation.

SCHOOL RECORDS

The District shall maintain an official, permanent pupil record with the legal name and gender appearing on the student's birth certificate. On all other school- related records or documents, however, at the request of or with the consent of the student's parent/legal guardian as appropriate (unless the student is over 18), schools should use a transgender student's requested name and gender pronoun. This would include physical records and documents, diplomas and other certificates of advancement, electronic records and documents, and school IDs. Every effort should be made to update student records with the student's requested name and gender pronoun or gender marker, and not to circulate records with the student's assigned birth name or gender marker. Schools should also identify routine areas where a transgender student's privacy could be violated by the improper usage of the legal name and gender marker. These include but are not limited to pre-printed labels, standardized tests, student IDs or library cards, lunch tickets, school photos, notices from the main office, attendance slips, grade books, posted lists of student names, lesson plans, seating charts and roll sheets used by substitute teachers, and any other places where students' names are commonly written.

In order to protect the student's privacy, and to prevent accidental disclosure of a student's transgender status, the school should maintain the official, permanent pupil record in a secure location, separate from the student's other records. If the official record is maintained electronically, similar security measures shall be implemented to protect student privacy.

In the event that a student identifies as transgender, but is unable to obtain consent from a parent or legal guardian, a school administrator should meet with the student to discuss how the student would like to be addressed at school and implement a plan to ensure that the student's privacy is protected.

When a student or parent/legal guardian presents the school with documentation of a court-ordered legal name and/or gender change, the school must then change the official, permanent pupil record, to reflect the student's new legal name and gender, in a timely manner.

Transgender students who transition after having graduated may ask their previous schools to amend school records or a diploma or transcript that include the student's birth name and gender. When requested, schools shall amend the student's record, including reissuing a high school diploma or transcript, to reflect the student's current name and gender.

RESTROOM AVAILABILITY

Schools may maintain separate restroom facilities for male and female students. However, students shall have access to the restroom that corresponds to their gender identity.

A single stall, "gender neutral" restroom (such as in the health office) may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a "gender neutral" restroom shall be a matter of choice for a student and no student shall be compelled to use such a restroom.

While students have the right to use the restroom that corresponds to their gender identity, some students might only feel safe using a gender-neutral restroom.

As a proactive measure, administrators should take steps to identify private genderneutral restrooms on their campus, as well as to de-stigmatize the use of such private options. Establishing clear guidelines and expectations with regards to students' physical privacy and boundaries is also important. Both can be reinforced through language in student handbooks, posted expectations, and through orientation and other processes for familiarizing students and guardians to the school and its facilities.

LOCKER ROOM ACCESSIBILITY

Schools may maintain separate locker room facilities for male and female students. However, students shall have access to the locker room facility that corresponds to their gender identity.

If any student has a need or desire for increased privacy or safety, regardless of the underlying reason, they may be provided access to a reasonable alternative changing area or locker room such as:

- Use of a private area in the public area of the locker room facility (i.e., a nearby restroom stall with a door, an area separated by a curtain, or a P.E. instructor's office in the locker room).
- A separate changing schedule (either utilizing the locker room before or after other students).
- Use of a nearby private area (i.e., a nearby restroom or a health office restroom).

However, use of such an alternative changing space shall be a matter of choice for a student and no student shall be compelled to use such an alternative. School

administrators should also work to de-stigmatize the use of such options, as well as to establish clear guidelines and expectations with regard to respecting privacy and boundaries in changing areas and other close quarters.

SCHOOL ACTIVITIES AND CLASSES

School sites shall avoid segregating students by gender. Gender segregation is a source of undue stress for transgender, non-binary, agender and gender non-conforming students. Segregating by gender also draws attention to the gender identity of these students, which can lead to harassment.

Gender-neutral language should be adopted to describe traditionally male or female roles (e.g. lead/follow for dance partners) to avoid stigmatizing students.

Transgender students shall be permitted to participate in all activities in a manner consistent with their gender identity.

OVERNIGHT FIELD TRIPS

Students should be assigned accommodations in a manner consistent with their gender identity. If an LGBTQ student does not feel safe with such an arrangement, school staff shall work with the student to arrange alternative accommodations.

SPORTS AND PHYSICAL EDUCATION CLASSES

Transgender students shall be permitted to participate in physical education classes, intramural sports, and competitive athletic activities in a manner consistent with their gender identity. This is consistent with California and federal law as well as the policies established by the California Interscholastic Federation. (CIF Bylaws § 300(D)).

Co-ed sports and physical education classes should not segregate students by gender for the formation of teams, dance partners, etc. Such segregation promotes sexist gender stereotypes in addition to being a source of undue stress for transgender, non-binary, agender and gender non-conforming students.

DRESS CODES/SCHOOL UNIFORM POLICIES

All students have the right to dress in accordance with their gender identity and gender expression. School dress code and uniform policies shall be gender-neutral, and shall not restrict students' clothing choices on the basis of gender or traditional stereotypes about what males and females "should" wear.

HARASSMENT AND BULLYING

Complaints and reports, whether made orally or in writing alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation or bullying

based on a student's gender identity, gender expression, or gender nonconformity shall be addressed pursuant to the Uniform Complaint Procedure. (AR 1312.3)		
Regulation approved:	12.8.15	PALO ALTO UNIFIED SCHOOL DISTRICT Palo Alto, California



COUNTY OF SAN MATEO

INTERDEPARTMENTAL CORRESPONDENCE

To: All San Mateo County School District Superintendents

From: John C. Beiers, County Counsel

Subject: Revised Model Gender Nondiscrimination Policy to Support Implementation of

AB1266

Date: November 27, 2013

To support county school districts with the implementation of AB 1266, we have drafted the attached Model Gender Nondiscrimination Policy. Districts may wish to adopt the Model Policy with revisions appropriate to their specific circumstances to assist school personnel in accommodating transgender students pursuant to the new law.

Effective January 1, 2014, AB 1266 adds the following sentence to Section 221.5 of the Education Code:

A pupil shall be permitted to participate in sex-segregated school programs, activities, and facilities, including athletic teams and competitions, consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

This means that transgender students – those whose gender identity is the opposite of their sex at birth – must be allowed to fully participate in school in a way that is consistent with their asserted gender identities. For example, a transgender boy – that is, a student who was born a girl but who exclusively and consistently asserts the gender identity of a boy – cannot be prohibited from using the boys' bathroom or from participating on boys' teams.

Although discrimination based on gender identity is generally prohibited under existing law, the Legislature adopted this bill to eliminate obstacles to the full participation of transgender students in school programs that were not clearly addressed under general nondiscrimination statutes. Supporters of the bill cited evidence showing that, among other things, transgender students are at increased risk of not graduating because they cannot dress for mandatory physical education classes without being forced to use the locker room for the gender that is opposite to their asserted gender identity, a situation

that inadvertently communicates to pupils that transgender students' asserted gender identity is not to be taken seriously. Given that transgender students are among the most at risk of bullying and harassment, it is not surprising that many avoid participating in sex-segregated school programs entirely despite possible consequences such as nongraduation.

This law raises practical concerns. For example, the most frequently reported concern is that some students may pretend to be transgender in order to access restrooms and locker rooms for the opposite sex in order to sexually harass students of the opposite sex or otherwise create mischief. The attached Model Policy is intended to address concerns such as these. The Model Policy was itself modeled after similar policies that have been in place for some time in Los Angeles, San Francisco, and Oakland with no reported incidents of abuses of these policies.

The key practical aspect of the Model Policy is the requirement that a transgender student "genuinely" assert his or her expressed gender identity. We advise that the determination of whether a student genuinely asserts a particular gender identity should be made at the student's school site based on relevant factors such as (1) the student's medical history; (2) care or treatment of the gender-related identity; (3) consistent and uniform assertion of such an identity [at school]; and/or (4) any other evidence that the identity is sincerely held or part of the person's core identity.

Although the "genuinely assert" qualification is not found in the text of the statute, we believe that it is supported by the legislative history of the statute and by the fact that a similar, and possibly more restrictively qualification appears in policies that inspired the law (i.e., that a transgender student "exclusively and consistently" assert his or her expressed gender identity). A boy who wears a dress to school one day hoping to create mischief under the new law does not qualify. Simply verbalizing that he identifies as a girl (or that he is gay, which is a separate matter in any case) similarly does not qualify a boy who otherwise dresses and presents as a boy to use girls' facilities. Therefore, the "genuinely assert" requirement makes it exceptionally difficult for a student who is not authentically transgender to pretend to be.

We suggest that school superintendents consult with their boards to consider adopting the Model Policy as appropriate to help school personnel differentiate between students who do and do not qualify for transgender nondiscrimination protection under AB 1266. Please feel free to consult with the deputy county counsel representing your school district if you would like assistance in tailoring the Model Policy to the particular needs

of your school district.

JCB:kem/ala

Model Policy for Gender Discrimination (for use as of January 1, 2014, the effective date of AB1266)

Non-Discrimination for Students and Employees

This Board Policy is meant to advise school site staff and administration regarding transgender and gender non-conforming students in order to ensure that all students have equal access to all components of their educational program consistent with California law, while maintaining a safe learning environment for the entire District community.

California Law Prohibits Gender-Based Discrimination in Public Schools

The California Education Code states that "all pupils have the right to participate fully in the educational process, free from discrimination and harassment." Cal. Ed. Code Section 201(a). Section 220 of the Education Code provides that no person shall be subject to discrimination on the basis of gender, gender identity, or gender expression in any program or activity conducted by an educational institution that receives or benefits from state financial assistance. The Code further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils. Cal. Ed. Code Section 201(b).

Section 221.5 of the Education Code states that the policy of the State of California is that "elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses," and that a "pupil shall be permitted to participate in sex-segregated school programs, activities, and facilities, including athletic teams and competitions, consistent with his or her gender identity, irrespective of the gender listed on the pupil's records."

The California Code of Regulations similarly provides that "No person shall be excluded from participation in or denied the benefits of any local agency's program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an 'educational institution' or any other 'local agency'. . .that receives or benefits from any state financial assistance." 5 CCR Section 4900(a).

The California Code of Regulations defines "gender" as: "a person's actual sex or *perceived sex* and includes a *person's perceived identity, appearance or behavior*, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person's sex at birth." 5 CCR Section 4910(k)(emphasis added).

[District Name] Board Policy Prohibits Gender-Based Harassment

[District Name] Board Policy [Number] requires that "All educational programs, activities and employment practices shall be conducted without discrimination based on . . .sex, sexual orientation, [or] gender identity . . ." Board Policy [Number] requires that "students should treat all persons equally and respectfully and refrain from the willful or negligent use of slurs against any person" based on sex, sexual orientation, gender expression or gender identity.

Therefore, transgender and gender non-conforming students must be protected from discrimination and harassment in the public school system. Staff must respond appropriately to ensure that schools are free from any such discrimination or harassment.

Issues of Privacy

All students, including transgender and gender variant students, have the right to openly discuss and express their sexual orientation, gender identity, and gender expression and to decide when, with whom, and how much to share private information.

Names/Pronouns

Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity that has been genuinely asserted. The determination whether a

student genuinely asserts a particular gender identity should be made at the student's school site based on relevant factors, such as (1) a student's medical history; (2) care or treatment of the gender-related identity; (3) consistent and uniform assertion of such identity; and/or (4) any other evidence that the gender identity asserted is sincerely held or part of the student's core identity. Students may request to be addressed by their "preferred name" (and preferred pronoun) that corresponds to their gender identity without obtaining a court order or without changing their official records. This directive does not prohibit inadvertent slips or honest mistakes, but it does bar the intentional and persistent refusal to respect a student's gender identity.

The parent/legal guardian with legal custody of a child may request that their child be registered in school under a name different from that appearing upon documentary proof of age or school records. This may be accomplished by completion of an [District to identify proper form]. After the school receives and verifies the contents of the completed [form], the requested name shall be included in the [student record keeping system] in addition to the student's legal name, in order to inform teachers of the name and pronoun to use when addressing the student.

Official Records

The District is required to maintain a mandatory permanent pupil record which includes the legal name of the pupil, as well as the pupil's gender. 5 Cal. Code Reg. 432(b)(1)(A), (D). The District shall change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to California legal requirements.

Restroom Accessibility

Schools may maintain separate restroom facilities for male and female students. However, students shall have access to the restroom that corresponds to their gender identity that has been genuinely asserted. Where available, a gender neutral bathroom may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a gender neutral bathroom shall be a matter of choice for a student, and no student shall be compelled to use such bathroom. Administrators are encouraged to identify gender neutral bathrooms, if any, on their campuses.

Locker Room Accessibility

Schools may maintain separate locker room facilities for male and female students. However, students shall have access to the locker room facility that corresponds to their gender identity that is genuinely asserted. In locker rooms that involve undressing in front of others, students who want to use the locker room corresponding to their gender identity that is genuinely asserted will be provided access in a manner that best meets the needs and privacy concerns of all students involved. Based on availability and appropriateness to address privacy concerns of all students involved, such access could include, but is not limited to:

- Use of a private area in the public area (i.e., a bathroom stall with a door, an area separated by a curtain, a PE instructor's office in the locker room);
- A separate changing schedule (either utilizing the locker room before or after the other students); or
- Use of a nearby private area (i.e., a nearby restroom, a nurse's office).

Sports and Physical Education Classes

Transgender students shall be provided the same opportunities to participate in physical education as all other students. Generally, students should be permitted to participate in gender-segregated recreational gym class activities and sports in accordance with the student's gender identity that is genuinely asserted. Participation in competitive athletic activities and contact sports will be resolved on a case by case basis.

Dress Codes

School sites can enforce dress codes that are adopted pursuant to Education Code 35291. Students shall have the right to dress in accordance with their gender identity that is genuinely asserted, within the constraints of the dress codes adopted at their school site.

Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity that is genuinely asserted.

Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case by case basis. In such circumstances, staff shall make a reasonable effort to provide an available modification to the activity that can address any such concerns.

Complaints

Complaints alleging discrimination or harassment based on a student's gender identity or gender expression are to be handled in the same manner as other discrimination/harassment complaints.

LGBTQ+ School Resources

California Safe Schools Coalition

CSSC works to eliminate discrimination and harassment on the basis of actual or perceived sexual orientation and gender identity in California schools. Great resources for administrators looking for law briefings and model policies. www.casafeschools.org

County Office of Education / Safe and Healthy Schools Network

This network of educators ranges from teacher to administrators. Part of the focus for this year is to create a plan for creating welcoming and inclusive schools.

http://www.sccoe.org/depts/schoolhealth/Pages/SB48.aspx

Contact: Rebecca Mendiola, Rebecca Mendiola@sccoe.org

Gay-Straight Alliance (GSA) Network

Empowering youth activists to fight homophobia and transphobia in the schools. Provides support for school clubs and activities.

www.gsanetwork.org

Gender Spectrum

Gender Spectrum offers resources to empower your relationships, work, and interactions with youth and children. From how-to guides, to respected research, to sample training materials, we provide you with the tools necessary to create gender inclusive environments in your homes, offices, and communities.

https://www.genderspectrum.org/resources/

GIAN

Monthly- therapist-facilitated groups of gender expansive children and teens.

Fee for individual and families

http://www.genderidentityawarenessnetwork.com/

GLSEN Safe Space

Designed to help you create a safe space for LGBT youth in schools, the *Safe Space Kit* is GLSEN's *Guide to Being an Ally to LGBT Students*. The guide provides concrete strategies that will help you support LGBT students, educate about anti-LGBT bias and advocate for changes in your school. The kit not only guides you through making an assessment of your school's climate, policies and practices but it also outlines strategies that you may use to advocate for change, including posting a Safe Space Sticker or Safe Space Poster in your classroom or office. You can download these here or purchase them at the GLSEN Store

http://www.glsen.org/safespace

HRC Welcoming Schools

HRC Welcoming Schools is a comprehensive approach to creating respectful and supportive elementary schools with resources and professional development to embrace family diversity, create LGBTQ-inclusive schools, prevent bias-based bullying and gender stereotyping, and support transgender and gender-expansive students. Books, Lesson Plans, etc. http://www.welcomingschools.org/

Kognito

"Stand Up"

Online module to create a Safe and Supportive Campus for LGBTQ Students

Professional Development Simulation for K-12 Educators.

Contact: Wes Nemenz, wes.nemenz@kognito.com

LGBTQ Youth Space

Youth programming and school trainings including speaker's bureau.

Counseling is offered for youth ages 13-25 years old. No one turned away for lack of insurance or funds. Assessment needed.

Counseling is confidential and is offered in English, Spanish and American Sign Language.

Email: YouthSpace@FCServices.org

Phone: (408) 343-7940 Contact: Cassie Blume

Our Family Coalition

Our Family Coalition advances equity* for lesbian, gay, bisexual, transgender, and queer (LGBTQ) families with children through support, education, and advocacy. They seek to create an inclusive and just world where all LGBTQ families with children have visibility and opportunities to thrive as valued participants in our schools, institutions, and communities. Our Family Coalition brings a unique and progressive voice of families to the LGBTQ movement. They cultivate community-based leadership among LGBTQ families and strong partnerships with our allies in California, to advance social justice and make our nation a more respectful and inclusive place for all.

http://www.ourfamily.org/

Outlet

Outlet empowers lesbian, gay, bisexual, transgender, queer and questioning youth ages 13-18 living on the Peninsula and South Bay through support services, leadership training, community education and advocacy.

http://www.acs-teens.org/what-we-do/outlet/

Contact: Anthony Ross

Reflection Press

Reflection Press focuses a big part of their work on children—girls, children of color, transgender kids, gender creative kids, all kids. They produce materials that support a strong sense of individuality along with a community model of real inclusion. Their materials teach social awareness, critical thinking skills, as well as provide much needed reflection and respect. Story books, coloring books, and activity books. Free coloring pages too.

http://www.reflectionpress.com/

Teaching Tolerance

It all starts with awareness. Often educators are unsure how to support their LGBT students in a meaningful way. These best practices were compiled to give school leaders the knowledge they need to create a climate in which their most vulnerable students feel safe and valued. Through inclusive policies and nurturing practices, administrators, counselors and teachers have the power to build an educational environment that is truly welcoming to all students. Resources sheets and lesson plans available online.

http://www.tolerance.org/lgbt-best-practices

Youth Space

Youth Space is a program of the Family & Children Services Agency. They provide counseling as well as hold special events and counseling for youth.

http://www.defrankyouthspace.org/





FAIR Education Act (SB 48) FACT SHEET

The Fair, Accurate, Inclusive, and Respectful (FAIR) Education Act would prohibit discriminatory instruction and discriminatory materials from being adopted by the State Board of Education. This bill also amends the Education Code to include instruction on the contributions of lesbian, gay, bisexual, and transgender (LGBT) Americans in the social sciences.

Author: Senator Mark Leno

Sponsors: Equality California, Gay-Straight Alliance Network

PURPOSE OF THE PROPOSED LAW

The FAIR Education Act would ensure that LGBT people are included in instructional materials, which studies have shown is linked to greater student safety and lower rates of bullying. The FAIR Education Act would require that lesbian, gay, bisexual, and transgender (LGBT) Americans are included and recognized for their important historical contributions to the economic, political, and social development of California. Specifically, this legislation would add LGBT to the existing list of underrepresented cultural and ethnic groups, which are covered by current law related to inclusion in textbooks and other instructional materials in schools. This inclusion will help to ensure that students get a fair and accurate picture of the people and events that have shaped our society, and that fair and accurate portrayals of LGBT people are no longer excluded from classroom discussions. The FAIR Education Act will bring classroom instruction into alignment with non-discrimination laws passed by the California Legislature and adopted by the State Board of Education a decade ago, by prohibiting the adoption of discriminatory instructional materials and textbooks.

BACKGROUND

Sharing accurate and inclusive information is a vital step to setting a climate of respect and keeping our schools safe. Schools that perpetuate silence or harmful stereotypes about LGBT people can be breeding grounds for the fear and ignorance that fuel bullying during the early grades and hate violence or even suicide by the time students reach high school. By middle school, studies show that students who are bullied based on actual or perceived sexual orientation feel so unsafe that they skip school and their grades suffer compared to their peers. Accurate depictions of LGBT Americans in classroom materials teach all students to respect each other's differences, thereby increasing students' sense of belonging and ability to learn. Fair, inclusive, and age-appropriate lessons can make LGBT students feel less isolated, improving their ability to stay in school and graduate. SB 48 will improve student safety, reduce bullying, enrich the learning experiences of all students, and promote an atmosphere of safety and respect in California schools.

EXISTING LAW

Existing law requires social sciences instructions of both men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people, and other ethnic groups to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these

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groups in contemporary society. Current law prohibits instruction or school-sponsored activities that reflect adversely upon persons because of their race, sex, color, creed, ability, national origin, or ancestry.

Current law also prohibits the adoption of instructional materials that reflect negatively on any person because of their race, sex, color, creed, disability, national origin or ancestry. It also requires schools and governing boards to include only instructional materials that, in their determination, accurately portray the cultural and racial diversity of our society.

RESEARCH

The LGBT community represents a significant and indelible part of the history and social fabric of California. An analysis of the 2000 U.S. Census revealed that there are more than 92,000 LGBT households in California (not including single LGBT people or LGBT couples who do not cohabitate), and about 6% of voters in a 2000 statewide election identified as LGBT.ⁱⁱ

While LGBT people represent a sizable and important part of the state, mention of the LGBT community's role in California history and contemporary society is virtually non-existent in textbooks and other school instructional materials.

In schools where LGBT people are included in classroom discussions, results have been positive. The Preventing School Harassment Survey in California found that schools where the majority of youth report having learned about LGBT people in the curriculum, only 11% of students report being bullied, but that number more than doubles to 24% if the majority of students in a school say they haven't learned about LGBT people. III

Furthermore, the 2003 Preventing School Harassment Survey found that students who have learned about LGBT people at school were more likely to feel they have a voice at school and make positive contributions at school.

A 2004 survey of 359 California school districts found that many school districts already have LGBT-inclusive curriculum and many more are interested in doing so. More than 83% of school districts report including LGBT issues in their anti-bias lessons for some or all of their high school students; 64% do so for middle school; and 54% do so for elementary school students. $^{\text{IV}}$

FOR MORE IFORMATION

Sara Rogers, Office of Senator Mark Leno – (916) 651-4003 or sara.rogers@sen.ca.gov Mario Guerrero, Equality California – (916) 554-7681 or mario@eqca.org t. aaron hans, GSA Network – (415) 552-4229 or aaron@gsanetwork.org

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ⁱ O'Shaughnessy, M., Russell, S.T., Heck, K., Calhoun, C., and Laub, C. (2004). Safe Place to Learn: Consequences of Harassment Based on Actual or Perceived Sexual Orientation and Gender Non-Conformity and Steps for Making Schools Safer. San Francisco, CA: California Safe Schools Coalition and 4-H Center for Youth Development, University of California, Davis.

Romero, A. P., Rosky, C. J., Badgett, M.V. Lee, Gates, G. J. (2008). *Census Snapshot: California*. Los Angeles, CA: The Williams Institute.

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^{iv} Russell, S.T., Kostroski, O., McGuire, J. K., Laub, C., and Manke, E. (2006). *District Policies and Trainings*. (California Safe Schools Coalition Research Brief No. 1). San Francisco, CA: California Safe Schools Coalition.



Home / Curriculum & Instruction / Curriculum Resources / Curriculum Frameworks & Instructional Materials

Frequently Asked Questions: Senate Bill 48

Frequently Asked Questions related to the implementation of Senate Bill 48 (Chapter 81 of the Statutes of 2011).

1. What exactly are the changes introduced by this new legislation?

The law made several additions to the *Education Code* sections dealing with the course of study, classroom instruction, and instructional materials.

The bill added language to *Education Code* Section 51204.5, which prescribes the inclusion of the contributions of various groups in the history of California and the United States. This section already included men and women and numerous ethnic groups; the expanded language now includes (additions bolded):

"...a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, Iesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society."

The legislation also added some requirements with regard to instructional materials.

Education Code Section 51501 outlines prohibitions on material included in textbooks or other instructional materials. This section already included prohibitions on matter "reflecting adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry"; this bill added "sexual orientation" to the list. Education Code Section 60044 includes a similar prohibition; the language was added there as well, along with a prohibition on materials that contain materials that reflect adversely on persons on the basis of their occupation.

Education Code Section 60040 directs governing boards to only adopt instructional materials that "accurately portray the cultural and racial diversity of our society." That section already included a number of groups, and was amended to include all of those in Section 51204.5 as listed above. Finally, the legislation provides a reminder to charter and alternative schools that they are also prohibited in engaging in discrimination per Section 235 of the Education Code.

2. Does the law prohibit discrimination based on sexual orientation?

Discrimination based on sexual orientation was already prohibited by *Education Code* Section 220 before Senate Bill 48 was passed. Districts are obligated to protect students from discriminatory harassment; see the <u>CDE Duty to Protect Students</u> Web page for more information. Senate Bill 48 emphasized that protection by reiterating in *Education Code* Section 51500 the ban on classroom instruction or other school activities that promote discrimination based on sexual orientation.

3. When does the law take effect?

The law took effect on January 1, 2012.

4. What new instruction is required to be taught by this law? At which grade levels does this content have to be taught?

Instruction in history–social science should include the contributions of those groups listed above in *Education Code* Section 51204.5, but it is up to local districts to determine how the instructional content is included. That section applies to the course of study in grades one through twelve, but again it falls to the teacher and the local school and district administration to determine how the content is covered and at which grade level(s).

There are, of course, many places in the existing history–social science curriculum where the contributions of the groups covered in Section 51204.5 can be addressed. In the *History–Social Science Content Standards for California Public Schools*, Kindergarten through Grade Twelve, possible relevant areas include the California history standards in grade four, the United States history and geography standards in grade eleven, and the Principles of American Democracy standards in grade twelve.

5. Does this law change the California history-social science standards?

This law does not change the standards, nor does it include any authority for the State Board of Education (SBE) to change the standards to reflect the law's provisions. However, the content required by the law is not in conflict with the standards. The California content standards provide a description of what students are expected to know and be able to do at each grade level, but they are not intended to be a restrictive or exhaustive list of topics.

6. When can we expect textbooks that include the content required by the legislation?

The next SBE adoption of kindergarten through grade eight instructional materials will take place in 2017. The Schedule of Significant Events and more information about that adoption are posted at Instructional Materials.

Instructional materials for high schools are adopted at the local level by the governing board of a school district or other educational agency. The schedule for new adoptions is set by the local agency.

On July 14, 2016, the SBE adopted an updated *History–Social Science Framework for California Public Schools* that includes new guidance for how to integrate the content required by Senate Bill 48 into classroom instruction. The framework includes the evaluation criteria for the kindergarten through grade eight instructional materials adoption (chapter 23), which specifically references the new content required by the law as a prerequisite for adoption. The framework is posted at <u>Curriculum Frameworks</u>.

Districts may adopt supplemental instructional materials at any time, as long as those materials have undergone a review for social content (*Education Code* sections 60040–60045 and 60048). The CDE conducts social content reviews on an ongoing basis but a local agency may conduct that review itself at its discretion. More information about social content requirements can be found on the <u>CDE's</u> Curriculum Frameworks and Instructional Materials Web page.

7. How should school districts address questions and concerns from parents and other members of the community about this legislation?

As with any other district policy, school districts should be open and transparent in determining policies with regard to the implementation of this and any legislation. As noted in the answers above, the law provides a great deal of flexibility on how it is implemented. *Education Code* Section 35145.5 requires that local governing boards include opportunities for public participation in their regular meetings, subject to local regulations, to ensure the proper functioning of those meetings.

Education Code sections 51100–51102 outline the rights of parents and guardians to information, and support collaboration between parents and districts in the advancement of student educational goals. Those rights include the right to examine curriculum materials of classes in which their children are enrolled, and the right to meet with their child's teacher and/or principal.

Education Code Section 60002 states that, "Each district board shall provide for substantial teacher involvement in the selection of instructional materials and shall promote the involvement of parents and other members of the community in the selection of instructional materials."

Questions: Curriculum Frameworks and Instructional Resources Division | <u>CFIRD@cde.ca.gov</u> | 916-319-0881

Last Reviewed: Monday, July 25, 2016



SAFE SCHOOLS RESEARCH BRIEF 3

LGBT STUDENT SAFETY: STEPS SCHOOLS CAN TAKE

School safety is a problem in California: data from the 2000-2001 California Healthy Kids Survey, which included over 237,000 California students, show that 7.5% of students in 7th, 9th, and 11th grades report being bullied based on actual or perceived sexual orientation. But what steps can schools take to promote school safety for lesbian, gay, bisexual and transgender (LGBT) students? We conducted the Preventing School Harassment (PSH) survey in 2003, 2004 and 2005 to answer this question.

STEPS Schools Can Take

- Establish and publicize a harassment policy that specifically includes sexual orientation and gender, including gender identity, appearance, and behavior.
- Train teachers and staff to intervene when they hear slurs or negative comments based on sexual orientation or gender non-conformity.
- Support the establishment of a Gay-Straight Alliance or similar student club.
- Ensure that students know where to go for information and support related to sexual orientation and gender identity.
- Introduce curriculum that includes LGBT people and information about sexual orientation and gender identity.



OUTCOMES for Students and School Environment



- Fewer incidents of harassment and bullying
- Fewer bias-related comments and less name-calling.
- Greater feelings of safety.
- Improved connections to school, community, and supportive adults.

Step 1: Establish and publicize a school policy that specifically prohibits harassment on the basis of actual and perceived sexual orientation and gender, including gender identity, appearance, and behavior.

Having a policy that prohibits discrimination based on actual or perceived sexual orientation and gender is an important first step for establishing a positive school environment. However, policies alone are not enough. Harassment based on actual or perceived sexual orientation is far too common in schools, and the presence of a school policy, absent any implementation activities, does not make a strong difference for students' experiences of harassment.

Step 2: Teacher intervention in harassment makes a difference: train teachers and staff to stop slurs and harassment.

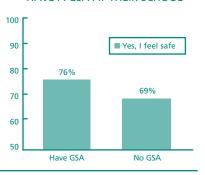
Harassment based on actual or perceived sexual orientation and gender nonconformity is less common when teachers stop negative comments and slurs based on sexual orientation. As shown in Figure 1, students whose teachers stop negative comments and slurs based on sexual orientation report feeling safer at school.

Teacher intervention is also linked to other school safety outcomes. For example, only 23% of students who said that teachers did step in were harassed based on actual or perceived sexual orientation; in comparison, 36% of students who said that a teacher did not step in reported being harassed. The results are similar for harassment based on gender presentation (being not masculine or feminine enough). Only 20% who said that teachers did step in reported gender presentation harassment, whereas 27% of students who said that teachers did not step in were harassed.

Step 3: Support the establishment of a Gay-Straight Alliance or similar student club.

Having a Gay-Straight Alliance (GSA) is linked with feelings of safety at school. Figure 2 shows that feelings of safety are stronger among students who report having a GSA at their school.

STUDENTS FEEL SAFER WHEN THEY HAVE A GSA AT THEIR SCHOOL



Step 4: Ensure that students know where to go for information and support related to sexual orientation and gender identity.

Knowing where to get information and support related to sexual orientation and gender identity is linked to feelings of safety as shown in Figure 3. Feelings of safety at school are stronger among students who know where to get information and support about sexual orientation and gender identity.

STUDENTS FEEL SAFER WHEN THEY KNOW WHERE TO GO FOR INFORMA-TION & SUPPORT RELATED TO SEXUAL ORIENTATION & GENDER IDENTITY

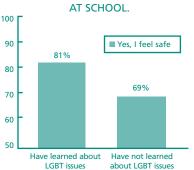


Step 5: Introduce curriculum that includes LGBT people and information about sexual orientation and gender identity.

Teaching about LGBT issues is linked to feelings of safety as shown in Figure 4. 81% of students report feeling safe at school when they have learned about LGBT issues, compared to 69% who have not learned about LGBT issues at school.

Learning about LGBT issues is linked with other school safety experiences. For example, harassment based on actual or perceived sexual orientation and gender non-conformity is less common among students who have learned about LGBT issues in school. When students were asked whether they had been harassed based on actual or perceived sexual orientation, only 22% of students who had learned about LGBT issues in school reported harassment, compared to 35% of students who said they had not learned about LGBT issues in school. The findings were similar with regard to harassment based on gender presentation (being not masculine or feminine enough). In schools where students said they had learned about LGBT issues, 19% reported gender-based harassment compared to 28% of students who said they had not learned about LGBT issues.

STUDENTS FEEL SAFER WHEN THEY HAVE LEARNED ABOUT LGBT ISSUES



Recommendations for teachers and school site staff

Teachers and school site staff who have the most contact with students are uniquely situated to help create a positive and safe school climate and help students achieve their full potential. Teachers and staff should:

- 1. Intervene when they hear bias-related comments and slurs. Use each comment as an opportunity to provide education and reaffirm school policy.
- 2. Request training on preventing harassment and discrimination, and ask to help publicize school policies on harassment.
- 3. Set the climate in their classrooms early and as often as necessary, letting students know that bias-related harassment and slurs are not acceptable.
- 4. Treat all forms of bias-related harassment and slurs as serious and preventable.
- 5. Find out about community resources and information related to sexual orientation and gender identity.
- 6. Integrate representations of LGBT people and discussion of sexual orientation and gender identity into existing curricula.

Recommendations for local school officials and administrators

California's law prohibiting discrimination and harassment based on actual and perceived sexual orientation and gender, including gender identity, appearance, and behavior has yet to improve the safety of many students because implementation and enforcement of the law is inconsistent across the state. Local school officials and administrators must confront the serious health and safety outcomes of bias-motivated harassment and take steps to make change in their schools.

Local school officials and administrators should:

- 1. Mandate training for staff, faculty, and students on bias-motivated harassment, including training that specifically addresses harassment and discrimination based on actual or perceived sexual orientation and gender, including gender identity, appearance, and behavior.
- 2. Clearly and regularly publicize district policies related to bias-motivated harassment, with specific reference to sexual orientation and gender, including gender identity, appearance, and behavior.
 - Include a serious discussion about such harassment in student handbooks, including information making it clear how students can file a complaint.
 - Post policies in clear language throughout all schools.
 - Reinforce the policy in school assemblies or other media, especially when incidents of bias harassment or violence occur.
- 3. Identify and eliminate barriers to the formation of Gay-Straight Alliances and other student anti-bias clubs, and support their formation on every campus.
 - Place no restrictions on GSAs that would not be placed on any other student club.
 - Support GSAs' activities to reduce harassment on campus.
 - Re-evaluate any policies that may have the unintentional effect of discouraging student participation in a GSA (for instance, a parental permission policy or a policy requiring the disclosure of the names of students interested in participating to school administrators).
- 4. Train professional counselors and/or peer counselors on each campus to provide students with information and support related to sexual orientation and gender identity, and to address the multiple health risks associated with bias-related harassment. Publicize the availability of these counseling resources to students.
- 5. Take consistent disciplinary action to stop all forms of bias-related harassment and make sure that students are aware that it is not tolerated or condoned.
 - Treat every form of bias-related harassment as preventable, unacceptable, and deserving of a clear response.
 - Focus problem solving on eliminating bias-related harassment, rather than on avoiding the problem by, for instance, changing the harassed student's schedule or referring him or her to independent study.
- 6. Take steps to measure bias-related harassment in their school districts, such as adding an optional module to the CHKS on bias-related harassment, including age-appropriate demographic questions asking students their sexual orientation and gender identity.
- 7. Integrate representations of LGBT people and discussion of sexual orientation and gender identity into existing curricula.

Recommendations for students

If students feel safe and empowered, they have the ability to make their schools safer. Students can:

- 1. Speak out when they hear slurs or negative comments like "that's so gay."
- 2. Start a Gay-Straight Alliance to help fight harassment and discrimination at school, or join the club if one already exists.
- 3. Find out if the school harassment policy includes harassment based on actual and perceived sexual orientation and gender, including gender identity, appearance, and behavior and advocate for changing the policy if it does not.
- 4. Find out how to make a complaint when harassment occurs.
- 5. Speak out in support of specific steps school districts and schools can take: publicizing and enforcing antiharassment policies, supporting GSAs, providing resources to students, training teachers and other staff, measuring bias-related harassment in their local school district, and including LGBT people and information about sexual orientation and gender identity in the curriculum.

Recommendations for parents, guardians, and community members

Parents, guardians, and other members of the school community have a role to play in ensuring that school environments are safe places for all students to learn.

Parents, guardians, and community members should:

- 1. Ask their children what happens at school when bias-related name-calling, harassment, and bullying occur. Ask their children if they know what to do if they are harassed.
- 2. Talk to their children about sexual orientation and gender identity, name calling, and discrimination.
- 3. Speak out in support of specific steps school districts and schools can take: publicizing and enforcing antiharassment policies, supporting GSAs, providing resources to students, training teachers and other staff, measuring bias-related harassment in their local school district, and including LGBT people and information about sexual orientation and gender identity in the curriculum.

ABOUT THE RESEARCH

Data are from the 2003, 2004, and 2005 Preventing School Harassment (PSH) survey. The survey was designed to study the experiences of lesbian, gay, bisexual, transgender, queer, and questioning high school students in California, and the steps schools can take to make schools safer. The PSH survey was developed by the California Safe Schools Coalition and administered by the Gay-Straight Alliance Network. Data from over 2,400 students were collected in schools and on the internet. Students were asked about their experiences of safety at school and about the steps schools can take to make schools safer.

Suggested citation:

Russell, S. T., McGuire, J. K., Laub, C., & Manke, E. (2006). LGBT Student Safety: Steps Schools Can Take. (California Safe Schools Coalition Research Brief No. 3). San Francisco, CA: California Safe Schools Coalition.









Santa Clara County Office of Education Safe and Healthy Schools Department **Services and Trainings**

The Santa Clara County Office of Education Safe and Healthy Schools Department is pleased to offer these services trainings to support positive school climate and student health and wellness efforts. Training is conducted by department staff and partners who have been trained to deliver the programs and have project experience in the content area. These workshops and trainings are provided at the Santa Clara County Office of Education or community partner locations. Trainings can also be scheduled in schools, community or workplace settings and are available to any organization interested in hosting, additional costs may be associated with some trainings provided outside of the SCCOE. Unless other arrangements are made with SCCOE, host agencies will be responsible for participant recruitment and registration, facility reservation and room setup. SCCOE can provide all necessary equipment if the designated training room does not have a built in system that meets the needs of the training. Costs associated with trainings will be listed on the registration link. Some of the training programs listed below can be tailored for specific audience groups and customized with districtspecific data and activities. Please contact us for more information on these and other specialized services available to assist you in ensuring our schools our safe and our children are healthy.



For more information or to schedule any of the training programs described here, contact:

Dr. Rebecca Mendiola

Director, Safe and **Healthy Schools** All Services, Student Wellness (Mental Health and Suicide Prevention). Student Attendance (SARB), Crisis Planning and School Safety (408) 453-6706

Rebecca Mendiola@sccoe.org

Stephanie Tague

Coordinator, Safe and **Healthy Schools** Positive Behavioral Interventions and Supports (PBIS) Technical Assistance Center (408) 453-4348, Stephanie taque@sccoe.org

Sonia Gutierrez

Supervisor, Student Health and Wellness Tobacco Use Prevention Education (TUPE), Student Health (Nutrition and Physical Fitness), Just Run, Death Review Board (408) 453-6742 Sonia gutierrez@sccoe.org

Patricia Marquez

Specialist, Safe and **Healthy Schools** Bullving Prevention. Violence Prevention, LGBTQ, Human Trafficking, School Resource Officers (SRO) (408) 453-6530 Patricia marquez@sccoe.org

School Climate, Safety and Crisis Response

Safe and Healthy Schools Network Quarterly Meetings:

Safe and Healthy School Network Meetings will bring together key district staff with coordination and oversight of student health & wellness and positive school climate, along with relevant community partners offering content expertise or direct resources to strengthen student health & wellness and school climates across Santa Clara County. A natural outcome of these meetings is to build professional and peer level support, identify potential community resources, group problem-solving, identify specific district level technical assistance needs and the coordination of individual district or county-wide capacity building.

Dates: □ Sep 27, 2016 □ Dec 06, 2016 □ Feb 23, 2017 □ May 04, 2017

Time: 8:30am-12:30pm

Registration Link: Safe and Healthy School Network Meeting **School Attendance Review Board (SARB) Mediations** (monthly):

The SCCOE has partnered with the District Attorney General's Office to provide monthly SARB Mediations for school districts in Santa Clara County. A SARB mediation is provided as an intervention *"when a student is a habitual truant, or is irregular in attendance at school, or is habitually insubordinate or disorderly during school, the student may be referred to a school attendance review board (SARB) or to the county probation department pursuant to EC Section 48263. The student may also be referred to a probation officer or district attorney mediation program pursuant to EC Section 48263.5. The intent of these laws is to provide intensive guidance to meet the special needs of students with school attendance problems or school behavior problems pursuant to EC Section 48320. These interventions are designed to divert students with serious attendance and behavioral problems from the juvenile justice system and to reduce the number of students who drop out of school". Assistant District Attorney, Tina Nunez-Ober will provide SARB Mediation presentations and along side her community partners such as Santa Clara County Behavioral Health, DADs, and Santa Clara County Social Services will provide resources and information to assist with challenges parents and students may be facing causing the chronic truancy. These monthly SARB Mediations will be provided to parents and students, Kinder through 12th grade. Dates: □ 1/11/17, □ 2/22/17, □ 3/20/17, □ 4/19/17, □ 5/24/17

Times: Kinder-5th grades: 9:00am-12:00 pm; 6th-12th grades: 1:30pm-4:30pm

Location: SCCOE (Conference Room TBD)

Registration link: To Follow

Positive Behavior Intervention and Support (PBIS) and Multitiered Systems and Supports (MTSS) Implementation Training:

Positive Behavior Interventions and Supports (PBIS) is a decisionmaking framework that guides selection, integration and implementation of the best evidence-based behavioral practices for improving important behavior outcomes for all students. PBIS is not a curriculum, intervention or practice, but instead it is a collaboration between district and school staff in designing behavioral support systems at each tier of a response-to-intervention (Rtl) and multi-tiered systems of support (MTSS) approaches. Training is provided over a three-year period and includes professional development sessions, design and planning time, as well as on-site technical assistance. To participate, schools and districts must commit site and district teams and identify PBIS coaches. Site teams and site/district PBIS coaches

must attend all SW-PBIS trainings. PBIS coaches must attend all district leadership and coaches trainings.

Trainings Offered:

Tier 1 Trainings: School-wide PBIS Site Team Trainings (6 days)

Tier 2 Trainings: Targeted Behavior Interventions and Check In Check Out (CICO) (3 days)

Tier 3 Trainings: Tertiary Systems and Functional Behavior Supports (3 days) District Leadership Training (Once per year)

PBIS Coaches Training and PBIS Coaches Network (4 days)

School-wide Information System (SWIS) Training

For trainings and technical assistance, please visit our website at http://pbis. sccoe.org or contact Stephanie Tague at stephanie_tague@sccoe.org.

School Safety Planning Workshop:

This safety workshop will help prepare participants to develop and maintain a comprehensive school safety plan. The presentation will: 1) Explore a model plan that reduces time for maintenance and updates. 2) Discuss strategies and best practices from other schools. 3) Share resources to develop and update safe schools plans to meet local needs and effectively incorporate legislative mandates into school safety. 4) Provide tools to assist with the planning process and strengthen outcomes. This workshop is ideal for school safety planning teams who have been tasked with writing or updating the comprehensive safe schools plan mandated by Education Code 32280-32289 (SB 187).

Dates: January 30, 2017 Time: 8:30am-3:00pm

Registration Link: http://santaclara.k12oms.org/1549-121318

School Crisis Response Training:

This training will raise awareness and build participants' skills for developing effective crisis response or disaster preparedness plans that meet Federal and State requirements. Strategies for improving schools' readiness for emergencies will be presented within the four phases of emergency management: Planning, Preparedness, Response and Recovery. The training includes an overview of the National Incident Management System (NIMS), Standardized Emergency Management System (SEMS), and Incident Command System (ICS), and discusses the important role that each system plays in emergency management and preparedness. Participants will also receive tools and gain skills to assist school personnel in testing Crisis Response plans with a variety of simulation techniques.

Dates: January 31, 2017 Time: 8:30am-3:00pm

Registration Link: http://santaclara.k12oms.org/1549-121320

Bullying Prevention and Intervention Strategies Workshop:

This workshop will provide a thorough overview of bullying including working definitions and legal mandates, prevention and intervention strategies, and a variety of resources to help address the issue in schools. Presenters will share a pyramid of strategies from whole school prevention approaches to early and intensive intervention. Research on the dynamics of bullying will also be presented, as it defines the roles involved in bullying situations and common traits of people who bully and their targets. The training will include a process that schools can use to receive reports, investigate and respond to bullying situations. This will include critical steps, special considerations, and a variety of forms and templates to help document the process. An action plan will also be provided to help support school-based efforts to strengthen schoolwide approaches and implement current best practices to prevent bullying and foster a positive school climate.

Bullying Prevention Workshops - Olweus Bullying Prevention Program (OBPP):

This workshop will provide a thorough overview of bullying including working definitions and legal mandates, prevention and intervention strategies, and a variety of resources to help address the issue in schools. The OBPP is a comprehensive approach that includes schoolwide, classroom, individual, and community components. The program is focused on long-term change that creates a safe and positive school climate. The OBPP will be presented during a 2-day training facilitated by a certified OBPP Trainer. Presenters will share a pyramid of strategies from whole school prevention approaches to early and intensive intervention. The training will include a process that schools can use to receive reports, investigate and respond to bullying situations. This will include critical steps, special considerations, and a variety of forms and templates to help document the process. An action plan will also be provided to help support school-based efforts to strengthen schoolwide approaches and implement current best practices to prevent bullying and foster a positive school climate.

Dates: March 16-17, 2017 (8:30AM-3:30PM)

Location: SCCOE, Saratoga Room **Registration:** OMS link to follow

Restorative Practices: International Institute for Restorative Practices (IIRP) Training of Trainers (TOT):

The IIRP in partnership with the Santa Clara County Office of Education, will conduct a three-day "Training of Trainers" (TOT) to teach experienced practitioners how to facilitate the "Introduction to Restorative Practices" and "Using Circles Effectively" professional development days.

Once trained, participants will be licensed trainers and able to provide this 2-day offering within their agency or limited geographical area. For organizations that have already held some amount of on-site training from the IIRP, this will provide a cost-effective way to continue to train new staff by becoming capable of providing this high-quality training "in-house." For others, it provides a way to initiate the implementation of restorative practices in your setting or conduct training in your locale. Requirements for participation in this TOT include: Attending both the "Introduction to Restorative Practices" and "Using Circles Effectively" trainings with IIRP.

Tentative Dates: January 11-13, 2017 (8:30AM-4:00PM)

Location: RAFT building **Registration:** OMS link to follow

Restorative Practices:

International Institute for Restorative Practices (IIRP): This 2-day training will consist of "Introduction to Restorative Practice" which will help participants thoroughly understand restorative concepts and learn effective strategies for managing behavior and teaching young people to take responsibility for their actions. "Using Circles Effectively" will teach participants the value and process of circles and how to implement within a multi-tiered system of support.

Dates: TBD Location: TBD

Comprehensive Sexual Education Network:

SCCOE partners with Working to Institutionalize Sexuality Education (WISE), Bay Area Communities for Health Education (BACHE) and Santa Clara County Public Health Department to provide districts



Student Health

with guidance and support in this area. At this network we continue to have an opportunity to review new legislation such as (AB329, the California Healthy Youth Act) that is currently in the legislative process that would affect our schools. We will continue to discuss best practices for implementing high quality comprehensive sexuality education in compliance with the California Education Code for HIV Prevention Education and Sexual Health Education, as well as other topics requested by districts. This network is provided during the Safe and Healthy Schools Network meetings.

Dates: □ Sep 27, 2016 □ Dec 06, 2016 □ Feb 23, 2017 □ May 04,

2017 (8:30am-10:30am)

Registration Link: Safe and Healthy School Network Meeting

Tobacco Use Prevention Education (TUPE) Program:

Provides funding for programs in grades six through twelve to reduce youth tobacco use by helping students make healthy decisions through health education and activities that build knowledge, social skills, and youth development assets.

TUPE Tier 2 District and Community Advisory Board Meeting:

Date: November 16, 2016 Time: 10:00am- 11:30am

Location: Santa Clara County Office of Education, 1290 Ridder Park

Drive, Saratoga Room, San Jose CA 951311

Just Run:

JUST RUN is a FREE, multifaceted youth fitness program developed by the Big Sur International Marathon. It not only promotes exercise and the sport of running but also good citizenship and healthy eating through Just Deeds and Just Taste features. Virtual runs across the USA and Europe link points of interest and geographical and historical sites making it educational as well. The SCCOE has partnered with the Silicon Valley Leadership Group who has provided limited funding to support school districts, school sites, and classroom to participate in the JUST RUN program. Quarterly meetings will be held at SCCOE for team leads to address how Student Health and Wellness Advocates can positively impact the school environment to become healthier at every level: the classroom, the school, the district, and the community.

Informational Session

Date: December 15, 2016

Time: 4:00pm to 5:00pm

Location: Santa Clara County Ofice of Education, Guadalupe Room,

1290 Ridder Park Drive, San Jose CA 95131

Registration: Please email Sonia Gutierrez at sonia_gutierrez@sccoe.org

or call (408) 453-6762

Student Wellness: Mental Health and Suicide Prevention

Social Worker and School/Mental Health Counselor Network Quarterly Meetings:

Social Worker and School/Mental Health Counselor Network meetings will bring together social workers, school counselors, and mental health providers from all school districts throughout Santa Clara County. These network meetings will provide a platform to discuss the current trends and needs in school counseling, student health & wellness, and positive school climates. It will also provide relevant information, resources, new laws and policies, and timely trainings/workshops. A natural outcome of these meetings is to build professional and peer level support, identify potential community resources, group problemsolving, identify specific district level technical assistance needs and the coordination of individual district or county-wide capacity building.

Dates:

Sep 27, 2016

Dec 06, 2016

Feb 23, 2017

May 04,

2017

Time: 1:00pm-3:00pm

Registration Link: http://santaclara.k12oms.org/1549-122706

QPR Online:

Question-Persuade-Refer are 3 simple steps that anyone can learn to help save a life from suicide. People trained in QPR learn how to recognize the warning signs of a suicide crisis and how to question, persuade, and refer someone to help. This is a FREE 1 hour online training you may take at your own pace.

Dates: TBD

OPR in Class:

QPR is also available as a 1-2 hour in-class training.

National Registry of Evidence-Based Programs and Practices: http://legacy.nreppadmin.net/ViewIntervention.aspx?id=299

We also offer the youth QPR version available online for all QPR Instructors.

Dates: TBD ASIST:

Applied Suicide Intervention Skills Training is a 2-day training for anyone who would like to feel more comfortable, confident, and competent to prevent a suicide from happening. CEU's are offered. For more information, visit https://www.livingworks.net/programs/asist/National Registry of Evidence-Based Programs and Practices: http://nrepp.samhsa.gov/ProgramProfile.aspx?id=42#hide4

Dates: TBD

SafeTALK:

This is a 3-hour training that helps move beyond common tendencies to MISS, DISMISS, or AVOID talking about suicide, identify people who have thoughts of suicide and apply the TALK method (Tell, Ask, Listen and KeepSafe). CEU's are offered.

For more information, visit https://www.livingworks.net/programs/safetalk/

SPRC's Best Practices Registry: http://www.sprc.org/bpr/section-III/suicide-alertness-everyone-safetalk

Dates: TBD

Youth Mental Health First Aid:

Youth Mental Health First Aid is designed to teach parents, family members, caregivers, teachers, school staff, peers, neighbors, health and human services workers, and other caring citizens how to help an adolescent (age 12-18) who is experiencing a mental health or addictions challenge or is in crisis. Youth Mental Health First Aid is primarily designed for adults who regularly interact with young people. The course introduces common mental health challenges for youth, reviews typical adolescent development, and teaches a 5-step action plan for how to help young people in both crisis and non-crisis situations. Topics covered include anxiety, depression, substance use, disorders in which psychosis may occur, disruptive behavior disorders (including AD/HD), and eating disorders. This is an 8-hour training. For more information, visit: http://www.mentalhealthfirstaid.org/cs/take-a-course/course-types/youth/

Dates: TBD



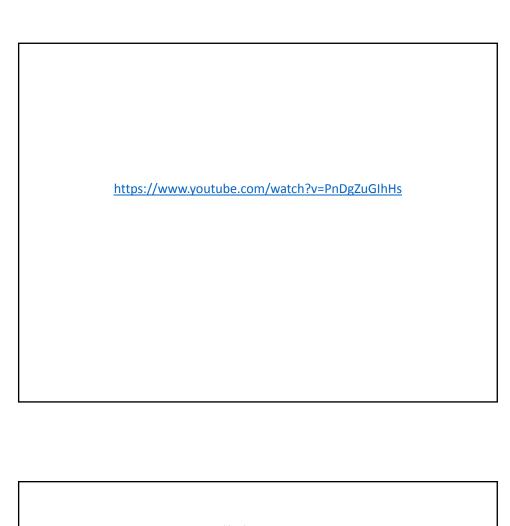
Santa Clara County 4 0

Office of Education

they," the singular, gender-neutral pronoun, the 2015 Word of the Year

gender identity and access palo alto unified school district Brenda Carrillo and Holly Wade November 16, 2016





Collaboration

- LBGTQQ committee supports the work, need, and policy development
- Building strong stakeholders was key to our success in developing best practices, set priorities and gain the Board's support for policy development
- Theatre Works-"Oskar and the Countless Costume Changes"
- LibGuide

Policy

- Development of Board Policy and Administrative Regulations (5157)
- Several years in the making (policies available for review)
- Guidance Memo-for definitions and distribution District Wide

Professional Learning

- Work with key collaborator Gender Spectrum in a train the trainer model
- Capitalizing on the strength of our site leadership to support one another to build the capacity of our sites and staff to support all students
- New Teacher Training

Forms/Systems

- Impacts of gender neutral language
- Admissions/Registrations/Records
- Name Changes
- Data (CHKS)

Beyond Bathrooms

- Worked together to address needs at each school site, engaging with our Maintenance team to make facilities changes to meet needs of students
- https://www.pausd.org/student-services/lgbtqq

Not One More Thing

"It's easy to fictionalize an issue when you're not aware of the many ways in which you are privileged by it."

-Kate Bornstein, Gender Outlaws: The Next Generation

Section IIFoster Youth & Homeless



Counseling

Housing

Education

Advocacy

Family Advocacy Services

Bill Wilson Center's Family Advocacy Services (FAS) is a school-based, homeless family and youth prevention and intervention service at two high schools in San Jose. FAS was developed to address the needs of extremely low-income families who are homeless or on the verge of becoming homeless.

Clients Served:

- 114 children and parents
- 60 students

The goal of the program is to support the family and connect them to community resources so the children can remain in school, giving them the best chance of academic success. This is the only program of its kind in the Bay Area and is intended to prevent family and youth homelessness through targeted services.

Services include: short-term, intensive case management for youth and their families; educational resources to address academic challenges; budgeting and financial management assistance; legal needs assistance; parent education workshops; and linkage to emergency financial resources (rental assistance/utilities bill assistance).

Bill Wilson Center's FAS program also provides training services to school staff and administrators to help increase knowledge of the special needs of homeless students and families.

Contact us at 408) 278-2518







BWC provides services that meet the cultural and linguistic needs of our whole community. We value our unique ethnic diversity as well as the LGBTQ community and non-able body community. Our clients, staff, and volunteers reflect our community.

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Housing

Education

Advocacy

Quetzal House

This program is only for girls (ages 13-17) in foster care.

Social workers who would like to refer a teen to the program should call 408-243-0222.

One of the distinguishing characteristic of BWC is our "No Fail" Guiding Principle. We believe that everyone can be successful and we keep trying.

This approach is working at Quetzal House. Quetzal House serves girls (ages 13-17) who are chronic runaways from the Santa Clara County Foster Care System.

Quetzal House is a stable and nurturing environment for these girls.

At Quetzal House, girls receive the counseling, support and life-skills training they need to feel safe, supported and successful before transitioning to longer term placements.

All activities and services are provided in a home-like atmosphere and encourage youth to take responsibility for meal preparation and household chores.

The goal of the program is to reunite families whenever possible, prepare youth for transitional housing programs and emancipation, and to prevent future problems.



While in residency at Quetzal House, youth receive intensive individual, group and family counseling. Service objectives include:

- to reduce the incidence and duration of runaway behaviors
- to reduce the incidence of destructive and self-destructive behaviors
- · to improve compliance with program structure
- · to improve positive relationships with peers in the program
- · to improve relationships with staff in the program
- to successfully complete program and transition to long-term placement or emancipation

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Housing

Education

Advocacy

Clients Served:

- 387 per year
- 3,427 individual counseling and therapy sessions
- 149 family sessions
- 57 group sessions

Best Practices Utilized:

- · Motivational Interviewing
- Transformational Care Planning
- Cognitive Behavior Therapy
- Trauma-Informed Care
- Wellness Recovery Action Plan (WRAP)
- 7-Challenges
- Parent Child Interactive Therapy

School Outreach Services

Bill Wilson Center's School Outreach Services provide comprehensive services targeted to middle and high school youth in Santa Clara County public and private schools.

Counseling and therapy sessions focus on improving school performance, resolving family conflicts, preventing drug abuse, avoiding gang involvement, and eliminating truancy.

Bill Wilson Center's goal is to provide an array of options for students and families in need of mental health services including crisis intervention, psychiatric services, life-skills development, ongoing rehabilitation counseling and outreach, and individual, family, and group therapy.

Counselors providing on-site services to schools are screened, fingerprinted and supervised according to standards set forth by the California State Board of Behavioral Sciences.

A 24/7 crisis line is also available, which includes an online chat option and text messaging for teens.



SOS is partially funded by:



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Housing

Education

Advocacy

Crisis Residential Center

Youth Shelter

Do You Know a Youth Who:

- ...has been a victim of parent-child conflicts?
- ...has been homeless or has runaway?
- ... has an unsafe lifestyle due to substance abuse or gang activities?

300+ youth annually

Outcomes:

Clients Served:

- 89% of youth are reunited with kin or other stable placement
- 97% of youth and families decreased family conflict
- 79% of youth who had previously been involved with law enforcement or the justice system did not penetrate further into the juvenile justice system post aftercare services.

We can help.

BWC's Crisis Residential Center is a safe 20-bed, co-ed youth shelter providing comprehensive services for youth, ages 11-17, who may be runaways, homeless, survivors of human trafficking, engaging in high risk behaviors, or refugees. Referrals may come from public safety, parents, guardians, youth walk-ins, Social Services, Juvenile Justice programs, schools, counselors and other agencies.



Each youth and family participate in the development of an individualized plan with BWC counselors.

The shelter provides daily activities focused on stabilization, assessing needs, and reunifying with family. If the young person cannot return home, alternative housing is secured.

The youth shelter is the only runaway and homeless youth residential program serving Santa Clara County.

Bill Wilson Center also operates a shelter program for eight girls in Mountain View.

If you need help call us 24/7, 365 days a year at 888-247-7717.

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Housing

Education

Advocacy

SOS Crisis Hotline 408.278.2585

24/7 Behavioral Health Support



Do You Know or Have Youth Who:

- ...is experiencing a mental health crisis?
- ...is acting out in school?
- ...is threatening to runaway?
- ...has behaviors that are out of control?

We can help.

The SOS Crisis Hotline serves youth between the ages of 5-17 in Santa Clara County who may be experiencing behavioral crisis.

We provide services to the youth and their family or support persons.

SOS CRISIS HOTLINE 408 278-2585

SOS is partially funded by:





BWC's SOS Crisis Hotline is a specialized line where we answer calls from parents, teachers, and community support persons for children and youth who are experiencing an immediate behavioral or mental health escalation or crisis.

We provide an urgent phone or in-person response to help de-escalate and stabilize the situation.

The SOS Crisis Hotline is staffed by trained, compassionate and culturally sensitive staff. Our number one aim is to restore the stability in the family or the environment the youth is in.

If your child is running away or threatening to run away, comes home late, their behavior is out of control and you feel you can't contain them ... we can help!

We also have experienced clinicians who can provide services to teachers and principals dealing with school related crisis.

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Housing

Education

Advocacy

Transitional Housing Placement+Foster Care (THP+FC)



Bill Wilson Center's Transitional Housing Placement+ Foster Care (THP+FC) program provides independent living opportunities for eligible youth (ages 18 – 21), dependents and non-minor dependents, to practice life skills in a safe environment and to ease the transition from dependency to self-sufficiency through supervised housing and supportive services.

BWC teaches parenting youth to nurture, provide for, and appropriately care for their children. THP+FC also provides services to non-minor dependents in preparation for emancipation or alternate living environments.

Youth who meet all of these criteria are eligible for THP+FC:

- Dependents or wards of the SCC Juvenile Court
- Parenting teens that are wards or dependents of the Court
- Non-minor dependent youth ages 18-21
- Youth who are eligible for AFDC-Foster Care benefits and who meet the requirements of W&I Code 16522.2(a)
- Youth who actively participate in employment and/or education programs that meet THP+FC requirements
- Youth who actively participate in the TILP/Mutual Agreement

THP+FC increases the youth's level of self-sufficiency by providing safe housing with staff providing continuous advice and support that enables the youth to successfully transition from child welfare system to independence.

Services include:

- Housing
- Case Management
- Crisis Intervention
- Life Skills Education
- Education

- Job Training/Career Planning
- Employment
- Substance Use Education/Treatment
- Parenting Skills

Non-minor dependents can remain in foster care if at least one of the following program participation conditions is met:

- Completing high school or an equivalency program.
- 2. Enrolling in post-secondary or vocational school.
- 3. Participation in an activity that promotes or removes barriers to employment.
- Employed at least 80 hours per month.
- Is incapable of enrollment in school or employment due to a documented medical condition.

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Housing

Education

Advocacy

Transitional Housing Placement Program (THPP)



Bill Wilson Center's Transitional Housing Placement Program is available for foster youth ages 16-18.

This program is only for youth in dependency, either through foster care or juvenile justice.

Young people raised in foster care "age out" of the system at age 18. Many times, these youth have not been taught the skills necessary to survive on their own in the world.

A staggering number of emancipated foster youth end up homeless, jobless and without hope for the future.

The Transitional Housing Placement Program provides housing and life skills coaching to youth in foster care ages 16-18.

Social workers who would like to refer a youth should contact the Department of Children and Family Services, Independent Living Program at (408) 975-5644. Guidance, training and encouragement are given in areas that are key for successful adulthood including educational planning, career development, establishing and maintaining permanent housing and managing healthcare and finances.

The goal of the program is to help youth find and maintain permanent housing and live independently and with confidence.

BWC provides services that meet the cultural and linguistic needs of our whole community. We value our unique ethnic diversity as well as the LGBTQ community and non-able body community. Our clients, staff, and volunteers reflect our community.

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Program Overview:

Internship Partners 2016: 23
Total Hours Worked: 6,261
Average Hours Worked: 168

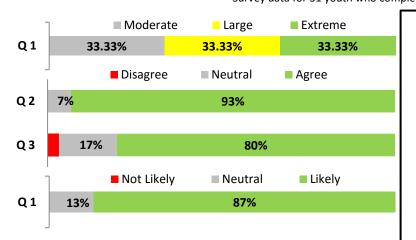
Interns placed: 37*

*Includes 6 returnees from 2015

• Intern successful completion rate: 89%

^{*}Approximately 70% of our interns had never held a job prior to this internship.

*Survey data for 31 youth who completed a STEM internships in 2016.



Q1: 100% of interns agreed that TeenForce made a positive difference in their life.

Q2: 93% of interns agreed that the STEM and Work Readiness class prepared them for their internship.

Q3: 80% of interns agree that they feel better prepared to be in a professional environment.

Q4: 87% of interns would recommend TeenForce to a friends or family member.

We asked our interns: What is TeenForce good at?

"They are good at helping teenagers find a job and supporting them throughout the process."

> "TeenForce is good at teaching you everything you need to know when going into a (professional) environment."

"Giving people the information they need to succeed in a working environment, in a way that's really easy to take in. 'Kind of' like some good tasting cough medicine."

"Helping...teens out by providing resources and teaching the materials we need to have and keep a job."

Pre & Post Study w/ Matched Pair Analysis by PEAR (Partnerships in Education and Resilience):

76.5% of students reported this was the first time they participated in a science related activity.

Statistically significant increases were reported in:

- Science interest and enjoyment
- Science career knowledge
- Positive relationship with adults and peers
- Pre survey, students were lower than the national average in STEM measurements. Post survey, they reported levels in line with national averages.

*Commissioned by Silicon Valley Children's Fund. PEAR uses the Common Instrument (CI), which measures students' interest and engagement towards Science, Technology, Engineering and Math (STEM).

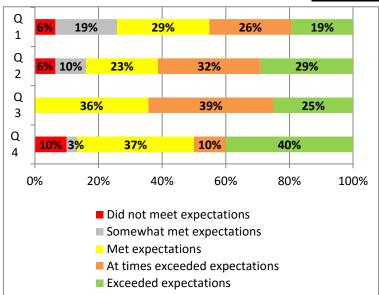
760 Hillsdale Ave #13 San Jose, CA 95136 Phone: (408) 827-3078 www.t

www.teenforce.org



Employer Surveys





Employers Rated Our Interns

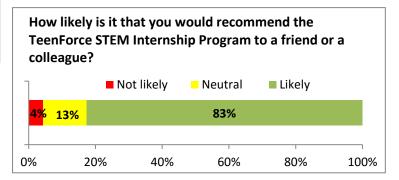
Q1: Intern exhibited knowledge of technical skill required for the internship.

Q2: Intern exhibited enthusiasm and willingness to learn.

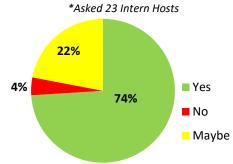
Employers Rated Our TeenForce Team

Q3: My TeenForce contact provided ongoing support throughout the summer.

Q4: I am satisfied with the youth selected as our summer intern.



Intern Hosts (Employers) Returning for 2017



Supervisor Testimonials

"TeenForce is good at communicating with businesses hosting interns and with interns as they progress through the program."

-Nichole Martin, City of Morgan Hill

Internship Hosts 2016

- Alliance Credit Union
- Alliance Manufactured Homes
- Anaerobe Systems
- Beshoff Infiniti
- Bozzuto Insurance
- Cambridge Management
- Chase VP
- City of Morgan Hill
- City of San Jose ESD
- George Chiala Farms
- Intero Real Estate

- Iron Construction
- Kaiser Permanente
- Petrinovich Pugh & Co
- Princeton Capital
- QuantumScape
- SCCOE
- San Jose Water Company
- Silicon Valley Children's Fund
- Symantec
- The Tech Museum
- TenCate Advanced
 Composites

Brooke 17 "We need to keep track of her after she has finished her internship here. When she turns 18 we would like to reach out for possible employment..."

-Bob Lyons, The Tech Museum

Anderson 18 "I found TeenForce representatives to be proactive and communicative. They did a very good job guiding me through the process so that I was prepared when Anderson came on-board. Anderson was a bright, inquisitive and responsible employee. He was driven to learn and perform even when he was put into different situations with different people weekly."

-Brad Stimson, QuantumScape

760 Hillsdale Ave #13 San Jose, CA 95136

www.teenforce.org

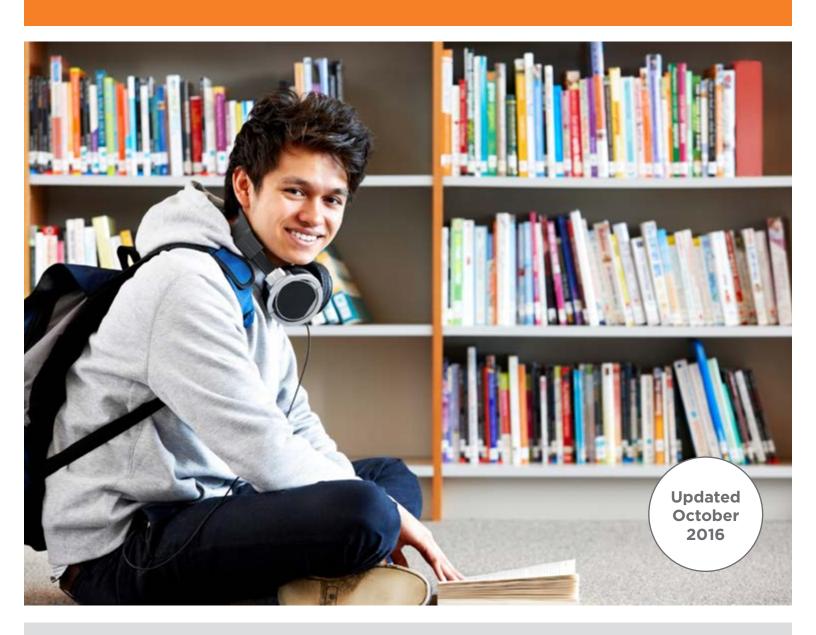
Phone: (408) 827-3078

Section IIIFoster Youth Education Toolkit

Toolkit provided on the following page.
Also accessible online at:

http://kids-alliance.org/wp-content/uploads/2016/09/FosterYouthEducationToolkit_v3.pdf

Foster Youth Education Toolkit













CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION







CHILD WELFARE COUNCIL



Those outcomes are heartbreakingly poor:



High Rates of School Mobility: Students in foster care experience much higher rates of school instability than other students. One third attend two or more schools during a single school year compared to 7% of students statewide.¹



Low Test Scores: Just 19% of students in foster care score proficient or above in English language arts on the California Assessment of Student Performance and Progress ("CAASPP"), compared to 44% of students statewide. Similarly, 12% of foster youth score proficient or higher on the math portion of the CAASPP compared with 33% of students statewide.²



High Dropout Rates and Low Graduation Rates: Foster youth have the highest dropout rates and the lowest graduation rates. The single year dropout rate for students in foster care is 8%, compared with 3% of students statewide. Likewise, just 58% of students in foster care graduate from high school compared with 84% of students statewide.³

LCFF not only reveals the poor education outcomes of foster youth, but also highlights the opportunity for our schools to better serve students in foster care. School districts will maximize their LCFF resources if some portion of them are used to serve infants, toddlers, and preschoolers because the gap in education outcomes starts before school does.

Using The Foster Youth Education Toolkit

This Toolkit is designed to assist school districts in meeting the promise of LCFF for our foster youth. First, the Toolkit lays a foundation for school districts by providing comprehensive information on the education rights of foster youth along with step-by-step procedures to ensure foster youth receive the full benefit of laws designed to protect them. Second, the Toolkit provides easy-to-use implementation tools to help school districts move beyond this foundation of legal compliance to engagement in transformative best practices that will enable foster youth to achieve their college and career dreams.



The tools and best practices provided in the toolkit are designed to be ready-to-use in any school district but can also be adapted to local conditions. For that reason, the tools are intentionally vague in certain respects (e.g., which school district staff should be responsible for addressing each task/step). Most tools can be used as-is in the fillable PDF formats. Tools that are also available as Word Document include a "Download This Tool" link in the footer and can be downloaded for modification (e.g., letters can be placed onto school district letterhead).

¹ Vanessa X. Barrat & Bethann Berliner, The Invisible Achievement Gap: Part 1: Education Outcomes of Students in Foster Care in California's Public Schools (WestEd 2013) (hereinafter The Invisible Achievement Gap, Part 1).

² Most recently released test scores are available at: http://caaspp.cde.ca.gov/

³The Invisible Achievement Gap, Part 1

Toolkit Section Descriptions

- 1. FOSTER YOUTH AND THEIR EDUCATION DECISION MAKERS defines foster youth under LCFF, the role of their education rights holders, and provides key strategies for stakeholder engagement in the LCAP process.
- 2. ENROLLING AND DISENROLLING FOSTER YOUTH covers enrollment and disenrollment, including tools to identify youth, quickly enroll them, ensure youth are afforded the right to remain in their school of origin, and request records from prior schools.
- 3. DETERMINING THE NEEDS OF FOSTER YOUTH provides a comprehensive education evaluation template to assist schools in determining the education needs of foster youth and provides guidance to help districts track foster youth data and improve their outcomes.
- 4. SPECIAL NEEDS OF FOSTER YOUTH focuses on best practices for supporting the education needs of foster youth of all ages, including: (1) trauma related needs, (2) special education needs, and (3) disciplinary challenges.
- 5. EARLY EDUCATION NEEDS OF FOSTER YOUTH focuses on supporting foster youth ages 0-5, including: (1) LCFF and early childhood education; (2) transition from early intervention to special education services at age 3; (3) early care and education options; and (4) mental health needs of infants and toddlers.
- 6. MEETING THE HIGH SCHOOL NEEDS OF FOSTER YOUTH focuses on: (1) partial credits; (2) AB 167/216 graduation; and (3) voluntary transfer of students out of comprehensive schools.
- 7. ENFORCEMENT OF FOSTER YOUTH EDUCATION RIGHTS: AB 379 discusses the inclusion of foster youth education rights into the Uniform Complaint Procedures Act and provides a tool to help districts quickly come into compliance.

Sample LCAP Plan for Foster Youth 2.0 Goals

Additionally, the Toolkit serves as a companion to the Sample Local Control Accountability Plan for Foster Youth 2.0, developed by the Coalition for Educational Equity for Foster Youth. By utilizing the Toolkit, districts can work to meet the suggested goals of the Sample LCAP 2.0:

Goal 1. The educational outcomes of foster youth will mirror those of the general population. See High School Graduation for Foster Youth: AB 167/216.

Goal 2. Decrease the transfer of foster youth to continuation and other alternative schools and decrease the transfer of foster youth after a change in home placement. See Enrolling Foster Youth, School of Origin, Disciplinary Challenges of Foster Youth, Voluntary Transfer of Students Out of Comprehensive Schools.

Goal 3. Transferring foster youth will be promptly enrolled in the appropriate school and classes and awarded credit for all work completed, including partial credits. See **Partial Credit Model Policy**.

Goal 4. Foster youth will receive a comprehensive education assessment and will receive any services or supports needed. See **Determining the Needs of Foster Youth**.

The California legislature took a critical first step toward improving the education outcomes of foster youth when it identified students in foster care as an at-risk population in need of additional services and supports to close the achievement gap. Our hope is that the Foster Youth Education Toolkit will further equip school districts throughout the state with the tools they need to take next steps in implementing LCFF for foster youth and improving their education outcomes.

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Foster Youth and Their Education Decision Makers



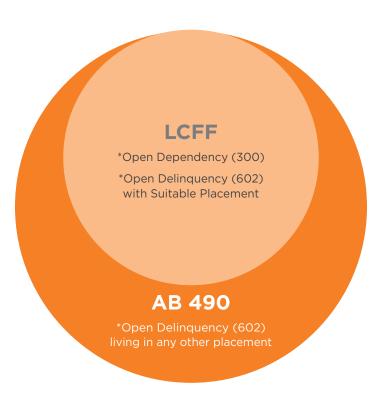
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Who is a Foster Youth?

Schools should be aware of two important definitions of "foster youth." The LCFF definition identifies which youth will be counted for purposes of LCFF funding and LCAP goal tracking. The broader definition under Assembly Bill ("AB") 490 and related laws identifies youth who are entitled to all the foster youth education rights described in this toolkit including immediate enrollment, school of origin, partial credits, etc.

Under LCFF, the term foster youth includes:	Under AB 490 and related laws, foster youth includes:
Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.	Any child who is the subject of a juvenile dependency court petition (Cal. Welf. & Inst. Code § 300), whether or not the child has been removed from his or her home.
Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602) and who has been removed from his or her home by the court and placed into foster care under a "suitable placement" order. This includes youth who have been placed in a foster home, relative home, or group home. It does not include youth who have been placed in a juvenile detention facility, such as a juvenile hall or camp.	Any child who is the subject of a juvenile delinquency court petition (Cal. Welf. & Inst. Code § 602), regardless of where the youth lives.
Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42238.01.	Any youth age 18 to 21 who is under the transition jurisdiction of the juvenile court (i.e., is in extended foster care). See SB 859 (2014), Cal. Educ. Code § 42238.01.



Key Points:

- Any youth who falls within the narrower LCFF definition also falls within the broader definition entitling them to the protections described in this toolkit.
- The difference between the two definitions is that the LCFF definition excludes some probation youth who are protected under AB 490 and related rights.
- Any youth who falls within the broad definition under AB 490 and related laws should be served by a district's foster youth programs, regardless of whether they "count" for LCFF.

This toolkit uses the term "foster youth" to apply to foster and probation youth of any age and the term "foster child" to apply to children ages 0 to 5. For purposes of this toolkit, "foster youth" also includes homeless youth for purposes of immediate enrollment, school of origin, partial credits, and AB 167/216 graduation, although homeless youth have different transportation rights than foster and probation youth.

Education Decision Makers for Foster Youth

Education Rights Holder ("ERH") Responsibilities

- ERHs are individuals with the legal authority to make education decisions and access education records. All youth must have an ERH, including infants and toddlers.
- ERHs have a right to written notice of and to make decisions regarding: (1) school enrollment, including transfers to alternative schools; (2) school of origin; (3) high school graduation, including AB 167/216; (4) special education, including decisions regarding assessments and consenting to an Individualized Education Program ("IEP"); (5) early intervention, including decisions regarding assessments and consenting to an Individualized Family Service Plan ("IFSP"); and (6) school discipline.
- ERHs also have a right to consent to mental health services provided through a youth's IEP. ERHs (except for adoptive parents or legal guardians) cannot consent to services or release information from an outside mental health provider. Contact the legal representative for the youth if access to this information is necessary.

Who May Hold Education Rights

- Biological parents retain education rights for their children, unless the court limits or terminates their rights.
- When parental rights are limited/terminated, a court must simultaneously appoint a new ERH. Appropriate ERHs can include: (1) foster parents; (2) relative caregivers; (3) Court Appointed Special Advocates ("CASA"); or (4) community members who have a relationship with the youth.
- Adoptive parents and legal guardians automatically hold education rights.
- Prospective adoptive parents automatically hold education rights once parental rights are terminated.
- Youth automatically hold their own education rights when they turn 18. Youth 16 years or older have a right to access their own education records.
- Any person who might have a conflict of interest (defined as a person having any interests that might restrict or bias their ability to make education decisions) or receives financial payments for the care of a foster youth (except foster parents) may <u>not</u> serve as a youth's ERH, including: (1) social workers/probation officers; (2) group home staff; (3) therapists; (4) attorneys receiving attorneys fees; or (5) school/regional center staff.

Appointing an Appropriate ERH

At each court hearing, the judge must assess whether the youth currently has an ERH, and whether that person is an appropriate ERH. The court may consider the following factors in deciding that an ERH is unavailable, unable, or unwilling to exercise education rights:

- Biological parents' whereabouts are unknown or they are unreachable (e.g., they have not provided the social worker with a working phone number or valid address for the past three months);
- Biological parents are deceased or incarcerated; or
- Current ERH is a previous foster parent that no longer wishes to be involved in the youth's life/education.

Proof of Education Rights

If biological parents continue to hold education rights, there will be no documents to prove this. If a court limits or terminates a parent's education rights, then the court will issue one of the following forms, which can be used as proof of who holds education rights: (1) JV-535, "Order Designating Education Rights Holder"; (2) Adoption or Guardianship Order; (3) Adoptive Placement Agreement; or (4) Juvenile Court Minute Order.



20 U.S.C. § 1436; Cal. Educ. Code §§ 48432.3, 48432.5, 48853.5, 51225.1, 56028, 56321, 56346; Cal. Gov't Code § 95020; Cal. Welf. & Inst. Code §§ 319(g), 361.

Best Practices for Unavailable, Unable, or Unwilling ERHs

STEP 1

ERHs have notice and decision-making rights in many general and special education situations. If the school is unable to identify the ERH or the ERH is unresponsive after multiple attempts to contact them, immediately contact the youth's child protective services social worker ("social worker"), probation officer, and/or legal representative in order to have an appropriate ERH appointed. Depending on the county, an attorney, Guardian ad Litem, and/or a CASA advocates on behalf of a youth in dependency court. A public defender, panel attorney, or private attorney advocates on behalf of a youth in delinquency court. Throughout this Toolkit, the phrase "legal representative for the youth" refers to the applicable individual.

Schools may send the **ERH Appointment Request Letter to the legal representative for the youth, social worker, and/or probation officer.

STEP 2

If an appropriate ERH is still not identified and appointed, contact the court directly to request assistance. The court must either: (1) locate and appoint an ERH; (2) make necessary education decisions itself; or (3) submit a JV-535 section 4(a) form to the school district, requesting the appointment of a surrogate parent for youth who are or may be eligible for an IEP/IFSP. Cal. Rules Ct. 5.650.

Work diligently with a youth's legal representative, social worker, and/or probation officer to identify an ERH for both general and special education needs. If a school district acts without providing proper written notification or affording decision making rights to an ERH, they open themselves to potential legal liability. For example, an expulsion can be overturned if proper notice and ability to participate is not afforded to an ERH.

Surrogate Parents

- A surrogate parent is an adult appointed by a school district/regional center to represent a youth's special education/early intervention needs when a youth does not otherwise have a parent who holds education rights or a court appointed ERH.
- A school district/regional center has an independent duty to appoint a surrogate parent within 30 days of identifying that one is necessary for a youth who is or may be eligible for an IEP/IFSP.
- When appointing a surrogate parent, preference must be given to a relative caregiver, foster parent, or CASA who is willing to serve as a surrogate parent.
- A surrogate parent may not have a conflict of interest or be employed by the California Department of Education, the school district/regional center, or any other agency involved in the care or education of the youth.
- If the court requests a surrogate parent, appoint an appropriate adult via the JV-536 form, and provide a copy of this form to the social worker/probation officer, legal representative for the youth, and the court within 30 days.
- Surrogate parents must continue to make education decisions for the youth until: (1) the court appoints a new ERH; (2) parental rights are reinstated; (3) the youth moves into a new school district; or (4) a new surrogate is appointed.

17 C.C.R. § 52175: Cal. Gov't Code § 7579.5.

ERH Appointment Request Letter



Date:	
To: Legal Representative for the Youth/ Social Worker/Probation Officer:	
E-mail/Fax Number:	
Address:	
Re: Education Rights Holder Appointment Request	
Student Name:	D.O.B.:
Dear	J.
Please be advised that	, a foster youth that you work with,
recently enrolled in	Following the youth's enrollment in our
school, we determined that we were:	
Unable to identify and/or locate the youth's education rights information for the youth's education rights holder at your earlies. Unable to successfully contact the youth's education rights h (if checked please fill out information below)	st convenience.
We attempted to contacteducation rights holder.	, the person we believe is the youth's current
Dates of attempted contact: 1 2.	3
We therefore request your assistance in working with the juv who can make education decisions for the youth, including d graduation, and/or special education.	
We would greatly appreciate if you could also forward to our sch holder, such as a <u>JV-535</u> form, juvenile court minute order, or add	
If you have any questions, please contact me at	Thank you in advance for your assistance.
	Sincerely,



LCFF Requirements for Stakeholder Engagement

Successful implementation of LCFF relies on "stakeholder" engagement. In fact, districts are required to report yearly on how stakeholders have been "engaged and involved" in developing, reviewing, and supporting implementation of their LCAP. LCFF regulations provide examples of who these "stakeholders" might include: "parents, pupils...county child welfare agencies...court appointed special advocates, and other foster youth stakeholders." These stakeholders must be engaged as an "advisory committee" and given an opportunity to provide comments prior to the adoption of each annual LCAP. Districts must also report on how the advisory committee has been engaged on an ongoing basis and must report the results of their training of and involvement of stakeholders. Best practices recommend convening advisory groups quarterly, presenting them with data to review on outcomes for target groups, and seeking their input on how to continue to support these students.

Cal. Educ. Code §§ 47606.5, 52060, 52063, 52066, 52068, 52069; 5 C.C.R.

Stakeholder Engagement for Foster Youth

Stakeholders for foster youth can present a challenge when attempting to actively engage an advisory

committee because they are not always as visible or organized as other stakeholder groups. Further, foster youth often do not have what is typically understood to be 'parents', instead having Education Rights Holders, caregivers, and other system personnel (such as CASAs, social workers, and/or probation officers). However, input from people connected to foster youth, particularly education rights holders, and direct input from foster youth themselves, is critical to developing a successful LCAP and ultimately improving foster youth outcomes. We have collected some helpful strategies for engaging these groups, as well as a sample training, available below.

Empower Foster Youth with Knowledge of Their Education Rights

Youth may not have consistent adults in their lives to rely on. With frequent changes in foster care placements, and accompanying school and district changes, these youth may not be able to depend on even the most dedicated and informed caregiver or school district staff members to protect their rights. Often foster youth will need to advocate for themselves. Knowing their rights can give youth a sense of control and motivation to work hard in school. Knowledge can empower youth to exercise vital self-advocacy skills.

Where to Train and Gain Input from **Foster Youth**

SCHOOL-BASED FOSTER CLUBS

Start a foster club at your school. These clubs can be a great place for youth to find support, and for a school to gain feedback on the challenges these youth are facing. Consider the naming of such clubs closely, to ensure a youth first approach that does not draw undue attention to a youth's foster status (e.g., Young Leaders, Youth Scholars).

NON SCHOOL-BASED FOSTER CLUBS

There are several groups such as the **California Youth Connection** that facilitate regular foster youth clubs. Local child welfare/probation agencies can help you discover these groups in your area. Just like school-based foster clubs, these can be a great place to meet engaged foster youth to gain input.

GROUP HOMES

Presenting information at group homes often ensures participation of youth that might not otherwise attend a community meeting or event offered on a school campus.

INDEPENDENT LIVING PROGRAM ("ILP") CLASSES OR SIMILAR EVENTS HELD FOR OLDER YOUTH

Older youth are often offered classes. You can coordinate with your local child welfare/probation agencies to determine whether it would be appropriate to present at one of these sessions.

Where to Train and Gain Input from Staff, Caregivers, and ERHs, as Well as Youth

EVENTS HELD BY CHILD WELFARE AND PROBATION AGENCIES

Child welfare/probation agencies regularly hold events and trainings for youth, education rights holders, and caregivers. Districts have had great success in coordinating presentations at these events/trainings and some have even secured permission to count district trainings as part of the training hours that caregivers are required to complete for their foster care license. There are also

organizations such as Foster Family Agencies and foster parent support groups outside of the child welfare or probation agencies that offer similar opportunities.

DEPENDENCY OR DELINQUENCY COURT PARTNERSHIPS

Some districts have stationed a counselor in the court as a resource. This counselor can learn firsthand the challenges foster and probation youth face, meet with youth and families as problems present themselves, and present trainings and materials to help families navigate the resources in their district.

COURT APPOINTED SPECIAL ADVOCATES

"CASAs" advocate for youth in the child welfare and probation systems, and often hold education rights for foster youth. These volunteers are well-informed and dedicated to supporting foster youth. They hold regular meetings and trainings, and can be a great place to find active education rights holders and/or stakeholders.

Tips for Making a Training Accessible to Foster Youth, ERHs, and Caregivers

- Engage trainees in discussing their own experiences and allow room to vent about frustrations.
- Translate legal and school terms into accessible language.
- Use techniques to encourage audience participation Games: Get trainees engaged with challenges and small prizes. For example, have trainees put the pieces of a cut up picture together, and then describe the scenario depicted. Role playing: Have trainees act out different situations that might arise and practice self-advocacy. For example, respectfully explaining immediate enrollment rights to a registrar who might not be familiar with them. Question and response: Poll the students on their experiences related to each topic. For example, see how many schools each youth has attended.

Access a sample training designed by the Alliance for Children's Rights to train foster youth and caregivers on their education rights.

Enrolling and Disenrolling Foster Youth



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Enrolling Foster Youth

Foster youth have the right to:

• Immediate enrollment in their local comprehensive public school if their ERH decides it is in their best interest, even if they do not have any of the required documents (e.g., transcripts, immunization records, proof of residence). Immediate enrollment rights also apply to charter schools.

Foster youth have a right to enroll in school, even without proof of Tdap immunization. School nurses should work with the youth's prior school and/or their social worker/ probation officer to gain access to records demonstrating the youth has already been immunized.

- Enrollment in the same or equivalent classes as those they took at their old school, even if they are transferring midsemester. Youth cannot be enrolled in all or a majority of elective classes. Youth cannot be forced to re-take a class they have already passed unless their education rights holder agrees, in writing, that it is in their best interest.
- Equal participation in extra-curricular activities regardless of try-outs or sign-up deadlines (e.g., sports, tutoring).

• Not be forced to attend a continuation school, adult school, or independent study program, even if they are not on track for high school graduation, have failing grades, or have behavior problems.

Limited Exceptions: If they have an Individualized Education Program ("IEP") requiring a different placement or have been expelled or transferred to an alternative school after a formal hearing and school board decision.

Foster youth can only be placed in emergency shelter schools for short periods of time for either: (1) health and safety emergencies; OR (2) when awaiting an ERH decision regarding whether or not to utilize school of origin ("SOO") if: (a) a SOO decision cannot be made quickly; AND (b) it is not practical to transport the youth to the SOO in the meantime; AND (c) the youth would otherwise not receive educational services; AND (d) temporary, special, and supplementary services are available to meet the youth's unique needs.

AB 1012 (effective 1/1/16), SB 445 (effective 1/1/16), Cal. Educ. Code §§ 48432.5, 48853, 48853.5, 48859, 49069.5, 51228.2.

Best Practices for Enrolling Foster Youth

STEP 1

Screen all youth at enrollment for foster/probation status. See Foster Youth Screening Questions. After a foster youth is identified, notify the district's Foster Youth Education Liaison.

STEP 2

Have the adult enrolling the youth complete the Foster Youth Initial Education Intake Form to identify important individuals such as ERH, caregivers, and social workers/probation officers.

STEP 3

Meet with the ERH to discuss school of origin rights. See School of Origin.

STEP 4

Complete enrollment paperwork and collect important documents. This may include: (1) proof of education rights (see Education Decision Makers for Foster Youth); (2) immunization records; (3) transcript or report card; and (4) Individualized Education Program ("IEP"), if applicable.

STEP 5

Using the youth's transcripts and information available at the time of enrollment, ensure the youth is enrolled in the same classes/grade level they were enrolled in at their previous school. If the school does not offer the same classes, enroll the youth in equivalent classes, that fulfill the same graduation/promotion requirements. For high school foster youth, enroll the youth in a majority of A-G courses and courses required for high school graduation. Do not enroll the youth in all or a majority of elective courses. See Partial Credit Model Policy.

Youth with disabilities must be placed in an appropriate program with services comparable to those in their previous IEP. Notify appropriate special education staff to schedule the youth's 30 day IEP. Cal. Educ. Code § 56043.

STEP 6

Collect education records. See **Requesting Education Records**.

School districts have a legal obligation to immediately enroll foster youth, even if any of these steps cannot be completed at the time of enrollment.

Foster Youth Screening Questions



Ask the youth and/or the person enrolling the youth in school to provide the following information. Note that disclosure is not required but may entitle the youth to additional rights and services at school. In order to capture all of your foster and probation youth, make sure to use these screening questions consistently across all district enrollment sites including comprehensive schools, continuation and other alternative sites, and early education programs.

Name of Student:	Date of Birth:			
Name of Person Completing Screening:				
Date of Screening:				
Section 1. Youth in Foster Care or on Probation				
Is the youth a foster child or on probation?	YES	NO		
Does the youth receive visits from a child protective services social worker				
or probation officer?	YES	NO		
Does the youth live in a group home?	YES	NO		
Does the youth regularly attend court to discuss who they will live with?	YES	NO		
Does the youth have an attorney or other court representative who helps determine who they will live with?	YES	NO		
Section 2. Youth Potentially in Foster Care or on Probation				
Has the youth ever been in foster care or on probation?	YES	NO		
If so, when was the case closed?				
Does the youth live with someone other than their parents?	YES	NO		

ASSESSING A COMPLETED FORM: DIRECTIONS FOR SCHOOL DISTRICTS

Section 1. Youth in Foster Care or on Probation

If the answer to any of these questions is "YES," there is a high likelihood that the youth is in foster care or on probation and should be treated as a foster/probation youth and afforded all their related education rights until proven otherwise.

Section 2. Youth Potentially in Foster Care or on Probation

If the answer to any of these questions is "YES," there is a possibility the youth is in foster care, on probation, or is entitled to extended foster care services under AB 12 and further investigation should be undertaken to determine their foster care/probation status and/or whether they are entitled to any rights (e.g., partial credits, AB 167/216 graduation) based on their prior status. Further investigation can include verifying with your data match and local child protective services/probation office.

Foster Youth Initial Education Intake Form



Name of Student:				Date of Birth:
The youth and/or person enrolling the you	th in school should fill c	out this inta	ake form to	the best of their ability upon enrollment.
Caregiver and Education Righ	its Holder			
Who does the youth live with?				
Name:	Phone Number:			_ Relationship:
Who has the legal right to make educat	ion decisions for the	youth? (L	eave blank	(if you are not sure)
Name:	Phone Number:			_ Relationship:
Other Contacts Does the youth have a				
Social Worker?				
Probation Officer?		YES	NO	NOT SURE
Legal Representative in Dependency Co	urt?	YES	NO	NOT SURE
Public Defender?		YES	NO	NOT SURE
Court Appointed Special Advocate ("CA	C \"\"	YES	NO	NOT SURE
	3A):	YES	NO	NOT SURE
Mental health provider?		YES	NO	NOT SURE
Group home staff?		YES	NO	NOT SURE
Anyone else important?		YES	NO	NOT SURE
If you answered YES to any of the above	e please provide the	following	informatio	on:
Name:	Organization: _			Phone Number:
Name:	Organization: _			Phone Number:
Name:	Organization: _			Phone Number:
Name:	Organization: _			Phone Number:
Name:	Organization: _			Phone Number:
Name:	Organization: _			Phone Number:

School History

Name of School(s) Attended and District or City

Preschool	Grade 6
Kindergarten	Grade 7
Grade 1	Grade 8
Grade 2	Grade 9
Grade 3	Grade 10
Grade 4	Grade 11
Grade 5	Grade 12

High School Youth ONLY: List courses the youth was enrolled in at their last school

English:
Math:
Foreign Language:
History/Social Studies:
Science:
PE:
Elective/Other:
Elective/Other:
Elective/Other:
Which, if any, extracurricular activities was the youth involved in at the youth's last school? (e.g., soccer, drama club, debate team, track and field, tutoring)

School of Origin

School Stability Matters

Foster youth transfer schools an average of eight times while in foster care, losing four to six months of learning each time.1

As a result of school instability, only 21% of foster youth are proficient in English by 11th grade, and 6% in math.²

Fewer than 60% of foster youth graduate from high school.³

Overview of the Law

Foster youth have a right to remain in their school of origin if it is in their best interest, as determined by their ERH.

School of origin is the default. Before making any recommendation to move a foster youth from their school of origin, the district's AB 490 Liaison must provide the youth and their ERH with a written explanation of how it is in the youth's best interests not to stay in their school of origin. See **School of Origin Recommendation Letter**. Further, a youth cannot be moved from their school of origin until after a written waiver of this right is obtained by the school district from the ERH.

Definition of School of Origin: A youth's school(s) of origin includes: (1) the school the youth attended at the time they entered the foster care and/or probation system(s); (2) the school the youth most recently attended; or (3) any school the youth attended in the preceding 15 months with which they have a connection (e.g., sports team, relationships with peers or teachers).

Feeder Patterns: If youth are transitioning between elementary and middle or middle and high school, school of origin includes the next school within the school district's feeder pattern.

Scope of School of Origin: School of origin rights apply to all schools, including magnet programs and charter schools.

Duration of School of Origin Rights: If a youth's court case closes while they are in elementary or middle school, they have a right to remain in their school of origin until the end of the current school year. If youth are in high school when their case closes, they have a right to remain in their school of origin until they graduate from high school.

Transportation Funding: Many foster parents, including relatives, are eligible for funding from their local child protective services agency if they transport a youth to their school of origin after a placement change. See All County **Letter 13-03**, page 2 for funding rates. School districts also have a responsibility to work with child protective services agencies to help a youth access transportation. School districts have a duty to provide transportation if a youth has an Individualized Education Program that requires it.

Dispute Resolution: If at any time, there is a dispute regarding a youth's right to remain in a school of origin, the youth has a right to remain in that school until the dispute is resolved. Disputes should be referred to the school district's dispute resolution process. A complaint can also be filed on the youth's behalf through the Uniform Complaint Procedures Act. See **Enforcement of Foster** Youth Education Rights: AB 379.

SB 445 (effective 1/1/16), Cal. Educ. Code §§ 48853, 48853.5, 48859, Cal. Rule of Court 5.651(c).

Best Practices for School of Origin

STEP 1

Before withdrawing or enrolling a youth whose home placement is about to change or has changed, contact the youth's ERH, new caregiver, and social worker/probation officer to inform them of the youth's right to remain in their school of origin. See **Education Decision Makers for** Foster Youth. If the youth's ERH cannot be immediately reached, send the **School of Origin Recommendation Letter** to the youth's ERH.

STEP 2

Arrange a meeting to discuss the benefits and disadvantages of the youth's continued enrollment at their school of origin. Invite a representative from the old/new school district to attend. If a meeting cannot be arranged quickly, coordinate a phone call with the ERH and if possible, the rest of the youth's education team. Complete the **School of Origin**

Meeting Worksheet to: (1) identify all potential schools; (2) discuss pros and cons of each potential school; (3) work with the student's ERH to reach a school placement decision; and (4) develop a transportation plan.

STEP 3

Immediately implement the ERH's decision regarding school enrollment. See **Enrolling Foster Youth**.

¹ Children Now, 2014 California Children's Report Card (2014), available at https://www.childrennow.org/files/6114/1762/6161/2014_CA_Childrens_Report_Card.pdf.

² Stuart Foundation, Foster Youth Education Outcomes in Four California Counties (2011), available at http://stuartfoundation.org/first-look-foster-youth-educationoutcomes-four-california-counties/

³ The Invisible Achievement Gap, Part 1.

School of Origin Recommendation Letter



Date	:			
TO:	Education Rights Holder:			
	Address:			
RE:	Name of Student:			Date of Birth:
Dear	Education Rights Holder,			
	ecently attempted to contact you regard to a new home placement.	arding		, because the student
the s	student no longer lives within the bounchool the student was attending prior inue attending this school if you believer.	to moving. Howe	ver, as a foster/probation	on youth, the student has a right to
inter wish the c	ne student's education rights holder, yest to remain in their school of origin to consider include: (1) the distance liquality of the previous school and the ester or mid-semester).	or if they should to between the stude	transfer to the new loca ent's new home and the	al public school. Factors you may e school they were attending; (2)
At th	is time, this student is currently enroll	ed in:		
Т	he school the student was attending k	pefore changing h	ome placements:	·
Т	he new local public school based on t	heir new home ad	dress, pending your de	cision regarding whether the student
shou	ld return to their previous school:			·
	youth's AB 490 Education Liaison: ol of origin for the following reasons: <u>-</u>			•
	se contact us immediately so we may d tudent's best interest to continue atter			

School of Origin Meeting Worksheet



Student Name:	Cı	ırrent Grade:	Date of Meeting:
STEP 1: Meeting Participants			
Education Rights Holder(s) ("ERH") Mandatory Participant	Present?	Name:	
Student	Present?	Name:	
Caregiver(s), if different than ERH	Present?	Name:	
Social Worker/Probation Officer	Present?	Name:	
Foster Youth Counselor/Liaison	Present?	Name:	
Academic Counselor	Present?	Name:	
School Administrator	Present?	Name:	
Other	Present?	Name:	
Other	Present?	Name:	
Other	Present?	Name:	
STEP 2: Identify School Optio	ns		
Option 1: School student attended before Option 2: School of residence after home			ent school if student has not yet moved:
			n system:
Option 4: Any other school(s) attended			
			mentary to middle or middle to high school)
from options 1-4 above, using district fee	der patterns:		
STEP 3: Use the Factors Below to	Consider PRO	S and CONS fo	or Attendence at Each School Option
Student's wishes		Availabilit	ty of transportation funding
Relationships with peers		School ye	ear calendar (semester vs. trimester)
Relationships with teachers		Quality o	f education program
Distance from new home placement		Availabilit	ty of school support services (including
Proximity to end of grading period		special ed	ducation services)
Consistency of curriculum content		Extracurr	icular activities

School discipline history

Option 1: Name of School/District:	
PROS	CONS
Option 2: Name of School/District:	
PROS	CONS
Option 3: Name of School/District:	
PROS	CONS
Option 4A: Name of School/District:	
PROS	CONS
Option 4B (if needed): Name of School/District:	
PROS	CONS
Option 5: Name of School/District:	
PROS	CONS

STEP 4: School Placement Decision

The youth's AB 4	490 Education Liaison: recom	mends or does	s not recommend		
that the youth re	emain in their school of origin for	the following reaso	ons:		
ERH Chooses:	to have the youth remain in			_ school of origin OR	
-	to waive the youth's right to re			uests immediate enrollment	: at:
If remaining at tl	he school of origin, the transporta	ation plan is:			
Funding will	l be sought from child protective	services agency (S	ee <u>All County Let</u>	ter 13-03 page 2 for fundi	ng rates)
School distri	ict(s) will provide transportation a	assistance			
Caregiver ag	grees to transport without transpo	ortation funding as	sistance		
Other (speci	ify):				
		ERH :	Signature:		
		Stude	ent Signature:		
		School	ol Administrator:		
		Schoo	ol Administrator:		

Requesting Education Records

Overview of the Law

- School districts must request records within two business days of a foster youth's enrollment. School districts must forward education records to a requesting school within two business days of receiving a request. Cal. Educ. Code § 48853.5(e)(8).
- School districts and local child welfare/probation agencies may share education records of students in foster care or on probation without consent of a parent or guardian. Cal. Educ. Code § 49076(i), (n).
- School districts must give an education rights holder a complete copy of a youth's education record within 5 business days of a request. Cal. Educ. Code § 49069.
- School districts cannot withhold transcripts, diplomas, or other records if school fees are owed. Cal. Educ. Code § 48853.5.



Reasons to Request Records

- Track education performance over time;
- Understand the youth's history and current needs;
- Determine interventions that have or have not worked in the past; and
- Compare past and current testing to monitor academic progress.

Best Practices for Requesting Education Records

STEP 1

Upon enrollment, have the adult enrolling the youth complete the **Foster Youth Initial Education Intake Form**, including the school history portion. Gather additional school history information from CALPADS and/or any local data/records sharing sources within your county. Contact the youth's social worker or probation officer to fill any gaps in the youth's education history.

STEP 2

Obtain a complete set of records for each youth by completing the **Records Request Form** for each school and district the youth has attended. Records must be requested within two days of the youth's enrollment.

STEP 3

Send and retain proof of receipt. This is important in case there are difficulties receiving the records in a timely fashion and can be used to advocate for the quick transfer of records. If sending via fax, keep a copy of the fax transmittal report confirming that the fax was received. If sending via email, keep a copy of the sent email confirming that the email was sent.

STEP 4

If, by the second business day, records are not yet received from each school requested from, contact the school(s) and request that they forward the records immediately. Make repeated efforts to obtain the records if they are not received within a reasonable amount of time. Contact the former district's Foster Youth Liaison, or your own, to seek assistance as necessary. If the sending school informs you that they do not have records for the youth or they sent the cumulative file to another school, ask that they send that information in writing.

STEP 5

Check records for completeness and organize chronologically in preparation for the **Education Evaluation**. Ensure receipt of the following records from each school attended: (1) report cards/transcripts; (2) statewide testing scores; (3) attendance records; (4) discipline files including behavior referrals and suspension notices; and (5) if the youth has an IEP, IEPs for each year they were eligible and an assessment at least every three years.

Records Request Form



Date	:	
TO:	School/District:	
RE:	Name of Student:	Date of Birth:
Dear	Records Clerk,	
	uest a copy of any and all general and special ed ent. I am requesting all records, including, but no	ducation records for the above mentioned foster and/or probation ot limited to the following:
• All	Correspondence (e.g., inter-office notes, memo Special Education Assessments (e.g. psycholog Individualized Education Programs se provide a physical copy of all records to the a	and SBAC testing, Stanford 9 Scores and CAT - 6 Scores s, letters, etc.)
		Signature:
		Name:
		Title:
		School Name:
		School Address:
		School Phone Number:

Disenrolling Foster Youth and Forwarding Education Records

Overview of the Law

FOSTER YOUTH DISENROLLMENT RIGHTS

- When moving home placements, foster youth have a right to remain in their school of origin, unless their ERH determines that another education setting is in the youth's best interest. See School of Origin.
- If the ERH determines that a school transfer is in the youth's best interest, school districts and local child protective services and probation agencies are responsible for ensuring a youth is properly and promptly disenrolled from school.

Cal. Educ. Code §§ 48853, 48853.5, 49069.5.



Best Practices for Disenrolling Foster Youth

STEP 1

A school can identify that a youth has withdrawn when: (1) a youth tells a teacher or other adult that they are moving; (2) a caregiver, ERH, social worker, probation officer, or legal representative for the youth notifies the school; (3) a youth is absent for 20 consecutive school days without explanation; or (4) a records request is received from a new school.

STEP 2

Meet with the ERH to discuss school of origin rights and options. See **School of Origin**.

STEP 3

When officially disenrolling a youth, use best efforts to hold space in their prior courses in case they exercise their school of origin rights or return to their prior home. Determine check out grades, calculate partial credits, and issue an official transcript. See Partial Credit Model Policy.

FORWARDING FOSTER YOUTH RECORDS

School districts must compile a youth's complete education record as of the last day of actual attendance and forward a copy of all records to the new school within two business days of a request. This includes but is not limited to a transcript (including full/partial credits and check out grades), current class schedule, attendance, immunization/health records, and special education/ Section 504 plans. School districts may not withhold records or prevent the youth from graduating because of outstanding fines. When requested, school districts must also send a copy of a youth's education records to:

- ERH or any authorized representative within five business days (copying costs must be waived if it would prevent access);
- County child protective services agency or social worker fulfilling case management responsibilities or assisting with enrollment: and
- Probation officer or district attorney investigating: (1) a criminal allegation; (2) whether to declare the youth a ward of the court; or (3) a violation of probation.

Cal. Educ. Code §§ 48853.5, 49076; 5 C.C.R. § 438(c).

STEP 4

Update the youth's **Education Evaluation** including all current information as of the last day of actual attendance. Ask the youth or any of the adults working with the youth what their new school is. It can also be determined from the youth's new address. Identifying the youth's new school is important to determine where to send records.

STEP 5

Provide essential records (e.g., transcript) to ERH and youth during the disenrollment process.

STEP 6

Forward a copy of the youth's entire education file (including their **Education Evaluation**) to their new school within two business days. Log the date records were sent and to whom they were sent in the cumulative file.

Determining the Needs of Foster Youth



Education Evaluation Overview

Tracking Foster Youth Data to Improve Outcomes

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Education Evaluation Overview



The Education Evaluation is a case management tool designed to help schools ensure that foster youth receive the supports they need to succeed in school. It allows schools to identify areas of concern based on the youth's education history, identify necessary interventions, and monitor the youth's progress towards high school graduation and higher education.

The Education Evaluation is recommended to be completed for each student in the district from age three to high school graduation. Completing the Education Evaluation can be a complex and involved process but provides a wealth of information essential to identifying and meeting the needs of foster youth.



THERE ARE TWO* EDUCATION EVALUATION TOOLS AVAILABLE:

Adaptable Education Evaluation Template

The blank Education Evaluation is meant to be filled in with a student's education records while also being adaptable to individual schools' needs.

Download this tool

Sample Education Evaluation

Use this completed sample document to learn how to effectively use the Education Evaluation. It provides examples and instructions to help fully complete an Education Evaluation for a student.

Download this tool

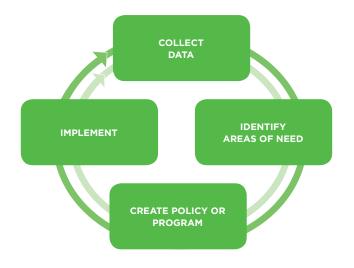
*If you used the Foster Youth Education Toolkit before October 2015 and would like to use the old version of the Education Evaluation with dropdown boxes, access it here.

Tracking Foster Youth Data to Improve Outcomes

In this era of accountability, school districts cannot only establish policies and practices to support foster youth. In addition, they must demonstrate that their policies and practices are successfully improving outcomes. Data tracking is the key to doing this.

Best Practices for Data Collection

While crucial data points must be tracked consistently over time (e.g., graduation rates at the end of each LCAP year), data collection is most effective when used continuously to improve programs. A data collection process might include:



STEP 1

Collect Baseline Data: Districts should look at foster youth outcomes prior to the implementation of any policies or programs. This could require pulling data from years past to establish a true baseline. This "baseline" data can be compared to future outcomes to identify areas where improvement has occurred or where further improvements are needed.

STEP 2

Identify Areas of Need: Compare foster youth baseline data with LCAP goals (both those specific to foster youth and those that apply to all students) to identify areas in which foster youth outcomes are worse than the general population (e.g., chronic absenteeism, graduation rates). Also, look at factors not included in your LCAP but which have a significant impact on foster youth (e.g., high rates of school mobility). Finally, examine areas where staff have anecdotally identified challenges.

STEP 3

Create Policy or Program: Design a policy or program to address the identified area(s) of need, including incorporating relevant goal(s) or activity(ies) into your district's LCAP.

STEP 4

Implement: Train staff and implement the new policy or program, making sure that student information systems have the capability to track implementation steps and results. Identify an appropriate implementation period (e.g., one quarter, one semester).

STEP 5

Collect Additional Data: At the end of your implementation period, identify whether or not the policy or program is demonstrating positive improvements in student outcomes by gathering new data and comparing it to your baseline data. Remember that change takes time. Small improvements may indicate success given the low baseline data for foster youth. For example, while your overall threeyear goal may be to improve graduation rates of foster youth, looking for improvement in attendance measures or GPA may be early indicators to utilize to gauge progress in years one and two. For large policy or program changes, additional time may be needed before data will reflect progress. On the other hand, if the data quickly indicate that a program is not working, districts should not hesitate to adjust their strategy. Ongoing quarterly or bi-annual data collection will ensure prompt identification of success or needed changes.

STEP 6

Adjust the Policy or Program: If the data show that no progress has been made after a sufficient amount of time, or have revealed specific challenges not previously identified, adjust the policy or program and make any necessary adjustments to your district's LCAP.

STEP 7

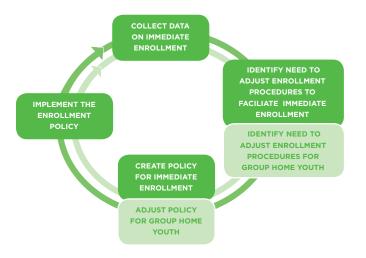
Implement the New Policy or Program: See Step 4.

STEP 8

Repeat: The process should be repeated until the achievement gap between foster youth and the general student population is closed. Remember to celebrate small victories along the way.

Cycle of Data Example: Immediate Enrollment

If a foster youth's ERH decides that remaining in their school is not in the youth's best interest, the youth has a right to immediate enrollment in their local comprehensive school. See **School of Origin** and **Enrolling Foster Youth**. A foster youth liaison for your district, Pine Valley School District, ("District") anecdotally identifies that it takes a long time to enroll foster youth and that youth in the District experience school absences around times of school transfer.



STEP 1

Collect Baseline Data: The District first creates the capacity within its student information system to track the time it takes to enroll foster youth from the moment the school learns of the youth (who is flagged within the information system) to the moment of attendance in courses. The District tracks this data for the school year's first quarter.

STEP 2

Identify Areas of Need: The baseline data collected shows that it takes 8 days, on average, for a youth to begin attending courses. Missing nearly two weeks of instruction after a move is a significant problem from a learning and a compliance standpoint.

STEP 3

Create Policy or Program: Having identified the need to shorten the time period that foster youth are out of school, the District hypothesizes that a new enrollment policy and process will help ensure immediate enrollment. The District creates a policy designating a front office

staff member at each school to process foster youth for enrollment without otherwise required paperwork and requiring that certain questions be asked of the youth and person enrolling the youth about prior classes and interventions. The policy also indicates that a counselor with specialized training in meeting the needs of highly mobile populations be designated at each high school to ensure the acceptance of partial credits and immediate enrollment in appropriate classes. The District includes a goal in its LCAP to reduce the lag time in enrollment by a target percentage.

STEP 4

Implement: The District uses a portion of its professional development day prior to the spring semester to train all staff on the policy, with additional training for designated staff who will be implementing the new policy. The District designates its Director of Student Services to monitor the new policy during the implementation period and provide additional training opportunities as necessary. The District chooses one semester as its initial implementation period.

STEP 5

Collect Additional Data: After one semester of implementation, the District collects and re-evaluates the data. This time, foster youth are being enrolled, on average, within 5 days. This represents a critical improvement, but is not enough to meet the immediate enrollment standard. Upon closer examination of the data, the District learns that youth living in group homes are taking longer to enroll than youth living with families.

STEP 6

Adjust the Policy or Program: After identifying this disparity, the District includes an action specific to enrollment of group home youth in its next year LCAP, reaches out to group home leadership in the area, and devises an adjustment to its policy and practice to enhance communication and coordinate with group homes.

STEP 7

Implement the New Policy or Program: The District retrains necessary staff and implements the newly revised policy with specific focus on group home youth.

STEP 8

Repeat: This cycle of self-reflection is repeated until the District is able to enroll all foster youth within one day.

Data Districts Should Track

Districts and schools need to be able to: (1) accurately and quickly identify who their foster youth are; (2) track outcome data applicable to all youth and disaggregate the data for foster youth; and (3) track foster youth specific data for issues only affecting this population of students.

Data can target: (1) process: did the school follow a policy (e.g., by certifying a youth's eligibility for AB 167/216 graduation within 30 days or informing youth of their school of origin rights), or (2) outcome: did foster youth benefit from a policy (e.g., as seen in improved graduation rates or school stability). Process and outcome data often overlap (e.g., immediate enrollment in school is a procedural victory that also improves learning). Tracking both types of data is essential for tailoring programs and proving success.

1. IDENTIFYING FOSTER YOUTH

Accurately identifying foster (including all probation) youth is a necessary prerequisite for tracking outcomes. Student information systems should identify which students are foster youth according to the LCFF definition, as well as which students qualify for "AB 490" rights. See **Who is a Foster Youth.** Schools should supplement data provided by CALPADS with information gathered at enrollment and through local data matches with child welfare and probation agencies. See **Enrolling Foster** Youth, including Foster Youth Screening Questions and Foster Youth Initial Education Intake Form for information districts should consider gathering at enrollment. Once all youth are appropriately flagged within a district's system, tracking their outcomes becomes possible.

2. OUTCOME DATA APPLICABLE TO ALL YOUTH

Under LCFF's eight state priorities, schools are accountable for showing foster youth outcomes on general metrics applicable to all youth, including:

- graduation and dropout rates;
- attendance and absenteeism rates;
- · suspension and expulsion rates;
- rates of A-G coursework completion; and
- advanced placement completion rates.

The school must be able to disaggregate these outcomes for foster youth specifically, and should build capacity to do so for both the LCFF and the "AB 490" definitions of the population. Cal. Educ. Code § 52060(d).

3. DATA SPECIFIC TO FOSTER YOUTH

To capture foster youth specific data, schools may need to add data fields or pages to their existing information systems, such as education rights holder contact information or whether a youth's AB 167/216 certification notice was sent within timelines. Investing in building data capacity to track foster youth measures is crucial to identifying areas of need and to show improvements over time.

A non-exhaustive list of important foster youth-specific data:

Education Rights Holders: ERH information (including whether or not a student has one and all of their contact information) may not currently be tracked by districts or sought by foster youth liaisons or counselors, but having an appropriate person identified to make key decisions about a youth's schooling is critical for success. See **Education Decision Makers for Foster Youth.** Districts can also be held accountable for not communicating effectively with ERHs (e.g., failure to send an expulsion notice to the ERH could result in the expulsion being reversed). Relevant data points that can be tracked over time to demonstrate improvement include:

- percentage of youth who have ERH contact information included in the student information system;
- percentage of ERHs participating in school placement decisions; and
- percentage of ERHs who have received all required notifications within legally mandated timelines (e.g., discipline notices, AB 167/216 graduation certification).

School Stability: Stability is challenging to measure, but may be the most important ingredient for long term foster youth education success. State mandates currently only require that demographic data be collected once per year on "norm day," but norm day information fails to capture the instability faced by foster youth and the efforts made by districts to serve youth coming in and out of their schools. Building the capacity to collect and analyze school stability data is critical for identifying how many youth are being served by a district each year, and for improving outcomes. Relevant data points include:

- number of youth served by the district each year including both students enrolled on norm day and those served during a different point in the school year;
- · percentage of youth/ERHs informed about school of origin rights (see **School of Origin)**;
- number of youth who remain in their school of origin after a home placement change (including both youth coming into the district and those leaving it);
- percentage of youth continuously enrolled in the same school for an entire school year or semester;
- percentage of youth whose disenrollment dates align with school breaks (school changes at natural breaks reduces the educational disruption); and
- number of youth with voluntary and involuntary transfers to alternative schools. See **Disciplinary Challenges of** Foster Youth and Voluntary Transfer of Students Out of **Comprehensive Schools.**

Enrollment: Getting foster youth enrolled in appropriate settings and classes without delay is critical for success. See **Enrolling Foster Youth.** In addition to standard attendance metrics, relevant data points include:

- percentage of youth attending classes within 24 hours of being flagged within the student information system;
- percentage of high school youth enrolled in comprehensive schools as well as percentage of those enrolled in alternative sites; and
- percentage of high school youth enrolled in a majority of core academic classes upon enrollment.

Records: See Requesting Education Records. Relevant data points include:

- percentage of youth for whom records are requested within 2 days of enrollment; and
- percentage of youth for whom records are forwarded within 2 days of disenrollment or a request.

Partial Credits: See Partial Credit Model Policy. Relevant data points include:

- percentage of youth issued partial credits when disenrolling mid-semester;
- percentage of youth issued partial credits at the end of the semester after enrolling mid-semester; and
- number of partial credits received/recovered from out of district schools.

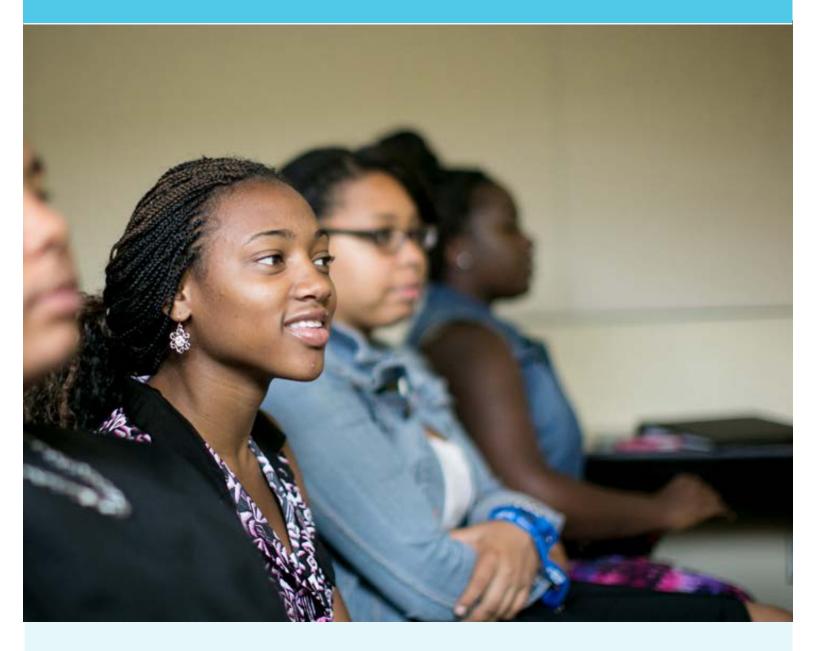
AB 167/216 Graduation: See <u>High School Graduation for</u> Foster Youth: AB 167/216. Relevant data points include:

- percentage of youth potentially eligible for AB 167/216 graduation whose eligibility is determined and certification is sent to the youth's ERH within 30 day timeline;
- percentage of eligible youth who graduate under 167/216 graduation;
- percentage of youth graduating with district vs. 167/216 graduation; and
- percentage of eligible youth who choose to remain in high school a 5th year.

Case Management: Many districts are beginning to utilize case management systems to ensure the academic and social-emotional needs of foster youth are being met. Effective case management requires an extensive evaluation of an individual youth's needs, youth engagement and relationship building, and connection of youth to services or interventions provided by the district or community partners. See **Education Evaluation Overview**. Relevant data points include:

- comprehensive Education Evaluation completion rate;
- number of youth receiving tutoring;
- number of youth receiving school based mental health services:
- number of youth participating in a credit recovery program; and
- number of youth participating in extra-curricular activities.

Special Needs of Foster Youth



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Trauma Related Needs of Foster Youth

Trauma is a response to one or more overwhelmingly stressful events, or "adverse experiences," where one's ability to cope, or "resilience," is dramatically undermined. Adverse childhood experiences can include physical abuse, neglect, prenatal trauma (e.g., prenatal substance exposure, medical neglect), exposure to violence in the family or community, or interrupted attachment such as being separated from a parent or primary caregiver through foster care involvement, death, incarceration, or divorce. Repeated or ongoing childhood trauma, which may occur even before an age when permanent memories are formed, is often referred to as complex or developmental trauma, and is particularly challenging to identify and treat.1

Trauma and Its Impact on Development and Learning

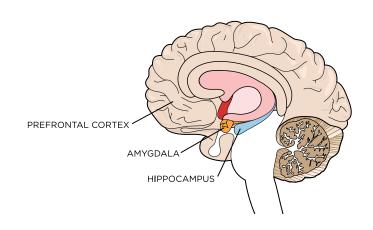
Trauma & Foster Youth

While all children may encounter adverse childhood experiences, youth in foster care disproportionately face complex or developmental trauma. Foster youth have endured multiple adverse childhood experiences, including: (1) the abuse, neglect, or abandonment that brought them into the child welfare system; (2) being removed from their families; and (3) repeated home and/or school placement changes while in the system.² This increased incidence of trauma among foster youth has developmental repercussions that impact foster youth in school.

Trauma Impacts Brain Development

Exposure to trauma in the developing years changes the chemistry, structure, and functioning of the brain. At birth, the parts of the brain known as the "reptilian brain," governing basic bodily functions, are well developed. However, the "mammalian" or "emotional" brain that regulates emotions, and the "neommalian" or "thinking" brain that controls cognitive processing, decision-making, learning, language, memory and impulse control, develop during the first several years of life.3 Trauma greatly impacts the development of these structures.

When children experience trauma, portions of the emotional brain including the amygdala, which activates a survival response (fight, flight, or freeze) in emergencies, expand. In a life threatening situation, a survival response is appropriate. However, when the emotional brain is strengthened it becomes constantly activated, and children are more easily triggered, even by events that pose no objective threat. For example, a child who is constantly running away in fear when threatened by an abusive caregiver may be triggered by a teacher who innocently threatens to take privileges away, and will inappropriately respond by running away. On the other hand, the hippocampus, responsible for learning and memory, shrinks. This means there is less brain capacity to focus on learning. The prefrontal cortex of the thinking brain, responsible for behavior, cognition, social and emotional regulation, also shrinks. The prefrontal cortex allows humans to stop and determine whether a survival



response is appropriate given the social context. The same child whose fear response is easily triggered, then, also has a diminished capacity to stop and consider whether that response is appropriate.

The chemistry of the brain is also impacted by trauma. Children with trauma experience reduced cortisol levels (responsible for energy levels and socialization) and decreased electrical activity and connections between brain cells.⁴ Reduced brain connectivity and energy levels cause children to process incoming information, including social and academic cues, slowly. This slower processing, if not understood, can cause frustration for both the student who is trying to keep up in class, and the teacher who might perceive a slow response time as lack of motivation or even defiance.

Consequences of Trauma

MENTAL HEALTH

The brain changes described above result in mental health challenges for many traumatized children. Changes to the amygdala and hippocampus are associated with depression, anxiety, and other mental health disorders, and research has linked trauma to increased rates of post-traumatic stress disorder ("PTSD"), anxiety, and depression.⁵ In fact, as a result of the trauma they endure, foster youth experience PTSD at rates more than double

that of U.S. war veterans.⁶ The effects of this trauma are also cumulative and so older foster youth present with higher rates of trauma and mental health symptoms.⁷

LACK OF HEALTHY ATTACHMENT AND DEFICIENT **SOCIAL SKILLS**

A strong healthy attachment to a primary caregiver allows children to gain the emotional intelligence and self-confidence necessary for them to explore their world. When these attachments are interrupted or severed (e.g., through multiple foster home changes), the parts of the brain responsible for social regulation do not develop normally, and children may develop difficulty managing relationships appropriately.

This can develop to either extreme: (1) being unable to connect with or trust any adult; or (2) trusting adults who haven't earned it, potentially putting the child into unsafe situations (i.e., a lack of stranger danger). Lack of stable attachments lead to oversensitive emotional responsiveness, whereby children have strong reactions to the objectively neutral behavior of others. If a child is unable to build healthy attachments to adults, they will also struggle when attempting to connect with their peers.

Attachment trauma makes it more difficult to navigate social situations or adapt to changing social contexts, like those that might be experienced in school.8 Children with attachment related trauma may often appear defiant to adults as they are always pushing boundaries and limits, or they can be withdrawn, without the skills to successfully connect with others.

CLASSROOM BEHAVIOR

Persistent trauma (e.g., being exposed to domestic violence on a regular basis) causes persistent activation of fear responses in the amygdala and hyperarousal in the brain that remains even when trauma or danger is not present. Children may constantly view the world as a dangerous place, which impacts their ability to regulate their behavior and social responses.9 In order to feel safe and in control, many trauma-exposed children develop behavioral coping mechanisms that can frustrate teachers and evoke reactions that both strengthen the child's expectations of confrontation and danger and reinforce a negative self-image.

For example, a child may have been conditioned through abusive relationships to fear asking questions. When that child faces an academic task that they do not understand, they may shut down and refuse to complete work. This refusal gives them a sense of control over what they perceive to be a scary situation. This will inevitably lead to a confrontation with the teacher, which can easily trigger a traumatized child's overactive and hard-wired fighting response. The child's hyperarousal and weakened prefrontal cortex make it difficult to calm down, and the child could then face exclusionary school discipline. While the child is being excluded from class, he or she is not receiving the extra academic support needed to be successful academically, and their perception of being unable to succeed in school is reinforced. Different children

use different coping mechanisms in response to fearinducing events. School staff who are not equipped to look carefully may misunderstand the purposes of a child's coping behavior and, as a result, attempt to correct for those behaviors in ways that exacerbate the problem.

LEARNING & MEMORY

Brain changes resulting from trauma can cause deficits in executive functioning, including in memory, impulse control, and cognition.¹⁰

First, children learn through a combination of implicit and explicit memory. Through implicit memory, formulated in the reptilian brain, children learn and remember unconscious skills and associate experiences with sensory input (e.g., sounds, smells), such as walking, speaking, or responding to the sound of a parent's voice. These unconscious skills and associations remain in children who have experienced trauma, and sometimes raises unconscious but painful emotional responses to stimuli in school (for example, to the sound of a loud bell or a stern tone of voice), that the child may not be able to explain. Explicit memory, thought to be formulated in the hippocampus, allows children to talk about past, present, or future events. Explicit memory is crucial for school, for example, to remember story time from yesterday or a history lesson learned this morning, but is often impaired in children who have experienced trauma.

Additionally, the ability to control impulses, also crucial for success in school, is undermined in children who have experienced trauma. The overactive emotional brain, with diminished reasoning capability, creates reactive impulses that cannot be controlled.

Finally, the prefrontal cortex and the connections between various parts of the brain are crucial for problem solving and other elements of cognition, which studies show are impaired in children with trauma.11

SUCCESS IN SCHOOL

The deficits in mental health, social skills, behavior, learning and memory created by trauma unsurprisingly lead to poor outcomes for students in schools that do not specifically address the impact of trauma. In some cases, one impacted domain, such as social skills or mental health, may be preventing the child from making progress. In many cases, the global impact of complex trauma experienced by foster youth makes it difficult to tease out precisely which results or effects are creating obstacles to education achievement. Overall, studies have associated trauma with: (1) decreased reading ability; (2) lower grade-point average; (3) increased school absences; and (4) decreased rates of high school graduation.¹²

RESILIENCE AND SELF-REGULATION

The good news is children are resilient. Resilience is the capacity to exhibit a positive, adaptive response in the face of significant adversity.¹³ Interventions can help children rebuild trust and acquire developmental skills and the capability to learn.

Resilience is not something that you are either born with or not. It develops as children grow and learn better thinking and self-management skills. For example, children exposed to trauma often lack self-regulation skills because an adult never taught those skills to them. Self-regulation skills are learned as early as rocking or singing to an upset baby or teaching skills to teenagers such as taking deep breadths and checking in with their body's state of

arousal when they become upset. Self-regulation skills and resilience can be taught to children through supportive relationships with parents and caretakers, teachers and other important adults, and peers. Schools can play an important role in helping children who have experienced trauma develop the resilience that will help them develop, learn, and grow into healthy adults.

What Can Schools Do?

Look for Signs of Trauma¹⁴

YOUNG CHILDREN (0-5)	ELEMENTARY SCHOOL CHILDREN (6-12)	ADOLESCENT CHILDREN (13-18)
Activity levels that are much higher or lower than peers	Frequent headaches or stomachaches with no apparent cause	Talking about trauma incidents constantly, or denying that it happened
Startling easily or being difficult to calm	Behaviors common to younger children (e.g., thumb sucking, bed wetting)	Refusal to follow rules, or talking back frequently
Repeating traumatic events over and over in dramatic play or conversation	Difficulty transitioning from one activity to the next	Risky behaviors (e.g., using drugs or alcohol, running away from home, or getting into trouble with the law)
Clinginess, reluctance to explore the world	Talking often about scary feelings, ideas	Being tired all the time, sleeping much more (or less) than peers, nightmares
Frequent tantrums	Frequent tears or sadness	Not wanting to spend time with friends
Irritability, "fussiness"	Fighting with peers/adults	Fighting
	Being quiet or withdrawn	
	Wanting to be left alone	
	Eating much more or less than peers	
	Getting into trouble at home or school	
	Difficulty paying attention	
	Changes in school performance	

Implement Whole School Trauma Sensitivity

The Trauma and Learning Policy Institute, a collaboration of Massachusetts Advocates for Children and Harvard Law School, has developed a framework for creating traumasensitive practices at the school-wide level.¹⁵ School districts and schools that invest in the following critical areas can begin to address the needs of all students who have experienced trauma, including foster youth.

LEADERSHIP INVESTMENT

Administrators at a school must support and promote trauma-sensitivity through strategic planning, assessing staff needs, revising policy, providing appropriate professional development opportunities, and investing time and resources into creating trauma-sensitive school cultures.

TRAUMA-SENSITIVE POLICIES, **INCLUDING DISCIPLINARY PRACTICES**

New policies developed by leadership should balance accountability with an understanding of trauma triggered behaviors. They should seek to minimize exclusion from social and academic environments and to actively teach students how to regulate their own behavior.

COLLABORATION WITH STAKEHOLDERS

Schools should not feel alone in meeting the needs of children who have experienced trauma. They should work to support and collaborate with the adults already present, such as social workers, probation officers, caregivers, ERHs, or mental health providers. Additionally, schools should reach out to community agencies for assistance in supporting the needs of students. Promising practices include building

a support team for each youth combining their network of caring adults with their school team. See **Youth and** Community Engagement.

ACCESS TO RESOURCES AND SERVICES

Schools should develop connections to services, including mental health services, available within the school district and from external community partners. For foster youth, this includes building a strong relationship with child welfare and probation agencies to identify available supports.

PROFESSIONAL DEVELOPMENT

All staff, from teachers to custodians, must be trained to understand how trauma affects children, and equipped with tools for building trauma-informed relationships and implementing trauma-sensitive instructional strategies.

TRAUMA-INFORMED NONACADEMIC STRATEGIES

School personnel should be familiar with ways that the school can support the non-academic needs of youth through, for example, mentoring relationships or extracurricular activities.

TRAUMA-SENSITIVE INSTRUCTIONAL STRATEGIES

Perhaps the most crucial element, teachers must be trained to implement instructional strategies that are effective for children who have experienced trauma. While this requires teachers to modify current practices, the strategies that work for traumatized children are successful with all children. These strategies: (1) ensure that students are not punished for the symptoms of their trauma; and (2) actively build factors shown to improve resilience.¹⁶

Create a Sense of Safety: Students who have experienced complex trauma do not routinely feel safe. Providing a safe environment can help reduce a child's overstimulated fear responses and make way for learning. To create a safe environment, teachers can:

- build predictable structure with consistent routines;
- implement a school-wide positive behavior intervention program;
- create clear expectations during unstructured times (e.g., passing periods, lunch);
- provide transition opportunities (e.g., 5 minutes to read a book or a warm up question); and
- provide clear pathways to emotional support for students who elect to utilize it.

Provide a Sense of Control: Helping children build a sense of mastery over their own life is critical for developing appropriate responses to stressful situations.¹⁷ Teachers can:

- give youth choices and not ultimatums;
- engage youth in a semi-private conversation, instead of in front of classmates:
- · limit the number of adults involved to avoid confusion or mixed-messages;
- provide adequate personal space;
- not block escape routes (when individuals are agitated, they are more likely to experience fight or flight response);
- keep verbal interactions calm and use simple, direct language;

- build self esteem by providing opportunities for students to be successful such as inviting a student to participate in an activity they excel at, giving a student a question they will be asked the night before so they can prepare, or relating lessons to known areas of interest; and
- celebrate even the smallest successes, for example, by thanking a student for showing up on time, or writing a postit note praising them for turning in their homework.

Foster Connections: Having at least one stable, caring relationship with an adult is crucial for developing resilience and a sense of self.¹⁸ Intentional development of relationships with teachers, aides, or other staff is crucial for meeting the needs of foster youth. In addition, relationships with students can be built by:

- creating opportunities to develop meaningful relationships between peers including through classroom group work activities or encouraging club/sport participation;
- empathizing with a student who is struggling;
- allowing a student to share their experiences on their own timeline; and
- not isolating students who needs to be removed from a situation. An adult should always be nearby to provide support when the student is ready to talk or to help them



self-regulate.

Teach Self-Regulation: Strong self-regulation skills enable individuals to manage their own behavior and emotions.¹⁹ Some common self-regulation techniques include:

- teacher modeling of self regulation with opportunities for students to practice;
- · breathing:
- taking breaks;
- · writing down feelings; and
- doing an internal check in to monitor signs of stress in the student's body.

Use Culturally Responsive Strategies: Children who are solidly grounded in cultural traditions show more effective responses to stress.²⁰ Teachers and schools should seek to understand and value cultural traditions, including faithbased traditions, that are important to youth.

Additional Trauma Resources

The National Child Traumatic Stress Network

Started by Congress in 2000, this network brings together the nation's top experts in childhood trauma and has an entire section of the website dedicated to resources for school personnel. Visit the network here.

Aces Too High News

News site that contains the latest research about adverse childhood experiences, including abuse, neglect, and toxic stress. Reports on research based practices being implemented in schools, cities, and community agencies around the country. See the latest news here.

The Trauma and Learning Policy Initiative

Initiative dedicated to ensuring that children traumatized by exposure to family violence and other adverse childhood experiences succeed in school. The publications Helping Traumatized Children Learn Volume 1: A Report and Policy Agenda and Volume 2: Creating and Advocating for Trauma-Sensitive Schools are available for download from the website. Find the publications here.

The Heart of Learning: Compassion, Resiliency, and **Academic Success**

A handbook containing valuable information that will be helpful to teachers on a daily basis as they work with students whose learning has been adversely impacted by trauma in their lives. Find the handbook here.

Calmer Classrooms: A Guide to Working with Traumatized Children

Assists kindergarten, primary, and secondary teachers and other school staff in understanding and working with children and youth who have experienced trauma. Find the guide here.

Center for Social and Emotional Foundations for Early Learning

Teaching tools for child care professionals and early childhood teachers. Visit the center here.

Section Endnotes

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- ³ Cathy A. Malchiodi, Creative Interventions with Traumatized Children 7-8 (The Guilford Press 2008); Child Welfare Information Gateway and Children's Bureau, Issue Brief: Understanding The Effects of Maltreatment On Brain Development 2 (2015).
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- ⁵ J. Douglas Bremner, Traumatic Stress: Effects on the Brain, 8 Dialogues in Clinical Neuroscience, No. 4, 2006, at 445.
- ⁶ Jim Casey Youth Opportunities Initiative, supra note 2, at 4.
- ⁸ Child Welfare Information Gateway and Children's Bureau, supra note 3, at 9.
- ⁹ Id. at 8-9.
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- 13 National Scientific Council on the Developing Child, Supportive Relationships and Active Skill-Building Strengthen the Foundations of Resilience, (Harvard University Center on the Developing Child Working Paper No. 13, 2015), available at http://developingchild.harvard.edu/resources/supportive-relationships-and-active-skill-buildingstrengthen-the-foundations-of-resilience/.
- 14 Safe Start Center, Tips for Staff and Advocates Working with Children: Polyvictimization, Office of Juvenile Justice and Delinquency Prevention, available at http:// ojjdp.gov/programs/safestart/TipSheetFor Polyvictimization.pdf.
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- ¹⁶ National Scientific Council on the Developing Child, supra note 13.
- ¹⁷ Id. at 5.
- ¹⁸ Id.
- ¹⁹ Id.
- ²⁰ Id.

Special Education and Foster Youth

Foster youth qualify for special education services at least twice as often as other student populations. They change schools more frequently, are placed in more restrictive education settings, and have poorer quality Individualized Education Programs ("IEP") than their non-foster care peers. Because foster youth may not have stable advocates at home, schools must be sensitive to their distinct needs in order to provide them with a free and appropriate public education ("FAPE").

CHILD FIND/ASSESSMENTS

Schools have an independent duty to identify students who may be eligible for special education services. Because foster youth experience instability at home, caregivers or ERHs may miss signs that a youth is struggling with a disability. Best practice is to train teachers, counselors, and other personnel to look for warning signs that a foster youth has a suspected disability and could benefit from special education services. Warning signs include: (1) poor grades; (2) withdrawal or depression; (3) acting out or disciplinary problems; (4) poor attendance; (5) inattention or failure to complete work; or (6) social skills deficits or failure to make friends. In addition, adults in a foster youth's life can make a referral for special education services (e.g., caregivers, ERHs, social workers, mental health providers). After an assessment is requested, school districts must either provide an assessment plan or a written refusal to assess within 15 calendar days. Cal. Educ. Code §§ 56300-56330.

CONSENT AND PARTICIPATION

For all foster youth with disabilities (or those suspected of having a disability), it is crucial to identify an appropriate ERH. ERHs must: (1) consent to assessments, (2) attend/ meaningfully participate in all IEP meetings, and (3) consent to the IEP document.

Determining ERHs: If you do not know who holds education rights or are unable to reach the ERH after multiple attempts, call the youth's social worker/probation officer. Under limited circumstances, a school may appoint a "surrogate parent" to participate/consent. See **Education Decision Makers for Foster Youth.**

IEP Meeting Participants: Foster youth have other people serving them who may contribute to an IEP meeting including a non-ERH caregiver, social worker, or outside mental health professional.

Cal. Educ. Code §§ 56021.1, 56043, 56055, 56341, 56342.5.

IEPS AND SCHOOL TRANSFERS

Foster youth instability contributes to a high number of school transfers.

Upon Enrollment: Screen foster youth for prior special education services. If anyone in the youth's life (including the youth) reports that there is an IEP, immediately locate the most recent special education records and provide comparable services to those received in the prior IEP. Schedule an IEP meeting within 30 days to discuss the youth's education program and make any needed modifications. See **Requesting Education Records**.

Upon Disenrollment: When a youth leaves the school, collect feedback from teachers and other service providers about current progress towards IEP goals. Within two days of disenrollment, forward all special education records, including all IEPs and assessments, to the new school. See **Disenrolling Foster Youth and Forwarding Education Records.**

IEPS AND SCHOOL DISCIPLINE

Foster youth have high rates of mental health and behavioral disabilities caused by the abuse and neglect they suffer. See **Trauma Related Needs of Foster Youth**. This often leads to both special education eligibility and disciplinary measures being taken against them. If a youth with an IEP is suspended for ten days in a school year or a pattern of suspensions that exceeds ten days, the youth is entitled to a "manifestation determination" IEP meeting to determine whether the behavior leading to the suspension was related to the student's disability or the school's failure to implement the IEP. If the behavior was substantially related to the youth's disability, or caused by the school's failure to implement the IEP, the student cannot be further disciplined. Best practice includes determining whether further assessments and/ or a modification in the youth's services are necessary to address the unmet need. A representative from the local child protective services agency must be invited to the manifestation determination meeting. Cal. Educ. Code § 48915.5. See Disciplinary Challenges of Foster Youth.

² The Invisible Achievement Gap, Part 1

³ Sarah Geenen & Laurie Powers, Fostering Futures Project, Are We Ignoring Foster Youth with Disabilities? 51 Social Work, No. 3, 2006.

Disciplinary Challenges of Foster Youth

While schools often need to take formal disciplinary action to protect the safety of everyone on campus, foster youth are subject to disproportionate levels of school discipline due to unmet mental health needs caused by the trauma and abuse they experience. See Trauma Related Needs of Foster Youth. Law and best practice require schools to attempt to modify behavior through other interventions before more formal disciplinary actions or involuntary school transfers are made.

Indicators of Need

Poor Grades and/or Standardized Test Scores: Foster youth change placements regularly and often lack a consistent adult identifying their education deficits, including undiagnosed disabilities. Youth may act out in frustration or to hide their academic deficits.

Defiance of Authority and Extreme Emotional Reactions: Foster youth are twice as likely as war veterans to suffer from post-traumatic stress disorder or other mental health conditions that cause anxiety, irrationality, irritability, and aggression.²

Inappropriate Peer Interactions: Foster youth often struggle to establish appropriate social boundaries and may be negatively influenced by peers due to abuse/neglect and a lack of long-term healthy relationships.

Best Practices for Addressing Disciplinary Challenges

STEP 1

Enroll in Comprehensive School: Foster youth with disciplinary challenges, including those with prior or current delinquency involvement, have a right to attend their local comprehensive school. Cal. Educ. Code §§ 48645.5, 48853.5(d)(4)(B). See Enrolling Foster Youth. Among other advantages, these schools provide crucial opportunities to enhance positive student engagement (e.g., sports, clubs, tutoring). This is particularly important for foster youth who lack outside opportunities to participate in these activities. Placement in alternative school settings often leads to reduced participation in school, access to supports needed to improve problem behaviors, and likelihood of successful high school graduation. If suggesting a voluntary change to an alternative school, see Voluntary Transfer of Students out of Comprehensive Schools.

STEP 2

Identify Needs and Gather Information Early: Disciplinary challenges may be obvious at enrollment or may reveal themselves later. Early and consistent communication with the youth and the adults in their life (e.g., ERH, caregiver, social worker, youth's legal representative) will ensure a guick response when reaching out for assistance. Gathering necessary education records will help identify the youth's triggers and both successful and unsuccessful interventions attempted in the past. See **Requesting Education Records.**

STEP 3

Meet and Create an Intervention Plan: When youth first begin to demonstrate disciplinary challenges, quickly bring together a team of all key individuals (e.g., youth, ERH, caregiver, social worker/probation officer, legal representative for the youth, mental health providers, relevant school personnel). Encourage the youth to share their struggles and solutions or supports they feel would help them. Other participants should discuss their experiences working with the youth with a focus on meeting the youth's needs moving forward. For example, identifying triggers for poor behavior and prior successful interventions is more productive than lecturing the youth about each of their past suspensions. Identify available school and outside resources and interventions and determine who will be responsible for implementing them. See **Discipline** Intervention Idea Bank. If participants are unable to attend in person or by phone, encourage them to submit input in writing. Complete the **Discipline Intervention Plan**.

STEP 4

Track Intervention Effectiveness and Regularly Check In: Use the **Discipline Intervention Plan** to track the provision and success of interventions. If services become unavailable, or prove ineffective in meeting the needs of the youth, reconvene the team to discuss new interventions and update the **Discipline Intervention Plan** as necessary. Document ineffective interventions to demonstrate when more intensive services or alternative disciplinary actions are warranted. Cal. Educ. Code § 48900.5.

¹ In one study, 65% of foster children experience seven or more school changes (K-12). Peter J. Pecora et al., Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study, Casey Family Programs 35 (2005), available at http://www.casey.org/northwest-alumni-study/

² Id.; Melinda Smith & Jeanne Segal, Post Traumatic Stress Disorder: Symptoms, Treatment and Self-Help for PTSD (helpGuide.org 2014), available at http://www. helpguide.org/mental/post_traumatic_stress_disorder_symptoms_treatment.htm (last visited Oct. 9, 2014).

STEP 5

Special Education (If Needed): If interventions fail to bring about positive change, consider whether special education assessment, placement, and/or services may be appropriate. See **Special Education and Foster Youth**.

STEP 6

Hold Meeting to Consider Potential Voluntary Change to Alternative School Program (If Needed): In rare instances, a youth may be better served at an alternative school site (e.g., continuation school, independent study program, community day school). Continuation school transfers may only be used to promote the educational interests of the youth (e.g., cannot be used to address truancy or required as a form of discipline). If suggesting a voluntary change to an alternative school, inform the ERH of their right to a meeting to weigh their options. The transfer may only occur with the informed, written permission of the ERH. See Voluntary Transfer of Students out of Comprehensive Schools.

STEP 7

Formal Discipline and Involuntary Transfers (If Needed):

Foster youth are disproportionately impacted by all forms of school discipline and are disproportionately represented in alternative school settings. If a youth has not responded to positive interventions or other alternatives, and has committed an act that is subject to formal discipline under the law, there are some key ideas to keep in mind when applying formal disciplinary procedures to them:

ERH: Most formal disciplinary actions require notification of an ERH. Unless you have received formal notification from the court about who the ERH is, do not assume that it is the caregiver. If notification is provided to the wrong person, discipline proceedings may be improper and overturned. See **Education Decision Makers for Foster Youth.**

Notification of Legal Representative for the Youth and Social Worker/Probation Officer: If a foster youth is being considered for expulsion or suspension for the remainder of the semester, inform the legal representative for the youth and social worker/probation officer.

Involuntarily Enrolling Any Youth in an Alternative School Setting: Foster/probation youth can only be forced to attend a continuation school, adult school, or independent study program in the following circumstances:

- 1. Continuation Schools: All three conditions must be met: (1) they have committed an act enumerated in California Education Code Section 48900 or have been habitually truant or irregular in attendance; (2) other means have failed to bring about student improvement; and (3) a formal hearing has occurred. The final decision to impose the involuntary assignment cannot be made by or involve any staff from the current school.
- 2. Community Day Schools: Any of the three conditions must be met: the youth has been (1) formally expelled and provided with all due process rights; or (2) referred by probation pursuant to Sections 300 and 602 of the California Welfare and Institutions Code; or (3) referred by a school attendance review board.
- 3. Independent Study Programs: Prior to starting an independent study program, the youth's ERH must sign an agreement that describes the school and/ or district's independent study policies, outlines the duration and scope of the proposed independent study program, including its learning objectives, and explicitly states that independent study is strictly voluntary.

Cal. Educ. Code §§ 48432.5, 48662, 48853.5(g), 48900, 51747, 51749.5, 51749.6.

Discipline Intervention Idea Bank



Student's Name:		D.O.B.:
If Student Exhibits: Defiance and Extreme Emotional Reactions Example: Talks back to teachers, has angry outbursts. Try This Intervention:	If Student Exhibits: Inappropriate Peer Interactions Example: Regularly participates in off-task behavior with a group of peers. Try This Intervention:	If Student Exhibits: Poor Grades and/or Standardized Test Scores Example: Not passing a class, or scoring "below basic" on the state standardized test. Try This Intervention:
Behavior Support Plan. Approach youth in a calm manner, present options when possible. Allow for a "cooling off" period when a student becomes upset. Allow them to do a lap around the building with a teacher. Teach specific coping methods for dealing with anger (deep breathing, counting to 10, walking away). School-based counseling. Give the youth a weekly, daily, or "asneeded" opportunity to speak with a trusted adult on campus. Develop a signal with the student to alert teachers and administrators when they are having a bad day.	Group-based counseling. Support youth to develop positive social relationships and social skills. Participation in group extracurricular activities. This will give the youth an opportunity to interact with peers in the pursuit of a positive goal. Teach social scripts. Have a counselor meet with the youth to role play different scenarios with peers and to plan pro-social ways to respond to them. Additional Notes:	School-based tutoring Assistance with organization skills from a peer or counselor Remedial classes

Consider a special education assessment to determine if additional services and supports are appropriate. Consult a school psychologist or see **Special Education and Foster Youth** for more information.

Student's Name:		D.O.B.:	
EXAMPLE	BEHAVIOR 1	BEHAVIOR 2	BEHAVIOR 3
Behavior to be Addressed, Including Frequency	Behavior to be Addressed, Including Frequency	Behavior to be Addressed, Including Frequency	Behavior to be Addressed, Including Frequency
Physical and verbal conflict with peers during passing periods 3-4 times per week including shoving, name calling, using profanity			
Interventions	Interventions	Interventions	Interventions
School counselor will meet with student to: (1) discuss appropriate behavior in the halls; (2) practice social scripts of appropriate peer interactions			
Start Date/Frequency of Service	Start Date/Frequency of Service	Start Date/Frequency of Service	Start Date/Frequency of Service
9/15/14, 2 times per week for 30 min. each session for 3 months			
Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person
Mrs. Sanchez, School Psychologist			
Outcome	Outcome	Outcome	Outcome
Counselor met with student 22 times over 12 weeks. Student was responsive to intervention. Student reduced number of peer conflicts during passing periods to 1 per week. It is recommended that this service continue until youth has no conflicts with peers over a 1 month period.			

Special Needs of Foster Youth

Early Education Needs of Foster Youth



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LCFF and Early Childhood Education

Effects of Child Abuse and Neglect on Young Children

In California, children between the ages of 0-5 made up 46% of substantiated cases of abuse and neglect in 2013. The most rapid development of children's brains occurs during these years.1

Adverse experiences, such as child abuse and neglect, can interfere with normal brain development. See **Trauma** Related Needs of Foster Youth. Over half of 1-5 year olds in foster care are identified as having developmental concerns.² If left untreated, these developmental delays can become learning disabilities, disruptive behaviors, attention deficits, depression/anxiety disorders, and attachment disorders.³ Early intervention and education can remediate developmental delays and help prepare children to enter kindergarten ready to learn.

The Benefits of Investing LCFF Efforts on **Preschool Aged Foster Children**

Although LCFF applies to K-12 youth, an investment of district LCFF dollars in early education programing and services for foster youth ages 3-5 will ensure that children entering kindergarten will have the pre-academic and social/emotional/behavioral skills to be successful.

Of the eight state priorities that school districts must address in their LCAP, four are particularly relevant for preschool aged children.

STUDENT ACHIEVEMENT

Students who attend a quality preschool program are 40% less likely to repeat a grade or require special education services.4 In addition, children who attend preschool score, on average, higher on cognitive measures.⁵ In addition, research has shown high quality preschools can significantly narrow or even close the achievement gap between English language learners and their English speaking peers by the start of kindergarten.6

STUDENT ENGAGEMENT

Children who participate in early education are more socially and emotionally prepared when entering kindergarten.⁷ They demonstrate increased motivation and interest in their education and are less likely to fall behind by the time they reach 3rd grade.8 Early education also increases student attendance rates and decreases chronic absenteeism and dropout rates.9 High school graduation rates for students who participated in a quality preschool program are over 10% higher compared to students who began their education in kindergarten.¹⁰

PARENTAL INVOLVEMENT

The earlier parents are involved in their child's education. the likelier they are to stay involve in the long run.11 Further, studies demonstrate that parental involvement and positive student achievement reinforce each other. For example, early involvement by a parent or caregiver has been found to positively influence achievement of kindergarten students, which in turn increases motivation rates of first grade students.¹² Parents of highly motivated and high achieving children are more likely to continue their involvement in their child's education.

SCHOOL CLIMATE

Start Early: Students in positive school climates feel safe at school, connected to peers, and supported by teachers and staff. This is especially important for foster children who have experienced trauma and who may not have a nurturing support system outside of school. See **Trauma Related** Needs of Foster Youth. Creating this climate early in the preschool setting will ensure children feel highly connected to their schools as they enter elementary school.¹³

School Discipline and Preschool: Preschool children experience formal and informal school discipline at higher rates than their K-12 counterparts.14 When a preschoolaged child is suspended or expelled, they are excluded from receiving the behavioral and social-emotional supports necessary to help them prepare for kindergarten. In addition, pushing a young child out of their preschool can cause disabilities to go unaddressed at a critical time for early interventions. Further, research has shown a decades-long trend of disproportionally suspending and expelling young boys of color.15

Young students who are suspended or expelled experience higher levels of grade retention, have negative attitudes toward school, higher rates of dropping out, and even face higher rates of incarceration.¹⁶ Schools can improve their school climate by developing policies that eliminate or severely limit exclusionary disciplinary practices for young students. They can also invest in teacher training and support around social-emotional development, positive behavior interventions, and access to early childhood mental health and behavioral specialists.

Sample LCAP Goal and Activities for Preschool Aged Children



GOAL: Ensure incoming kindergarten students in foster care (including students with disabilities) have access to high quality and developmentally appropriate pre-school programs.

Related State and/or Local Priorities: Student Achievement, Student Engagement, Parental Involvement, School Climate

Identified Need: Foster children experience high rates of disruption and trauma in their early lives which prevents them from developing the foundational pre-academic and social-emotional skills necessary to be successful in kindergarten and beyond. Ensuring foster children have access to high quality early education programs helps them be better prepared academically and socially for kindergarten.

LCAP YEAR 1: EXPECTED ANNUAL MEASURABLE OUTCOME

District will have policies and systems in place to identify preschool aged foster children living within their district boundaries and increase their enrollment in early education setting settings by 25%.

ACTIONS/SERVICES	BUDGETED EXPENDITURES
Establish policy and data infrastructure necessary to identify and increase enrollment of foster children in early education programs: (a) collaborate with and enter into MOUs with county child welfare agency to share information to identify preschool aged foster children living within district boundaries; (b) collaborate with and enter into MOUs with geographically close early education programs not run by the district, to ensure foster children are provided with priority enrollment, as required by state law, into their available spots and develop a plan to increase the number of spots available for foster children; (c) develop policies to ensure priority enrollment of foster children in district run early education programs, as required by state law; (d) develop a data system to track the type of education programs foster children enroll in and at what frequency; and (e) develop policies/practices to ensure foster children attending early education programs receive the academic and socio-emotional supports necessary to be successful.	District-level liaison and oversight staff
Increase identification and enrollment of foster children in early education programs by ensuring they have access to necessary education and counseling services. Ensure that at least 25% of foster children have access to necessary education and counseling services, including: (a) pre-academic support services including tutoring, academic enrichment programs, and summer/intersession programs; and (b) socio-emotional and behavioral support services including trauma-informed mental health services.	District-level liaison and oversight staff; sufficient counselors to serve at least 25% of foster youth at ratio no higher than 1:25

LCAP YEAR 2: EXPECTED ANNUAL MEASURABLE OUTCOME

50% increase from baseline in foster child enrollment in early education settings.

ACTIONS/SERVICES	BUDGETED EXPENDITURES
Increase identification and enrollment of foster children in early education programs by: (a) filling all available early education slots; and (b) ensure at least 50% of foster children have access to necessary education and counseling services as described in Year 1.	District-level liaison and oversight staff; sufficient counselors to serve at least 50% of foster youth at ratio no higher than 1:25
Utilize data infrastructure to regularly measure (at least quarterly) foster child enrollment in early education programs, modifying policies and procedures as necessary to ensure increased outcomes.	District-level liaison and oversight staff

LCAP YEAR 3: EXPECTED ANNUAL MEASURABLE OUTCOME

75% increase from baseline in foster child enrollment in early education settings.

ACTIONS/SERVICES	BUDGETED EXPENDITURES
Increase identification and enrollment of foster children in early education programs by: (a) filling all available early education slots; (b) identify funding and other advocacy methods to increase the number of early education spots by 25% for foster children in district run programs; and (c) ensure at least 75% of foster children have access to necessary education and counseling services as described in Year 1.	District-level liaison and oversight staff; sufficient counselors to serve at least 75% of foster youth at ratio no higher than 1:25
Utilize data infrastructure to regularly measure (at least quarterly) foster child enrollment in early education programs, modifying policies and procedures as necessary to ensure increased outcomes.	District-level liaison and oversight staff

Transition from Early Intervention to Special Education Services at Age 3

Early Intervention Services

Part C of the Individuals with Disabilities Education Improvement Act ("IDEIA") and California Early Intervention Services Act govern early intervention services for infants and toddlers zero through three years old. Under the Child Abuse Prevention and Treatment Act ("CAPTA"), infants and toddlers with substantiated cases of abuse and neglect must be screened for Part C services. In California, regional centers provide early intervention services under the supervision of the Department of Developmental Services. These services include infant development, center based services, speech and language services, physical or occupational therapy, and other services designed to help children meet their developmental milestones. Milestones are skills that children typically develop by a certain age (e.g., sitting up by six months, talking by age two).

20 U.S.C. §1433 et seg.; 42 U.S.C. § 5106(a); Cal. Gov't Code § 95000 et seg

Overview of the Transition

Before age three, children who are receiving early intervention services through the regional center and who may be eligible for special education services must be transitioned to their school district. See **Special Education** and Foster Youth. Regional centers and school districts must coordinate and hold a transition Individualized Family Service Plan ("IFSP") meeting at least three to six months before the child's third birthday to ensure there is no gap between early intervention services that end on the day before the child's third birthday and special education services that start on the third birthday.

Cal. Educ. Code § 56426.9: 17. C.C.R. § 52112.

Best Practices for Ensuring a Smooth Transition

STEP 1

Coordinate with local regional centers: The regional center must notify the school district of potentially eligible preschool-aged children. Identify the regional center staff who make referrals, connect them to school district staff who will process these referrals, and ensure they maintain regular communication. This is especially important for children whose third birthday falls during a scheduled school break (e.g., summer).

STEP 2

Gather all early intervention records: Records must be reviewed to identify all areas of suspected disability and determine which assessments are necessary. Assessors should also review relevant records as part of the assessment process. Relevant records will include: (1) evaluations/assessments that review the child's developmental needs; (2) IFSPs that outline services provided to the child; and (3) interdisciplinary notes that show what actions the service coordinator has taken on the child's case. Requested records must be received within five business days of a request.

STEP 3

Schedule and attend the transition IFSP: A school district representative must attend each transition IFSP to discuss the special education process with the education rights holder. During the meeting, gather input from the regional center and education rights holder regarding the child's development.

STEP 4

Develop assessment plan and conduct assessments: An assessment plan may be developed at the transition IFSP meeting. If not developed at that time, send an assessment plan to the education rights holder with enough time to ensure assessors conduct their assessments and hold an Individualized Education Program ("IEP") by the child's third birthday.

STEP 5

Develop the IEP: An IEP must be developed at a meeting with the entire IEP team by the child's third birthday, even if the birthday falls during a scheduled school break. Plan ahead to ensure the IEP is created on time by ensuring staff are available to complete assessments and hold the meeting prior to the school break.

STEP 6

Implement the IEP: If the child is eligible, all placements, services, and supports under the IEP must begin on the child's third birthday, unless the birthday falls during a scheduled school break. In that case, the IEP must be implemented on the first day of school following the break.

Early Care and Education Options for Young Children in Foster Care

The Importance of Preschool

All children benefit from attending a high-quality early care and education program to develop skills that contribute to school success, regardless of whether they have a developmental delay. Both federal and state subsidized early care and education programs are available to foster children.

Federal Early Head Start and Head Start Programs

Head Start programs are free programs that provide comprehensive early education and development classes. Early Head Start programs serve children ages 0-3. Head Start programs provide part-day or full-day programs for children ages 3-5. To find an Early/Head Start program near you, call 1-877-773-5543 or visit the Head Start Directory.

Enrolling: Children in foster care are eligible for Head Start regardless of their caregiver's income and get priority enrollment points. Make sure to identify the child as in foster care and ensure they are given priority enrollment.

Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a).

State Child Care Programs

The California Department of Education ("CDE") offers subsidized child care to families using two different methods: vouchers and slots.

Vouchers: The Alternative Payment Program provides families with vouchers that can be used at a variety of settings including licensed child care centers, licensed family child care homes, and with license-exempt child care providers.

Slots: Families may also obtain a child care slot directly in a child care program administered by the CDE, including Child Care and Development Centers, General Child Care Programs, and State Preschool Programs.

Enrolling: Children in foster care are always eligible for child care programs administered by the CDE, regardless of their caregiver's income, and get first priority for enrollment. Make sure to identify the child as a foster child during enrollment and ensure they are given the first available opening.

For information about state child care programs contact 1-800-KIDS-793 or visit California Child Care Resource and Referral Network. To find out who provides these programs in your area visit the **Resource and Referral County Listing**.

Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a).

State Preschool Programs

State Preschool Programs are free part-day and full-day child development programs for low-income children ages 3-4. The program is administered through local educational agencies, colleges, community-action agencies, and private nonprofit agencies. To find out who provides these programs in your area visit the **Resource and Referral County Listing**.

Enrolling: Children in foster care are automatically eligible for state preschool programs regardless of their caregiver's income and get first priority for enrollment. Make sure to identify the child as in foster care and ensure they are given the first available opening.

Cal. Educ. Code §§ 8235(b), 8236(a); 5 C.C.R. § 18131(a)

Transitional Kindergarten ("T-K")

Transitional kindergarten programs are run by local educational agencies and are available for all children, including children in foster care. T-K is a two year program. The first year provides students with extra time to develop foundational skills needed for success in school within an age- and developmentally-appropriate setting. It is designed for students who turn 5 years old between September 2 and December 2. Districts and charter schools also have the option of allowing a child who will turn 5 at any time during the school year to attend transitional kindergarten from the beginning of the school year, even if their birthday is after December 2.

Cal. Educ. Code § 48000(c)(3)(B)

Mental Health Needs of Infants and Toddlers in Foster Care

Young children in the foster care system are repeatedly traumatized. They suffer abuse and neglect that brings them into contact with the system, are removed from their biological homes, and sometimes change placements several times. See Trauma Related Needs of Foster Youth. These traumas have a lasting impact on their lives. Mental health services improve outcomes and minimize the impact of trauma. Primary caregivers teach young children to regulate their emotions and cope with stress. Healthy attachment is often disrupted for foster children. Mental health therapies teach children coping skills and help them attach to a caregiver, allowing them to form close and secure interpersonal relationships throughout their lives. Attachment provides a sense of security that allows the child to be in the optimal state for exploration and learning.

Signs that Zero to Five Year Olds **Need Mental Health Services**

INFANTS AND TODDLERS

- Physical symptoms (e.g., poor weight gain, slow growth)
- Delayed development (e.g., speech delay)
- Inconsolable crying
- Sleep problems
- · Aggressive or impulsive behavior
- Paralyzing fears

PRESCHOOLERS

- Withdrawn and/or isolated from peers
- Aggressive behaviors
- Self-destructive behaviors
- Developmental delays

Best Practices for Early Education/ Preschool Suspensions and Expulsions

Aggressive or inappropriate classroom behaviors are often a sign that the child needs behavioral or mental health services. Pushing children to another program or expelling them will delay their ability to access necessary interventions. Instead, work with a child's social worker to explore community and school-based mental health services, including considering a referral for special education services.

Evidence-Based Programs for Zero to Five Year Olds¹⁷

The list below is not exhaustive. Local county offices of mental health or social services will likely have a list of available services for children zero to five years old in your geographic area. Contact your child's social worker to request a referral for these services.

CHILD PARENT PSYCHOTHERAPY ("CPP")

Treatment where parent and child (0-5) work to restore the relationship that has been damaged by trauma.

TRAUMA FOCUSED COGNITIVE BEHAVIORAL THERAPY

Addresses symptoms of depression, anxiety or other significant emotional/behavioral disturbance caused by a traumatic event (3+).

POSITIVE PARENTING PROGRAM ("TRIPLE P")

Parent/caregiver sessions to increase knowledge and skills in addressing social, emotional, behavioral and developmental problems of children (0-5).

PARENT CHILD INTERACTION THERAPY ("PCIT")

Therapist observes through a one-way mirror and coaches parent (using a "bug in the ear") during play with child in order to change negative parent/caregiver-child patterns (2-8).

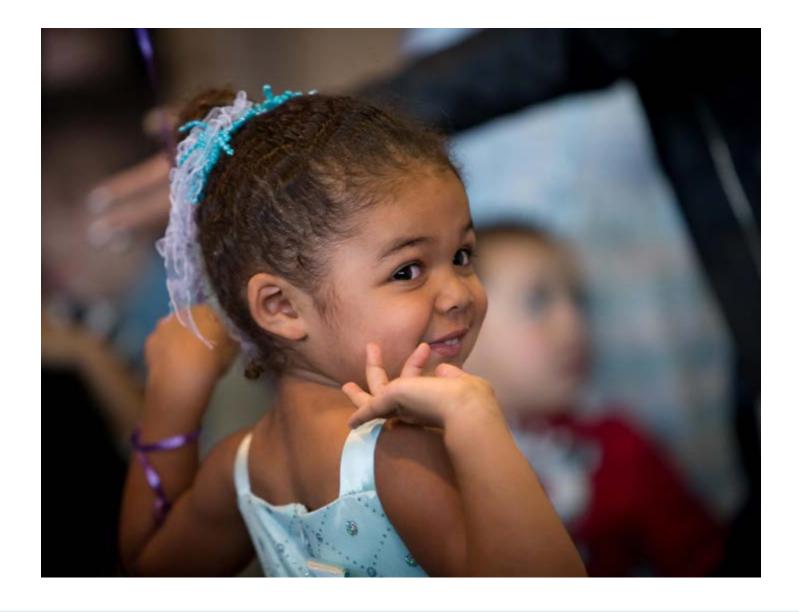
Intensive Treatment Programs

WRAPAROUND

A specially trained team provides interventions that are family-driven and family-strengths focused. The goal is to wrap supportive services around the child and family in order to return and maintain the child with their family in the community.

FULL SERVICE PARTNERSHIP ("FSP")

Program designed to address the needs of a family whose child is experiencing significant emotional, psychological or behavioral problems which negatively impact their well-being. A team approach provides a comprehensive package of tools and solutions that allow children and their families to succeed on their own.



Section Endnotes

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- Progression Toward School Readiness (2008-09), available at http://laup.net/images/stories/skipp%20final%20report.pdf.
- W. Steven Barnett, supra note 5, at 16.
- ⁸ Momoko Hayakawa et al., Early Parent Involvement and Student Achievement: A Longitudinal Path Analysis, 16(1) NHSA Dialog 103-126 (2013).
- ⁹ Arthur J. Reynolds et al., School-Based Early Childhood Education and Age-28 Well-Being: Effects by Timing, Dosage, & Subgroups, 333 Science 360-364 (2011).
- 10 ld. ¹¹ Id.
- ¹² Id.
- 13 Children Now, School Climate & Discipline (2016), available at https://www.childrennow.org/files/CN/2016-RC/2016ReportCard-SchoolClimate.pdf.
- 14 U.S. Dep't of Health & Human Services; U.S. Dep't of Educ., Policy Statement on Expulsion & Suspension Policies in Early Childhood Settings (2015), available at https://www.acf.hhs.gov/sites/default/les/ecd/expulsion_suspension_nal.pdf.
- 16 National Scientific Council on the Developing Child, Young Children Develop in an Environment of Relationships (Harvard University Center on the Developing Child Working Paper No. 1, 2004), available at www.developingchild.harvard.edu.
- Working list of the Los Angeles Dep't of Mental Health, Birth to Five Collaborative, Serv. Area 7 (December 2012) (on file with the Alliance for Children's Rights).

High School Needs of Foster Youth



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Partial Credit Model Policy

Foster youth who transfer schools mid-semester have a right to receive full or partial credits, based on seat-time, for all work satisfactorily completed before transferring schools. Upon receiving notification that a foster youth is transferring schools, a sending school must issue check out grades and full or partial credits on an official transcript. The receiving school must accept all check out grades and credits, apply them to the same or equivalent courses, and immediately enroll foster youth in the same or equivalent classes as they were enrolled in at the sending school. In order to comply with the law, school districts must issue partial credits pursuant to their own calculation method or use the Partial Credit Model Policy. Cal. Educ. Code §§ 49069.5, 51225.2.

Calculation Table for Districts with Semesters of Equal Length



# OF CLASS PERIODS ATTENDED PER SUBJECT	# OF CREDITS 5 CREDITS/GRADING PERIOD	EARNED 1 CREDIT/GRADING PERIOD
7-13	.5 Credits	0.1 Credits
14-20	1.0 Credit	0.2 Credits
21-27	1.5 Credits	0.3 Credits
28-34	2.0 Credits	0.4 Credits
35-41	2.5 Credits	0.5 Credits
42-48	3.0 Credits	0.6 Credits
49-55	3.5 Credits	0.7 Credits
56-62	4.0 Credits	0.8 Credits
63-69	4.5 Credits	0.9 Credits
70+	5.0 Credits	1.0 Credit

Calculation Table for Districts with Semesters of Unequal Length



The above Calculation Table was designed for districts who have semesters of equal length. If your district coordinates it's semester break with the winter vacation, it is very likely that your semesters are different length (e.g., Semester 1 is 75 days and Semester 2 is 105 days). Please use the **Calculation Table for Districts with Semesters of Unequal Length** which will automatically calculate partial credits based on the length of your semesters. Please input the number of days in each semester, the tool will do the rest. O Download this tool

Partial Credit Calculation Guidelines

LENGTH OF CLASS PERIOD

Class periods lasting 89 minutes or less count as 1 class period for purposes of calculating partial credits. Class periods lasting 90 minutes or more count as 2 class periods.

CREDITS PER GRADING PERIOD

The calculation formula provides for the awarding of either 1 or 5 credits per course for each grading period because most school districts statewide utilize these credit scales. The Calculation Tables can be used when youth transfer between school districts using different scales. The receiving school should convert the number of credits earned to match their own system and update the youth's official transcript accordingly.

ALTERNATIVE SCHOOLS

If a foster youth is enrolled in an alternative school setting (e.g., continuation school, independent study program, or adult school), that school must issue credits according to this partial credit model policy or its approved credit plan adopted pursuant to California Education Code Section 51225.3(b), if such plan provides for the awarding of partial credits.



For the full Partial Credit Model Policy Implementation Manual and more information visit <u>kids-alliance.org/partialcredits</u>. Created by CDE, CWC, CSBA, CWDA, County of Los Angeles Department of Children and Family Services, Sacramento County Office of Education, Seneca Family of Agencies, and ACR.

Sending School Procedures

STEP 1

Gather a list of all classes the youth is currently enrolled in and the corresponding graduation requirements. Inform each teacher of youth's impending transfer and anticipated last day of attendance.

STEP 2

Ensure teachers issue final grades based on all work completed as of the youth's last day of actual attendance.

A foster youth's grades may not be lowered because of absences caused by placement changes. If a youth was not properly disenrolled on their last day of actual attendance, the registrar/counselor should ensure that teachers do not penalize them for these additional absences.

STEP 3

Gather the youth's daily attendance record for each class and total the number of periods attended per class.

STEP 4

For each class in which the youth was receiving a passing grade, use the Calculation/Conversion Table to determine how many credits were earned based on the number of class periods attended and the length of each class period.

If a class period is longer than 90 minutes, each period attended equals two periods for purposes of calculating partial credits.

STEP 5

Complete the **Student Withdrawal Report**, including the partial credit log, and add all grades and credits earned to the youth's official transcript within two business days of transfer.

STEP 6

Complete and forward the **Student Withdrawal Report** and official transcript to receiving school within two business days of receiving school's request for records.

Receiving School Procedures

STEP 1

Request all records from sending school within two business days of a foster youth's enrollment.

STEP 2

Review **Student Withdrawal Report** and official transcript to determine whether sending school issued partial credits and check out grades for all classes in which the youth was enrolled.

STEP 3

If missing any check out grades or partial credits from any high school attended by the youth, send the **Receiving** <u>School Partial Credit Request Letter</u> to that school.

STEP 4

If partial credits were issued by a sending school using a different credit scale (e.g., 1 credit per grading period, rather than 5 credits), use the Calculation/Conversion Table to convert those credits to align with the receiving school's credit scale.

STEP 5

When transferring all grades and credits earned from previous high schools to the receiving school district's official transcript, include all check out grades and partial credits issued by the sending school, applying them to the same/equivalent courses.

If the sending school considered a class as satisfying a state graduation requirement, the receiving school must apply the partial credits to the same/equivalent course.

STEP 6

Enroll youth in the same/equivalent classes as those attended at the sending school. Same class means the exact same class (e.g., Chemistry for Chemistry). Equivalent class means a class meeting the same graduation requirement (e.g., if the receiving school does not offer Chemistry, a student can be enrolled in Earth Science which meets the same graduation requirement of physical science). If unclear as to which class is equivalent, contact sending school's registrar and ask for clarification. The receiving school may request a syllabus for any such class.

STEP 7

At the end of the current grading period, once final grades are posted, calculate the remaining partial credits owed based on the number of periods attended per class after the youth's enrollment in the receiving school. Add all grades and credits earned to the youth's official transcript.

Check out grades and partial credits previously awarded by the sending school for the current grading period should not be removed or averaged with the youth's grades and credits at the receiving school. Youth should be awarded credits and grades for all courses passed at the receiving school, even if the youth did not earn a passing grade or any partial credits at the sending school.

Student Withdrawal Report



Enrollment Date:	Withdrawal Date:		Last	Day Attended:	
Reason for Withdrawing:					
Next School/District:					
Partial Credit Log					
Type of Grading Period: Semester Trimester Total # of Credits Available/Grading Period: 1					
Course Name	Corresponding Graduation Requirement	Check Out Grade*	# of Periods Attended	Length of Each Period	# of Credits Earned**
*If your district has semesters of equal length, use the <u>Calculation Table for Districts with Semesters of Equal Length</u> . If your district has semester of unequal length, use the <u>Calculation Table for Districts with Semesters of Unequal Length</u> .					
** A check out grade is the final grade issued by an individual teacher based on youth's cumulative work over the entire grading period up until the last day of actual attendance, including exam scores, home and class work, participation, and attendance. Foster youths' grades may not be lowered for absences caused by placement changes, court appearances, or participation in court-ordered activities. Teachers should be informed of the last day of actual attendance so that they may issue proper check out grades.					
Teacher Comments					
Teachers can provide additional information that may be useful for the youth's teachers at the new school, including information on the strengths and weaknesses of the youth.					
Course	Teacher Name		Co	omments	
Signature of School Registrar	:/Counselor:		Date Offici	al Transcript Iss	ued:

School Name: _____ School District: _____

Registrar/Counselor Name: ______ Phone Number: _____

Receiving School Partial Credit Request Letter



Date:	
TO: Registrar/Counselor:	School:
Address:	
Re: Check Out Grades and Partial Credits Request	
Student Name:	D.O.B.:
Dear Registrar/Counselor:	
Please be advised that	, a foster/probation youth, recently enrolled in
	Following the student's enrollment, we sent a records request
	on After reviewing the student's records, ades and partial credits on the official transcript provided to
transcript, and forward the updated transcript to the stud	rily completed while in attendance, enter them onto an official dent's new school within 2 business days. In order to ensure request that you work with the student's previous teachers and
	pdated transcript for the student, which includes all check out ith you to ensure that the student receives the support he/she
If you have any questions, please contact me atEducation Liaison. Thank you in advance for your assista	
	Sincerely,
	School Registrar/Counselor

High School Graduation for Foster Youth: AB 167/216

Foster youth who transfer high schools after their second year may graduate by completing minimum state graduation requirements if, at the time of transfer, they cannot reasonably complete additional local school district requirements within four years of high school.*

WHO QUALIFIES

AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under Cal. Welf. & Inst. Code § 309 or subject to a petition under Cal. Welf. & Inst. Code § 300 or 602, regardless of where they live.

TRANSFER SCHOOLS AFTER SECOND YEAR

To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.

GRADUATION OPTIONS

(1) Accept the exemption and graduate using minimum state requirements. (2) Reject the exemption and graduate using school district requirements. (3) Remain in high school a 5th year to complete all school district requirements. Youth have a right to remain in high school for a 5th year even if they turn 19 years old. (4) Acknowledge eligibility but defer decision until a later date. Regardless of the graduation option chosen, youth graduate receiving a normal high school diploma.

LENGTH OF ELIGIBILITY

Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.

RECONSIDERATION

If a youth is found ineligible for AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.

NOTIFICATION REQUIREMENTS

The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation on admissions to a four-year university, must be provided in writing to the youth, their ERH, and social worker/probation officer within 30 days of enrollment. See AB 167/216 Graduation Eligibility Notification Letter. The legal duty to determine eligibility and provide notification still exists, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed. Eligibility must be determined retroactively in these cases.

WHO DECIDES

Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.

MILITARY SERVICE

AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.

Additional resources for youth transitioning out of foster care or off probation (e.g., housing, employment, finances, college) can be found on our website: KnowB4UGo.org.

*AB 167/216 graduation applies to any school operated by a school district, including adult schools.



AB 1166 (effective 1/1/16), Cal. Educ. Code § 51225.1.

Best Practices for Determining AB 167/216 Eligibility

STEP 1

Upon receiving notification of a foster youth's enrollment in your school, gather complete transcripts, including partial credits, from all high schools the youth has attended.

If it appears that a student was not properly awarded partial credits by a previous school based on enrollment dates, attendance records, and check-out grades, send the Receiving School Partial Credit Request Letter. If you have any difficulties obtaining partial credits for the youth, contact your school district's AB 490 Liaison for assistance.

STEP 2

Determine whether a youth completed the second year of high school, based on length of enrollment or credits earned, whichever makes a youth more likely to qualify for AB 167/216 graduation. Cal. Educ. Code § 51225.1(c).

STEP 3

Conduct a graduation analysis according to your school district's graduation requirements to determine whether the youth can reasonably complete additional local graduation requirements within four years of high school. See **Eligibility** & Credit Checklist and Eligibility Calculation Formula.

STEP 4

If the youth cannot reasonably complete additional local graduation requirements, conduct a second credit analysis using state graduation requirements to determine which AB 167/216 classes the youth must complete.

STEP 5

Within 30 days of the youth's enrollment, provide written notification of the youth's eligibility for AB 167/216 graduation to the youth, their ERH, and social worker/probation officer. See AB 167/216 Graduation Eligibility Notification Letter.

Notification must outline: (1) the youth's right to remain in high school for a 5th year, depending on the ERH's decision; and (2) the potential impact of AB 167/216 graduation on college admissions.

STEP 6

If a youth's ERH or a youth over 18 decides it is in the youth's best interest to graduate under AB 167/216, ensure the youth is enrolled in the appropriate courses to complete state graduation requirements. Review the AB 167/216 Graduation: Eligibility & Credit **Checklist** to determine which classes the youth needs to complete to graduate under AB 167/216.

AB 167/216 Graduation Requirements

AB 167/216 STATE GRADUATION REQUIREMENTS	EXAMPLE OF LOCAL SCHOOL DISTRICT GRADUATION REQUIREMENTS
English (30 credits)*	English (40 credits) • English 9 (10 credits) • English 10 (10 credits) • American Literature (10 credits) • Contemporary Composition (10 credits)
Math (20 credits) • Algebra 1 / Mathematics 1 (10 credits) • Other Math (10 credits)	Math (30 credits) • Algebra 1 (10 credits) • Geometry (10 credits) • Algebra 2 (10 credits)
Science (20 credits) • Biological Science (10 credits) • Physical Science (10 credits)	Science (30 credits) • Biological Science (10 credits) • Physical Science (10 credits) • Lab Science (10 credits)
Social Studies (30 credits) • World History (10 credits) • US History (10 credits) • American Government/Civics (5 credits) • Economics (5 credits)	Social Studies (30 credits) • World History (10 credits) • US History (10 credits) • Principles of American Democracy (5 credits) • Economics (5 credits)
Visual or Performing Arts, Foreign Language, or Career Technical Education (10 credits)	Foreign Language (20 credits) Visual & Performing Arts (10 credits)
Physical Education (20 credits)	Physical Education (20 credits)
Electives (0 credits)	Electives (50 credits)
TOTAL: 130 Credits	TOTAL: 230 credits

*Although the law references vear long courses, we have included the number of credits required to complete the necessary number of vear long courses here in acknowledgment that foster youth often must piece together partial credits from multiple courses to meet these requirements.

AB 167/216 Graduation: Eligibilty & Credit Checklist



Student Name:	_ DOB: Current Grade:	Current Semester: Current School/District:	ol/District:
SCHOOL DISTRICT GRADUATION REQUIREMENTS	COURSES COMPLETED/ CREDITS EARNED	DISTRICT COURSES/ CREDITS REMAINING	AB 167/216 COURSES/ CREDITS REMAINING
English (credits)			
Math (credits) (credits)			
Science (credits)			
Social Studies (credits)			
Visual & Performing Arts (credits)			
Physical Education (credits)			
Applied Technology (credits)			
Foreign Language (credits)			
Electives (credits)			
Total Credits:	Credits Completed:	Credits Remaining:	AB 167/216 Credits Remaining:

Eligibility Calculation

Total # of required school district credits remaining

Maximum # of credits earned by students each semester

•|•



of semesters the student must complete to satisfy all local school district graduation requirements

≝ ∧

of semesters left before the student completes 4 years of high school



Student is eligible for AB 167/216 graduation

High School Needs of Foster Youth

AB 167/216 Graduation: Eligibilty & Credit Checklist Sample



Current Grade: 3/1/96

DOB:

Student Name: Melissa Jones

Ξ

Current Semester: Spring

Current School/District: Palm HS / Albany United

	SCHOOL DISTRICT GRADUATION REQUIREMENTS	COURSES COMPLETED/ CREDITS EARNED	DISTRICT COURSES/ CREDITS REMAINING	AB 167/216 COURSES/ CREDITS REMAINING
	English (40 credits) • English 9 (10 credits) • English 10 (10 credits) • Contemporary Composition (10 credits) • English elective (10 credits)	English 9A: 5 credits English 10B: 5 credits Contemporary Composition: 5 credits	English 9B: 5 credits English 10A: 5 credits Contemporary Composition: 5 credits English Elective: 10 credits	English 9B: 5 credits English 10A: 5 credits Contemporary Composition: 5 credits
	Math (30 credits) • Algebra I (10 credits) • Geometry (10 credits) • Algebra 2 (10 credits)	Algebra 1B: 5 credits Geometry: 10 credits	Algebra 1A: 5 credits Algebra 2: 10 credits	Algebra 1A: 5 credits
	Science (30 credits) • Biological Science (10 credits) • Physical Science (10 credits) • Lab Science (10 credits)	Biology: 10 credits	Physical Science: 10 credits Lab Science: 10 credits	Physical Science: 10 credits
120	Social Studies (30 credits) • World History (10 credits) • US History (10 credits) • Principles of American Democracy (5 credits) • Economics (5 credits)	World History B: 5 credits US History A: 5 credits	World History A: 5 credits US History B: 5 credits Principles of American Democracy: 5 credits Economics: 5 credits	World History A: 5 credits US History B: 5 credits Principles of American Democracy: 5 credits Economics: 5 credits
	Visual & Performing Arts (10 credits)	None	Visual & Performing Arts: 10 credits	Visual & Performing Arts: 10 credits
	Physical Education (20 credits)	PE: 10 credits	PE: 10 credits	PE: 10 credits
	Applied Technology (10 credits)	Applied Technology: 5 credits	Applied Technology: 5 credits	
	Foreign Language (20 credits)	None	Foreign Language: 20 credits	
	Electives (50 credits)	Electives: 20 credits	Electives: 30 credits	
	Total Credits: 240	Credits Completed: 85	Credits Remaining: 155	AB 167/216 Credits Remaining: 70

Eligibility Calculation









of semesters the student must complete to satisfy all local school district graduation requirements 5.2



of semesters left before the student completes 4 years of high school

M



Student is eligible for AB 167/216 graduation

AB 167/216 Graduation Eligibility Notification Letter



Date:		
TO: Education Rights Holder ("ERH"):	Probation Officer/ Social Worker: _	
Address:	Address: _	
RE: Name of Student:		Date of Birth:
Current High School:		Date of Enrollment:
Foster and probation youth in California have specia 167/216 ("AB 216"), foster/probation youth who are o may be eligible to graduate by completing the minin requirements by the end of their fourth year of high 216 do not have to complete additional school district	off track for high school graduation, and train num state requirements if they are not reasi school. This includes completing 13 year-lo	nsfer after their second year of high school, onably able to complete all school district ng courses. Students who graduate under AB
We have determined, and hereby certify, that the certified to meet all requirements for AB 216 gr		does not / has already been
The above named student has the following	graduation options:	
Graduate by completing state requirement disadvantages to graduating under AB 216. We school diploma, they may sacrifice important and employment. Students who graduate under University (CSU) or University of California (U	Vhile a student may graduate with cla learning opportunities that are neces der AB 216 may not be eligible to app	assmates and receive a regular high assary to succeed in higher education
Attempt to graduate high school at the er requirements. Students may attempt to accorschool, or independent study program.		
Remain in high school for a 5th year, and to a 5th year of high school applies even if th student will be allowed to remain at the local independent study program, or adult school to	e student will be 19 years old during t high school and will not be required	that additional school year. The
Remain in high school for more than 4 years		
School Official:	Signature:	Date:
Please make sure to keep a copy of this certification or the student may request reconsideration of eligibischool to verify that the student is already certified a even if they transfer schools again or their foster care	letter for your records. If the student was i ility at any time. If the student was found el as AB 216 eligible. The above named studen	not found eligible for AB 216 graduation, you ligible, this letter can be used at any future nt retains the right to graduate under AB 216
Once the student's ERH has determined which gradureturning this form. Please note that the school distr An 18 year old student or their ERH can change their their high school diploma. Please note that regardles and obligation to attend school until age 18, with lim	ict cannot allow a student to graduate under r decision regarding graduating under AB 2 ss of whether or not a student elects to grad	er AB 216 without receiving this document. 16 at any time until the student receives
If you have any questions or concerns about AB 210 to have the student:	6 graduation, please contact the student's	counselor. As the student's ERH, I choose
Graduate under AB 216 in 4 years		
Graduate under school district requirement	nts in 4 years	
Graduate under school district requirement	nts in 5 years	
Acknowledge eligibility but defer decision	n until a later date	
Education Rights Holder:(or 18 year old Student)	Signature:	Date:

Voluntary Transfer of Students Out of Comprehensive Schools

The majority of students who are voluntarily transferred by school districts out of their "regular" comprehensive high schools are sent to continuation schools. Continuation schools were created to serve as a safety net for students at-risk of dropping out by providing effective and individualized instructional programs with a wide variety of options to meet student needs. Today, there are approximately 460 continuation schools in operation across the state of California. Some of these programs meet the original intent for these schools, and are an effective avenue for high school completion for the youth who attend them. Each year the California Department of Education highlights several "model" schools that exemplify these values.¹

Common Reasons Students are Transferred

Comprehensive schools seek to voluntarily transfer students to continuation schools for a variety of reasons, including credit deficiency, attendance problems, and behavioral issues.

Problematic Transfers

Voluntary transfers are problematic when they occur without meaningful participation of education rights holders ("ERHs") or continuation school staff, and without an informed, individualized determination of whether the transfer is in the student's best education interests. Without continuation school input into the best interests discussion, it is very difficult for many continuation schools to meet their original purpose of providing critical academic and support services that students need to succeed.²

Voluntary transfers are different from involuntary transfers in that ERHs choose a voluntary transfer after making a well informed decision about what is in the student's best interests. Involuntary transfers can occur, assuming other legal requirements are met, without an ERH's agreement. To learn more about involuntary transfers, see **Disciplinary** Challenges of Foster Youth.

Reversing the Tide

A recent study on continuation schools concluded that "careful identification and placement practices allow district offices and receiving schools to develop support services targeted to students' specific needs,"3 which in turn lead to more positive student outcomes. Districts with the most successful outcomes for students utilize these practices. Assembly Bill 570 was enacted to spread these proven practices across the state. It mandates that districts create and utilize clear policies for the transfer of youth to continuation schools, including only allowing for a transfer when it is in the student's best education interests. The following pages provide districts with tools to help carefully develop and implement such policies that will, in turn, allow continuation schools to effectively serve these students once they arrive.

Overview of the Law

- Foster and probation youth have the right to immediately enroll in their local comprehensive school.
- Students cannot be voluntarily transferred to a continuation school unless their ERH determines that the transfer is in their best education interests. For more information on ERHs, see **Education Decision Makers for** Foster Youth.
- ERHs have the right to meet with both the transferring school and the continuation school before a voluntary transfer takes place to determine if transferring is in the student's best education interests.
- School districts must develop and consistently implement clear policies to determine which students to recommend for voluntary enrollment in a continuation school.
- Voluntary transfer policies must ensure that no group of students, including foster or probation youth, students of color, English language learners, or special education students, are disproportionately enrolled in continuation schools.
- Students who voluntarily transfer to a continuation school have the right to return to their comprehensive high school at the beginning of the following school year.

Cal. Educ. Code §§ 48432.3, 48432.5, 48850, 48852.7, 48853.

Disproportionality

Research demonstrates that several at-risk student populations are overrepresented in continuation schools in California,4 in violation of the law:

- Continuation school students are three times more likely than students in comprehensive high schools to be in foster care or living with a relative other than a parent.
- Boys are disproportionately overrepresented in continuation schools. They represent 50% of statewide eleventh grade enrollment but 58% of continuation school enrollment.
- African-American and Latino students are also disproportionately overrepresented in continuation schools. They constitute approximately 50% of statewide eleventh grade enrollment but 66% of continuation school enrollment.
- Finally, English Language Learners are also disproportionately overrepresented in continuation schools. Only 14% of eleventh graders statewide are English Language Learners compared to 21% in continuation schools.

Foster and Probation Youth Disproportionality

School Instability and Mid-Semester Enrollment: When foster and probation youth move homes and schools in the middle of a semester, school districts often automatically enroll them in continuation schools, in violation of their rights. Foster and probation youth have the highest rates of school mobility, changing schools an average of eight times while in care.⁵ As a result, they are disproportionately overrepresented in continuation schools: 17% of alternative school students move homes two or more times a year, compared with only 7% of students in comprehensive high schools.⁶ For more information, see Enrolling Foster Youth.

High Needs: Foster and probation youth also have the highest education needs of all at-risk student populations. Only 58% of foster and probation youth graduate high school, compared with 84% of students statewide.⁷ This discrepancy is due to the many unique challenges foster

youth face. For example, foster youth experience high levels of school instability: only 68% of students in foster care attended the same school for the full school year compared to 90% of students statewide.8 Foster and probation youth also present behavioral issues based on the trauma they have experienced: they are classified as "emotionally disturbed" at a rate five times higher than other students statewide.9

All of these challenges often lead to high rates of poor attendance and credit deficiencies.¹⁰ Although foster and probation youth have a clear legal right to attend their local comprehensive school, these students are often pushed out to continuation schools due to these challenges. This push out can occur either when a student is enrolling mid-semester or at any other time throughout the school year. This further contributes to foster and probation youth disproportionality in continuation schools, in violation of the law.

Prior Interventions

Voluntary enrollment in a continuation school must be based on a determination that the continuation school can best serve the education needs of the student. Additionally, foster and probation youth have a clear legal right to attend their local comprehensive school unless their ERH agrees that attending another school is in their best interests. Before recommending a student transfer to a continuation school, best practices require that appropriate interventions first be implemented to address the student's needs. Interventions should be implemented for a sufficient amount of time to determine their effectiveness. If positive progress is not demonstrated, consider implementing new interventions. Only consider recommending a student for a voluntary transfer to a continuation school at the conclusion of this process. Cal. Educ. Code §§ 48432.3(a),(b)(1).

Best Practices

STEP 1

Identify why the student is being recommended for transfer to a continuation school (e.g., credit deficiency, poor attendance). This information will be used to develop the Prior Intervention Plan in Steps 2 and 3 below.

Researchers discourage transfers to continuation schools to address behavioral challenges because the primary purpose of continuation schools is to serve credit deficient students with academic needs.11

STEP 2

Schedule a meeting with student's ERH and other key stakeholders to discuss what has been attempted in the past to assist the student and current options for intervention. See Intervention Meeting Notification.

STEP 3

At the meeting with the student's ERH, identify appropriate interventions using the **Prior Intervention Idea Bank** and the **Discipline Intervention Idea Bank**. Complete the **Prior** Intervention Plan.

STEP 4

Implement at least one appropriate intervention to address each reason the student is being recommended for a transfer using the **Prior Intervention Plan**.

STEP 5

Monitor interventions at regular intervals via the **Prior Intervention Plan** and record whether each intervention was successful or not. In order to be effective, interventions must be implemented consistently over a period of time (e.g., one to two months) and monitored frequently (e.g., once a week) to ensure that modifications can be made as soon as they are necessary.

Eligibility Criteria and Transfer Meeting

If interventions (as detailed in the previous steps) have been attempted for the recommended time period to address each area of concern for the student, but have not produced the desired improvements, consider whether transfer to a continuation school might be appropriate.

Best Practices

STFP 1

Establish clear criteria for when students will be recommended for transfer to a continuation school. These criteria must be based on: (1) the best education interests of the student; and (2) whether the options and opportunities offered at the continuation school will meet the student's needs.

These criteria must be applied uniformly and must be designed to ensure that no group of students is disproportionately enrolled in continuation schools.

Key considerations include:

Academics: How well can the continuation school support a student who is struggling with basic reading, writing and math skills or who is failing multiple classes? What about a student who is on an Honors or A-G college track?

Special Education: Does the continuation school offer the services required by the student's Individualized Education Program?

Behavior: How well can the continuation school support the behavioral and/or mental health needs of the student? What services are available and would they meet the student's needs?

Future Plans: What does the student want to do after graduation? Will a school transfer impact those plans? How well can the continuation school support the student in preparing for their post high school goals?

EXAMPLE OF CLEAR CRITERIA

If a continuation school is solely designed to help students who are credit deficient and thus off-track for high school graduation, transfer criteria could include that the student: (1) must be 20 or more credits off-track for graduation: (2) must have a minimum of 8th grade reading, writing and math skills; and (3) cannot have more than 2 entries in their discipline log in the past year.

EXAMPLE OF SERVICES TO MEET A STUDENTS NEEDS

For students fitting the above criteria, the continuation school could meet their needs by offering students: (1) an extended school day so that they can take a higher than average course load; (2) the option to take a normal course load plus online courses to recoup credits; (3) more individualized adult instruction in the form of small student to teacher ratio (15:1); and (4) teacher assistance afterschool to make up missing work.

STEP 2

If the student's school team feels like the student is not making enough progress on his/her **Prior Intervention Plan**, schedule a meeting by sending the ERH the **Transfer Notification**.

The Prior Intervention Plan team (which includes the ERH, student, and an administrator from the comprehensive school) and an administrator from the continuation school should meet and review interventions previously attempted and recorded using the **Prior Intervention Plan**. For each planned intervention, determine whether it was attempted and if it was successful.

If the interventions were not appropriately attempted, new interventions are needed, and/or enough time has not yet passed, the Prior Intervention Plan team should revise the plan. If the entire team, including the ERH and student, agree that appropriate prior interventions were attempted with fidelity and for an appropriate amount of time and the student continues to struggle on a comprehensive campus, it is time to consider a transfer to the continuation school.

Using the **Transfer Meeting Worksheet**, the team should review each criterion for transfer and determine if the student meets it. If the student meets all criteria, the team should then consider whether the student's best education interests can be met at the continuation school.

STEP 3

If the team (including the ERH) agree that the student's education interests are best served in a continuation school, establish clear criteria under which a student will become eligible to transfer back to a comprehensive school in the middle of the school year, and how often the student's eligibility will be reviewed. For more information, see Right to Return to Local Comprehensive School. Examples of such criteria include: (1) student is able to get within 10 credits of being on track for graduation; and (2) all grades are a C or above. Eligibility to return to the comprehensive school should be rechecked at each progress report/grading period.

Set a date (e.g., end of the semester, end of the school year) to reconvene and discuss whether the continuation school continues to serve the best education interests of the student, or if the ERH wants to send the student back to the comprehensive campus.

STEP 4

Given all factors discussed at the meeting, and as much time as needed to make a best interests decision, the ERH will then decide whether or not to agree to (and sign) the **Transfer Meeting Worksheet** changing the student's placement to a continuation school.

Intake/Enrollment

Best Practices

STEP 1

If the ERH consents to a voluntary transfer, the comprehensive school administrator must ensure the student has been accepted at the continuation school. The continuation school administrator must ensure the student will have access to all classes or programs at the continuation school that the transfer meeting participants determined the student would benefit from. These should have been identified on the Transfer Meeting Worksheet in Step 4: Recommended Classes or Programs, if Voluntarily Transferred to Continuation School.

STEP 2

The district should work with the student's ERH to disenroll the student from the comprehensive high school, and ensure the student is awarded all full and partial credits earned. See Partial Credit Model Policy.

STEP 3

The continuation school administrator should help the ERH enroll the student at the continuation school. The district must ensure that the continuation school has an updated copy of the student's transcript and that the student is enrolled in the same/equivalent classes as at the comprehensive school (unless the student's ERH has determined that enrolling in different classes is in the student's best education interests).

The continuation school administrator should ensure that the student is enrolled in all the classes or programs that the transfer meeting participants determined the student would benefit from on the Transfer Meeting Worksheet in Step 4: Recommended Classes or Programs, if Voluntarily Transferred to Continuation School. The district must ensure the continuation school has a copy of the student's complete education records within 1-2 business days of enrollment.

STEP 4

Continuation school staff working with the student should review the **Step 6: Return Plan** from the Transfer Meeting Worksheet, including the district criteria for moving the student back to the comprehensive campus, and the date chosen for the readmission discussion.



Right to Return to Local Comprehensive School

Students who are voluntarily enrolled in continuation schools have the right to return to their comprehensive school at the beginning of each school year. In addition, these students may return to their comprehensive school at any time during the school year with the district's agreement.

Districts should develop criteria for mid-year return to the comprehensive school and notify students and ERHs of these criteria. For example criteria for mid-year return to the comprehensive school, see Transfer Meeting Worksheet, Step 6: Return Plan and Right to Return Notification. Continued enrollment in a continuation school past the original school year or semester it was intended for must be based on a determination by the ERH that the ongoing placement will promote the education interests of the student.

Best Practices

STEP 1

The continuation school should conduct a graduation check for the student at the end of each reporting period in which final grades are issued (e.g., semester or trimester grades) to determine the student's progress towards graduation using the **End of Term Graduation Check**.

If the continuation school does rolling credit accumulation, with a student earning grades at their own pace, decide how frequently an End of Term Graduation Check will be completed, ensuring it is done at least twice per school year.

STEP 2

The continuation school should document the student's compliance with their Return Plan and its recommendation of whether it is in the student's education interest to remain at the continuation school using the **End of Term Graduation Check**.

STEP 3

At the end of each reporting period in which final grades are issued (or however often the End of Term Graduation Check is completed), the continuation school must notify the ERH of the student's right to return to the comprehensive school using the Right to Return Notification.

STEP 4

A representative from the continuation school and the comprehensive school must meet with the student and ERH at the end of each reporting period in which grades and credits are issued (or however often the End of Term **Graduation Check** is completed) to discuss the student's End of Term Graduation Check, review the student's compliance with their Return Plan, and add any additional interventions into their **End of Term Graduation Check** that are necessary for the student to be successful and/ or transfer back to the comprehensive high school. If there is agreement to return the student back to the comprehensive campus, follow the steps (in reverse) laid out in the Intake/Enrollment section above.

Section Endnotes

- 1 News Release, California Department of Education, State Schools Chief Tom Torlakson Announces 2016 Model Continuation Schools (March 28, 2016), available at http://www.cde.ca.gov/nr/ne/yr16/yr16rel23.asp.
- Jorge Ruiz de Velasco & Milbrey McLaughlin, Raising the Bar, Building Capacity: Driving Improvement in California's Continuation High Schools. (Stanford University 2012), available at http://files.eric.ed.gov/fulltext/ED537702.pdf
- ³ Jorge Ruiz de Velasco & Milbrey McLaughlin, Alternative schools in California, in Changing Places: How Communities Will Improve the Health of Boys of Color 140-155 (Christopher Edley Jr. and Jorge Ruiz de Velasco eds. 2010).
- ⁵ California Healthy Kids Survey 2006-2008, available at http://surveydata.wested.org/resources/CA_Agg_Upper_0608.pdf.
- Fig. 1. The Invisible Achievement Gap, Part 1. Data from the Invisible Achievement Gap includes all foster youth but only suitably placed probation youth. There is currently no mechanism to collect data on all other probation youth. These statistics would likely be even worse if that additional data was available.
- 8 Id.
- 10 Ruiz de Velasco, supra note 2.

Intervention Meeting Notification



Date: .	
TO:	Education Rights Holder:
	Address:
RE:	Name of Student: Date of Birth:
Dear E	Education Rights Holder,
The ak	pove named student is demonstrating the following area(s) of concern in school:
Cre	edit Deficiency: student has completed credits and needs credits to graduate
Po	or Attendance: student has missed: school days/ periods this: semester/ school year
Bel	havioral Challenges: Student is demonstrating the following behavioral challenges:
Otl	her (specify):
agreed Howey discus educa We ha meeting	these areas of concern, the school is considering recommending that your student attend
	Thank you,



Student's Name:		D.O.B.:
Area of Concern: Credit Deficiency	Area of Concern: Poor Attendance	Area of Concern: Behavioral Challenges
Example: Has failed 3 courses needed for graduation; is off-track 15 credits for graduation.	Example: Regularly misses whole school days (12 in the last semester) and individual class periods (32 periods in the last semester).	Example: Talks back to teachers on average 1 time/day; has angry outbursts on average 3 times/week; daily participates in off-task behavior with group of peers.
Try These Interventions:	Try These Interventions:	Try Interventions Listed in
School based tutoring	Identify reason(s) for student's	the <u>Discipline Intervention</u> Idea Bank:
Assistance with organizational skills from peer and/or staff	attendance problem (e.g., lack of reliable transportation, social/	List other possible interventions
Partial credit retrieval	peer problems at school, etc.) and connect student and their	regularly used in your district:
Summer school enrollment	caregiver(s) with community	
Dual enrollment in continuation school (with ERH approval)	partners to address these reasons School-based tutoring	
Concurrent enrollment at a local	Mentorship with peers and/or staff	
Consideration of AB 167/216 graduation option, if eligible Remedial classes which teach	Participation in group activities (e.g., extracurricular activities, clubs, sports, art/drama/music or other courses in areas of interest)	
fundamental English and/or Math skills to prepare students	Opportunities to make up missed work	
to complete high-school level coursework	Tiered system of intervention ¹	
Special education assessment referral	List other possible interventions regularly used in your district:	
Enrollment in after-school online program		
List other possible interventions regularly used in your district:		

¹For more information and resources on implementing a tiered system of attendance interventions, please see https://www.attendanceworks.org/tools/schools/3-tiers-of-intervention/.



Prior Intervention Plan



Student Name:	Current Grad	de:	_ Date of Meeting:
STEP 1: Meeting Participants			
Education Rights Holder(s) ("ERH") Mandatory Participant	Present?	Name: _	
Student	Present?	Name: _	
Caregiver(s), if different than ERH	Present?	Name: _	
Social Worker/Probation Officer	Present?	Name: _	
Foster Youth Counselor/Liaison	Present?	Name: _	
Academic Counselor	Present?	Name: _	
School Administrator	Present?	Name: _	
Other	Present?	Name: _	
Other	Present?	Name: _	
Other	Present?	Name: _	
STEP 2: Identify Issue(s) to be Add	lressed		
Credit Deficiency: student has completed	credits and	needs	_ credits to graduate
Poor Attendance: student has missed:	school days/	period	s this: semester/ school year
Behavioral Challenges: Student is demonstra	ating the follow	ing behavi	oral challenges:
Other (specify):			
STEP 3: Identify Past Interventions Past Interventions Attempted:	-		
Start/End Dates, Frequency, and Duration of Se	ervice:		
Name/Position of Responsible Person:			
Outcome:			

Example Past Intervention: Summer school from 7/1/15-8/15/15; 60 minutes/day, 4x/week for 6 weeks; Mr. Smith (teacher); passed course with a D

STEP 4: Identify Interventions to Implement and Monitor

EXAMPLE	AREA OF CONCERN 1	AREA OF CONCERN 2	AREA OF CONCERN 3
Concern to be Addressed, Including Frequency	Concern to be Addressed, Including Frequency	Concern to be Addressed, Including Frequency	Concern to be Addressed, Including Frequency
Student is in danger of failing three classes			
Interventions	Interventions	Interventions	Interventions
Counselor will enroll student in after-school peer tutoring			
Start Date, Frequency of Service, and Duration	Start Date, Frequency of Service, and Duration	Start Date, Frequency of Service, and Duration	Start Date, Frequency of Service, and Duration
2/15/16, 2 times per week for 30 minutes each session for 2 months			
Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person	Name/Position of Responsible Person
Mrs. Sanchez, School Counselor			
Outcome	Outcome	Outcome	Outcome
Peer tutor met with student 14 times over 8 weeks. Student was responsive to intervention. Student improved grades in two classes from F to C. It is recommended that this service continue until student is receiving passing grades in all courses.			
ERH Consent (please initial t	he appropriate option):		
I agree with			
I agree with	the proposed plan with the ex	ception of:	
I disagree w	ith the proposed plan.		
ERH Signature:	_		
Student Signature:	_		
Comprehensive School Admi	inistrator:		



Transfer Notification



Education Rights Holder:
Address:
Name of Student: Date of Birth:
Name of Student Date of Birth
ucation Rights Holder,
contacting you about the above named student because the student has been recommended for voluntary to a continuation school. The above named student is experiencing the following areas of concern in school:
redit Deficiency: student has completed credits and needs credits to graduate
por Attendance: student has missed: school days/ periods this: semester/ school year
ehavioral Challenges: Student is demonstrating the following behavioral challenges:
ther (specify):
ther (specify).
hese areas of concern, the student is being recommended for voluntary placement at uation school. It is your right under the law to receive a copy of the district's policy for voluntary transfers nuation schools. Cal. Educ. Code § 48432.3(b)(3). The district's policy for voluntary transfers to continuation is enclosed here for your reference. tudent's education rights holder, you have the responsibility to determine whether it is in the student's best on interests to remain in his/her current school or transfer to a continuation school. You have the right to whether a voluntary transfer to a continuation school is appropriate for the student with school officials from [Name of current school], and with officials from [Name of continuation the continuation school being recommended for the student. Cal. Educ. Code § 48432.3(b)(5). Excheduled a meeting for Please contact at: to let us know if you can attend this meeting, or if you would like to reschedule the at a time that is convenient to you. You may also invite anyone else you feel would have information relevant onversation (e.g., the child's social worker, probation officer, therapist, clergy, caregiver, etc.) to discuss the lended voluntary transfer and whether you think it is in the student's best interest to continue attending their school or transfer to a continuation school.
Thank you,
e c Cree Pe Be

Transfer Meeting Worksheet



Student Name:	Current Grade: _	Date of Meeting:
Area(s) of concern:		
Credit Deficiency: student has completed	credits and need	ls credits to graduate
Poor Attendance: student has missed:	_ school days/	periods this: semester/ school year
Behavioral Challenges: Student is demonst	rating the following b	ehavioral challenges:
Other (specify):		
STEP 1: Meeting Participants		
Education Rights Holder(s) ("ERH") Mandatory Participant	Present? Na	ame:
Student Mandatory Participant	Present? Na	ame:
Counselor/principal/administrator (transferring scho Mandatory Participant	ol) Present? Na	ame:
Counselor/principal/administrator (continuation scho	ool) Present? Na	ame:
Caregiver(s), if different than ERH	Present? Na	ame:
Social Worker/Probation Officer		ame:
Foster Youth Counselor/Liaison	Present? Na	ame:
Academic Counselor	Present? Na	ame:
Other	Present? Na	ame:
Other		ame:
Other		ame:
STEP 2: Eligibility Criteria (required	to recommend ·	voluntary transfer to continuation school)
		and failed for duration agreed upon in plan (Must
review and attach previously created Prior Inte	·	3
Student is at least 16 years old AND		
Student meets the district criteria for transf	er to the continuation	on school, including:1
Criterion 1:		
Met /Not Met Explanation of how it	was met, or why it is	not met:
Criterion 2:		
Met /Not Met Explanation of how it	was met, or why it is	not met:
		not met:

¹When completing this form, fill in the criteria your district has chosen to determine whether a student is an appropriate candidate for a continuation school. Then, at the meeting, work with the team to review and "check off" whether the student in question has met those criteria or not. Then, explain how they met it, or why they did not. For example, if you have criterion that the student needs to have an 8th grade reading level, you would check off if they have met this or not, and then fill in the test that you used, and what their reading level was.



STEP 3: Best Interest Determination (required to recommend voluntary transfer to continuation school)

The team has determined it is in the student's best education interest to attend a continuation school by considering the following:

BEST EDUCATIONAL INTEREST CONSIDERATIONS*

*This chart is filled in as an example. It does not represent any particular comprehensive school(s) or continuation school(s) in California. **Download the word version of this chart** and modify it to reflect the specific characteristics of the comprehensive and continuation school options available in your school district prior to your meeting. It should then be augmented at the meeting on the blank lines in each section if there are specific needs or interests of the youth that are relevant. For example, if a student is particularly focused on a career in engineering, you should specify the options related to that field in the "Career Readiness" and "Course Offerings" rows for that youth. The chart should then be used to facilitate a discussion around the student's individual needs and goals and a decision should be made based on an overall consideration of each row about which school would best meet the student's education interests.

COMPREHENSIVE SCHOOL	CONTINUATION SCHOOL
CLASS SIZE	
Larger class sizes- 35:1 ratio	Smaller class sizes- 20:1 ratio
CREDITS	
Students can earn up to 30 credits per semester	Students can earn up to 40 credits per semester
SCHOOL SIZE AND LAYOUT	
2,000 students, 70 classrooms, open campus, where students can enter and exit without close supervision	100 students, 4 classrooms, 1 gated entrance, monitored by security
SUPERVISION	
Teachers and 5 security staff monitor the school site	Teachers and 3 security staff monitor the school site plus extra adult supervision is provided in the form of adult case managers with a ratio of 30:1
TRAUMA INFORMED STAFF	
Part time school psychologist and 1 of 3 academic counselors have received trauma informed training	Entire school staff receives annual trauma informed trainings
COURSE OFFERINGS	
A-G, honors, Advanced Placement, electives, English Language Development	Limited to courses required for graduation; no A-G; very limited electives (no drama or music)
CAREER READINESS	
Career center, Career Technical Education courses, co- enrollment options at community college	Co-enrollment options at community college
EXTRACURRICULAR ACTIVITIES	
Sports, drama, art, newspaper, coding club, community service, student council	Continuation school sports league
SCHEDULE	
7 classes per day including a study hall	5 classes per day plus one period offered for credit recovery, shortened school day
HOMEWORK	
Yes	No
IEP SERVICES	
All services and classroom placements available if required by IEP	No SDC or RSP services offered; limited counseling services offered
OTHER CONSIDERATIONS	
Very close to student's home; student will be able to walk	Farther away from student's home; student will need to take a public bus for 45 minutes each way

STEP 4: Recommended Classes or Programs, if Voluntarily Transferred to Continuation School
Recommended Class/Program 1:
Recommended Class/Program 2:
Recommended Class/Program 3:
STEP 5: School Placement Decision
District Placement Recommendation:
ERH School Choice:
STEP 6: Return Plan (required prior to voluntary transfer to continuation school)
Earliest student can return to comprehensive campus (e.g., the first day of the following semester):
DATE:
Student must meet the following criteria for readmission (e.g., earn 50% of credits off-track for graduation, improve attendance by 5%, etc.):
Criteria 1:
Criteria 2:
Criteria 3:
Meeting for readmission discussion (e.g., the end of the next grading period): DATE:
ERH Consent (please initial the appropriate option):
I agree with the proposed plan to move my student to a continuation school and acknowledge that my student has a right to return to their comprehensive school at the beginning of the next school year or at any other time if the district is in agreement. I agree with the proposed plan with the exception of
I disagree with the proposed plan.
ERH Signature:
Student Signature:
Comprehensive School Administrator:
Continuation School Administrator:

Right to Return Notification



Date:
O: Education Rights Holder:
Address:
RE: Name of Student: Date of Birth:
Dear Education Rights Holder,
Delete and replace with: The above named student voluntarily enrolled in
name of continuation school) on (date) to address the following areas of concern in school:
Credit Deficiency: student had completed credits and needs credits to graduate
Poor Attendance: student had missed: school days/ periods this: semester/ school year Behavioral Challenges: Student was demonstrating the following behavioral challenges:
benavioral Challenges, student was demonstrating the following benavioral challenges.
Other (specify):
ichool year with the consent of the school district. Please note that students who wish to return to their comprehensive high school at the start of the school year do not need permission from the school district to do so. The above-named student is eligible to return to his/her comprehensive high school at the start of the upcoming school year. As the student's education rights holder, you decide whether the student should remain in his/her continuation school or return to the comprehensive high school at the start of the upcoming school year. Ongoing voluntary enrollment at a continuation school should be based on the student's best education interests. If you would like the above named student to return to his/her comprehensive high school for the upcoming school year, you may enroll the student at his/her comprehensive high school at the start of the school year. If you may enroll the student at his/her comprehensive high school at the start of the school year.
heir comprehensive high school during the school year, students must satisfy either all of their Return Plan Criteria or one of the following Other Criteria:
Return Plan Criteria 1:
Return Plan Criteria 2:
Return Plan Criteria 3:
Other Criteria 1:
Other Criteria 2:
Other Criteria 3:

EXAMPLE Other Criteria: Student earned at least 50% of missing/off-track credits

EXAMPLE Other Criteria: Student improved attendance by 10% since transferring to the continuation school or maintained 90% attendance (excluding excused absences) for a complete semester



We have completed an End of Term Graduation Check to help you determine if it is in the student's best education interest to remain at the continuation school or return to the comprehensive high school. The graduation check is attached. This information is advisory only. It is your decision to enroll the student in his/her comprehensive high school at the start of upcoming school year or request a return to the comprehensive school during the school year.

Based on this graduation check:

The student is is not on track to graduate high school. The above named student has earned ____ credits since enrolling at the continuation school and needs ____ more credits to graduate.

The student has attended ___ % of class periods since ____ [DATE].

The student has had ____ behavioral incidents at school since ____ [DATE].

For additional questions or to schedule a meeting to discuss the above named student's eligibility to return to the regular high school, please contact:

Name/Title/Contact Information for Continuation School Representative:

Name/Title/Contact Information for Comprehensive School Representative:

Thank you,

End of Term Graduation Check



Student Name:	DOB:		_ Date:
Current Grade: Semester:	_ Date Enrolled at Continuation S	School:	
Education Rights Holder Name:		-	
Address:		Phone Numb	er:
Reason for Enrollment at Continuation School:			
Credit Deficiency: student had completed	credits and needs credits	to graduate	
Poor Attendance: student had missed:	school days/ periods this:	semester/	school year
Behavioral Challenges: Student was demonst	rating the following behavioral cha	allenges:	
Other (specify):			

HIGH SCHOOL GRADUATION PLANNING **GRADUATION CHECK* COURSES COMPLETED GRADUATION REQUIREMENTS COURSES REMAINING** COURSE NAME: CREDITS EARNED (SCHOOL, SEMESTER SCHOOL YR.) Social Studies: English: Math: Science: Foreign Language: Visual/Performing Arts: PE: Health: Other Electives: Required: Completed: Remaining: **CURRENT STATUS** Cumulative High School GPA: Number of Credits Completed Since Enrollment in Continuation School on (date) ___ Attendence Percentage: ___

^{*}Schools may substitute an attachment of their own graduation check.

COURSE SCHEDULING

Create a tentative course schedule for each remaining school term, ensuring that required courses for graduation are completed first. Include the number of credits remaining for each course.

SUMMER SCHOOL

SPRING SCHOOL

FALL SCHOOL

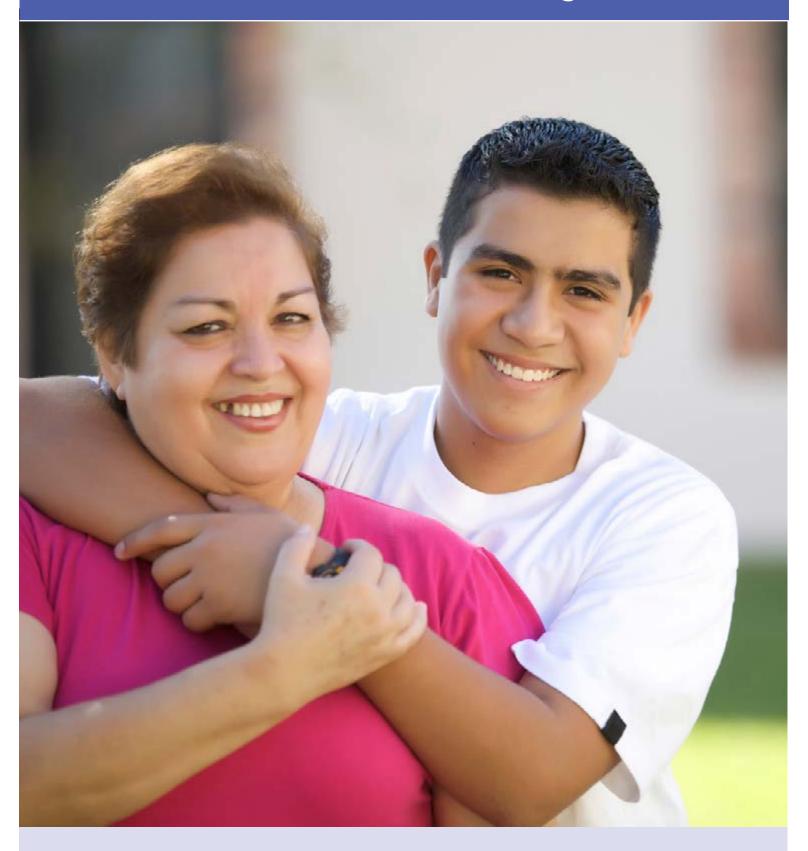
SPRING SCHOOL

YEAR:	YEAR:	YEAR:	YEAR:	YEAR:
s the student on track to	o graduate? Yes No	Expected Gradu	ation Date:	
f the student is on track t Yes No	o graduate, do you believe	e it is in the student's educ	cation interest to remain at	the continuation school?
f yes, please explain wh	y:			
Smaller learn	ing environment			
Flexible sche	dule			
Can earn	_ credits per semester (vs credits per sem	ester at the comprehens	ive campus)
Other (speci	ify):			
f the student is not on t continuation school?	rack to graduate, do you	believe it is in the stude	ent's education interest to	o remain at the
Yes No				
f yes, please list the ado	ditional interventions nee	ded to support the stud	ent:	
School-based tutorin	g will be provided at the	following frequency:		
Assistance with orga	nization from counselor	will be provided at the fo	ollowing frequency:	
Partial credits				
Earned at past sc	hools, but not awarded; w	vill be gathered from the f	following school(s) by a sc	chool counselor:
	d to complete partial credi pers of partial credits need		be arranged by school cou	unselor. List course
Summer school e	nrollment			
				class(es) for the purpose
		· -		
	for AB 167/216 graduation		selor has certified them an	d informed the ERH
Other (specify).				



Intervention Plan (Use <u>Prior Intervention Plan</u> to record this information)
Intervention to be implemented:
StartDate/Frequency:
Name/Position of Responsible Person:
Intervention to be implemented:
StartDate/Frequency:
Name/Position of Responsible Person:
Intervention to be implemented:
StartDate/Frequency:
Name/Position of Responsible Person:
Name/Title/Contact Information of Person Who Completed Graduation Check:

Enforcement of Foster Youth Education Rights: AB 379



Sample UCP Complaint Form

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Enforcement of Foster Youth Education Rights: AB 379

Assembly Bill ("AB") 379

For over a decade, foster youth whose education rights were violated had no reasonable way to protect their rights. For example, if a youth was denied partial credits from their high school, their only fix was to sue the school district in court. Such lawsuits are impracticable.

AB 379 created an enforcement mechanism by which foster youth can now enforce their rights. The law, effective as of January 1, 2016, incorporates foster youth education rights into California's Uniform Complaint Procedure ("UCP") process.

The Uniform Complaint Procedure Process

The UCP process provides parents, students, and other interested parties a streamlined way to resolve disputes regarding certain education laws by filing a complaint with the school district or the California Department of Education ("CDE"). In addition to foster youth education rights, the UCP process is used for violations of laws related to, among other things, special education, textbook availability, pupil fees, and teacher placement.

When a complaint is filed with the school district, the school district must investigate and provide a written response including a proposed resolution within 60 days. If a complainant (the person who filed the complaint) is not satisfied with the school district's response, he or she may file an appeal with the CDE, who must also investigate and respond in writing within 60 days. In some circumstances (e.g., an entire group of students is having their rights violated), a complaint may be filed directly with the CDE for immediate resolution, skipping the normally required step of first filing with the school district. If it is determined that a school district has failed to uphold its responsibility to the student, then the school district may owe, and/or the CDE may order, remedies such as compensatory education services or re-training of staff. See Sample District and CDE Remedies.

5 C.C.R. §§ 4600-4687.

Filing a Complaint

The protections of AB 379 apply to "foster youth," broadly defined to include all youth removed from their homes or subject to a petition under WIC Sections 300, 309, or 602. This includes youth with open dependency and delinquency cases. See Who is a Foster Youth?

As with most complaints under the UCP, any individual (e.g., the youth, their education rights holder, caregiver, social worker/probation officer, legal representative in court), public agency, or organization may file a written complaint with the school district or charter school for a violation of foster youth education laws.

Appropriate Topics to File a Complaint On

Complaints may be filed with the school district or charter school or, under some circumstances, directly with the CDE, for failure to comply with any component of the relevant education code sections.¹ Complaints can be filed for:

SCHOOL PLACEMENT

• School placement decisions being made by someone other than an ERH.

See Education Decision Makers for Foster Youth.

Cal. Educ. Code § 48853.

ENROLLMENT IN REGULAR PUBLIC SCHOOL

- Denial of the right to attend a regular public school;
- forcing a youth to attend a continuation school, independent study program, or other alternative educational setting, without ERH agreement that that is in the youth's best interests;
- denial of the right to be educated in the least restrictive environment; or
- failure of a foster youth liaison to ensure and facilitate the proper educational placement, enrollment in school, or checkout from school of a foster youth.

See Enrolling Foster Youth.

Cal. Educ. Code §§ 48853, 48853.5.

IMMEDIATE ENROLLMENT

- Denial of the right to immediately enroll for any reason including due to outstanding fees, fines, textbooks, or inability to produce clothing or records normally required for enrollment such as academic or medical/immunization records;
- · denial of the right to immediately enroll in the school of residence once it is determined by the ERH that enrollment is in the foster youth's best interest;
- · denial the right to immediate enrollment at a charter school; or
- denial of the right to immediate enrollment in the same or equivalent classes as those the foster youth was taking at their prior school.

See **Enrolling Foster Youth**.

Cal. Educ. Code § 48853.5.

The laws incorporated into the UCP by AB 379 define the responsible entity in slightly different ways. All charter schools must ensure foster youth their rights to immediate enrollment, school of origin, equal access to services, records, and discipline notification. Cal. Educ. Code §\$ 48850-48859. The laws regarding partial credits and AB 167/216 do not apply to most charters, unless the charter school is participating as a member of a special education local plan area, although charter schools are encouraged to afford students these opportunities for success. Cal. Educ. Code §§ 49069.5, 51225.1-3. This section of the toolkit refers to "school district" for ease of understanding, but that term should be read to apply to charter schools where the underlying law also applies.

ENROLLMENT IN SCHOOL OF ORIGIN

- Denial of the right to remain in the school of origin while the court case is open;
- denial of the right to remain in a charter school as school of origin;
- denial of a K-8 foster youth's right to remain in their school of origin through the end of the academic school year after their court case is closed;
- denial of a high school foster youth's right to remain in their school of origin through graduation, even if their court case closes while they are still in high school;
- denial of a foster youth's right to matriculate with his or her peers from elementary to middle school or from middle to high school in accordance with established feeder patterns within the district of origin;
- failure of the foster youth liaison to provide a written explanation stating the basis for a recommendation to move a foster youth out of their school of origin; or
- denial of the right to remain in the school of origin pending resolution of a dispute regarding a request to remain in the school of origin.

See School of Origin.

Cal. Educ. Code § 48853.5.

EQUAL ACCESS TO SCHOOL SERVICES

- Denial of equal access to academic resources (e.g., tutoring, A-G/Honors courses);
- denial of equal access to other school services (e.g., school based mental health services);
- denial of equal access to extracurricular activities (e.g., sports, art, drama, music);
- denial of equal access to enrichment activities (e.g., field trips, college fairs); or
- denial of equal access to any support or service due to missing a sign-up or try-out deadline.

See Enrolling Foster Youth.

Cal. Educ. Code § 48853.

EMERGENCY SHELTER SCHOOLS²

- Educating a foster youth in an emergency shelter for a long period of time;
- educating a foster youth in an emergency shelter even though they are not experiencing a health or safety emergency; or
- educating a foster youth in an emergency shelter even though all four of the following conditions have not been met: (1) a school of origin decision cannot be made quickly; (2) it is not practical to transport the youth to the school of origin in the meantime; (3) the youth would otherwise not receive educational services; and (4) temporary, special, and supplementary services are available to meet the youth's unique needs.

Cal. Educ. Code § 48853(g).

RECORDS

- Failure to ensure the proper transfer of records from one school to another within 2 business days upon a foster youth's transfer; or
- failure to ensure that the duty to request and transfer records was assigned to a person competent to handle the transfer procedure and aware of the specific education recordkeeping needs of foster youth.

See Requesting Education Records.

Cal. Educ. Code § 48853.5; 49069.5.

PARTIAL CREDITS AND CHECKOUT GRADES

- Denial of the right to credits, including partial credits, and/ or check out grades upon transfer into or out of the school/ district;
- denial of the right to credits based on a determination of
- denial of the right to have grades and credits calculated as of the date the youth left school without lowering their grades due to absences resulting from a decision to change their home placement;
- · denial of the right to have grades calculated without lowering their grades due to absences resulting from court appearances or court ordered activities;
- failure to ensure that the duty to issue or accept partial credits was assigned to someone who is aware of the specific partial credit needs of foster youth who transfer between schools;
- denial of the right to have partial credits applied to the same or equivalent courses as the coursework completed in the prior school;
- denial of the right not to be forced to retake a course or portion of a course satisfactorily completed at a prior school; or
- denial of the right to retake a course to meet the eligibility requirements for admission to the California State University or University of California.

See Partial Credit Model Policy and Enrolling Foster Youth.

Cal. Educ. Code §§ 48853.5; 49069.5; 51225.2.

GRADUATION UNDER AB 167/216

- Denial of the right to be exempt from coursework and other requirements adopted by the district that are in addition to the statewide requirements if the youth: (1) transferred schools after the completion of their second year of high school; and (2) is not reasonably able to complete district graduation requirements by the end of their fourth year of high school;
- denial of the right to complete additional courses (e.g., A-G courses) for which the foster youth would otherwise be eligible;

²California law allows foster youth living in emergency shelters to receive schooling at those shelters for short periods of time for either: (1) health and safety reasons; or (2) to provide temporary, special, and supplementary services to meet the youth's unique needs if: (a) a decision regarding whether to attend the school of origin cannot be made promptly; (b) it is not practical to transport the youth to the school of origin; (c) the youth would otherwise not receive educational services; and (d) temporary, special, and supplementary services are available to meet the youth's unique needs. Cal. Educ. Code § 48853(g). This law attempts to strike a balance between ensuring that all youth are receiving education services at all times and the fact that emergency shelters are not set up to provide education services in the way that a local or alternative school site is. Emergency shelter schools should never be long-term education placements.

- denial of the right to remain in their local high school for a fifth year to complete school district graduation requirements if the youth is reasonably able to do so;
- denial of the right to remain in attendance at school through the end of the fourth year, even if the youth has already completed all statewide coursework requirements prior to the end of the fourth year;
- revocation of the foster youth's right to graduate under AB 167/216 at any time after certifying them as eligible;
- requiring or requesting that a foster youth transfer schools solely to qualify for AB 167/216 graduation;
- refusal to reconsider the foster youth's eligibility for AB 167/216 graduation after a request by the foster youth and/ or their ERH;
- failure to inform a foster youth, their ERH, and/or social worker/probation officer of a youth's eligibility or ineligibility for AB 167/216 graduation within 30 days of transferring into the school/district;
- failure to inform a foster youth and their ERH of: (1) the effect of graduating under AB 167/216 on admission to postsecondary education institutions; (2) the youth's option to remain in school for a fifth year to complete district

- requirements if he or she is reasonably able to do so; and/ or (3) transfer opportunities available through the California Community Colleges; or
- failure to issue a normal high school diploma for the foster youth upon their completion of all required state coursework.

See High School Graduation for Foster Youth: AB 167/216.

Cal. Educ. Code §§ 51225.1, 51225.3

DISCIPLINE

• Failure of the foster youth liaison to notify the foster youth's attorney and/or appropriate representative of the county child welfare or probation agencies of pending expulsion proceedings, proceedings to extend a suspension, or a pending manifestation determination Individualized Education Program ("IEP") meeting.

See Disciplinary Challenges of Foster Youth.

Cal. Educ. Code § 48853.5.

Sample District and CDE Remedies

SAMPLE VIOLATION	SUGGESTED REMEDIES
Violation of right to remain in school of origin	 Immediate enrollment in school of origin Transportation services to school of origin Compensatory education for lost instructional days Re-training of staff involved in enrollment
Violation of right to immediate enrollment in school	 Immediate enrollment in school Compensatory education for lost instructional days Re-training of staff involved with enrollment
Violation of right to enrollment in same or equivalent courses	 Immediate enrollment in same or equivalent courses Tutoring services to assist youth in catching up with coursework Re-training of school counselors on enrollment of foster youth in same/equivalent courses
Violation of right to partial credits for work satisfactorily completed	Immediate issuance of appropriate credits Re-training of counselors and registrars regarding partial credits
Violation of right to certification for AB 167/216 graduation	 Immediate issuance of certification of eligibility Compensatory education for days enrolled in inappropriate courses Re-training of counselors, enrollment staff, and registrars regarding AB 167/216 graduation

Best Practices for Receiving and Investigating Complaints

STEP 1

Ensure Appropriate Staff Training: If all relevant staff, including school counselors, administrators, teachers, front desk clerks, registrars, and foster youth liaisons, are well trained on enforcing the rights of foster youth, a school district can avoid complaints.

STEP 2

Adopt Policies and Procedures for the Investigation and Resolution of Complaints: School districts are required to have procedures in place to implement the UCP. Ensure that these policies and procedures specifically acknowledge the incorporation of foster youth rights.

Policies and procedures should also be reviewed to determine whether their application is appropriate for foster youth. For example, waiting the entire legally allowed 60 day timeline to decide an enrollment complaint would mean the youth is excluded from school for that entire time period. This would seriously harm the student and open the school district up to unnecessary liability to provide compensatory services for that entire time period.

STEP 3

Designate an Employee to Receive and Investigate Complaints: The employee responsible for investigating complaints must be knowledgeable about all foster youth education rights.

STEP 4

Provide Appropriate Notice: Information about the requirements of foster youth education laws and of the right to file a complaint for violation of these laws must be incorporated into the school district's required annual UCP notification. The notification must be distributed broadly, including to youth, parents or guardians of pupils (education rights holders for foster youth), employees, and other "interested parties." Such interested parties should include social workers, probation officers, and legal representatives for youth, as well as caregivers. The notice must also identify the person responsible for investigating such complaints and notification of the right to appeal. See California **Department of Education's Sample UCP Annual Notice.**

STEP 5

Provide Appropriate Complaint Form: School districts should provide a sample complaint form that can be used to submit a complaint that complies with state requirements. See **Sample UCP Complaint Form**.

Complaints not using the sample form must also be accepted. Best practice also includes providing assistance to families in filling out complaints.

STEP 6

Investigate and Respond to Complaints in a Timely Manner: Complaints filed with the school district must be investigated and a written response provided to the youth's ERH and the complainant within 60 days. To avoid harm to youth and potentially owing additional compensatory education remedies, shorter timelines should be adopted. Given the limited facts upon which most foster youth education complaints will likely be based, school districts should be able to address most complaints in less than one week.

The investigation must provide the complainant an opportunity to provide information to support the complaint. This information may include related paperwork that the complainant may attach to the complaint or an opportunity to provide information through an in-person or telephonic interview.

The school district must provide a written response within the 60 day timeline, including information about the right to appeal and the 15 day appeal timeline. If the school district decides that they did violate the youth's rights, they should provide an appropriate remedy.

STEP 7

Comply with CDE Orders: If an appeal is filed with the CDE, school districts must cooperate with the CDE's investigation. If the school district is found in violation of the youth's education rights, they must comply with any remedies ordered by the CDE. Such remedies may include the enrollment of youth in a particular school or course(s), compensatory education services, or mandatory retraining of staff.

Sample UCP Complaint Form



_____ School District Uniform Complaint Procedure Form for AB 379 Complaints

Student Name		Grade	_ Date of Birth
Date of Alleged Violation	School of Alleged Violation		
Do you want to receive a copy of the wr	itten response to your comp	laint?	
Yes, I request a copy of the writte	n response to my complaint	be sent to me at:	
Name:	Address:		
City & Zip Code:	Phone N	umber (optional): _	
No, I do not request a copy of the	e written response. I am filir	ng this complaint an	onymously.

The following issues may be the subject of this complaint process. If you wish to complain about an issue not specified, please contact the district for the appropriate complaint procedure. Specific issue(s) of the complaint: (Check all that apply. A complaint may contain more than one allegation.)

1. School Placement Decisions (Education Code § 48853)

A foster youth's school placement decision has been made by the school/district, group home, social worker, or other non-education rights holder.

2. Enrollment in regular public school (Education Code § 48853, 48853.5)

A foster youth has been denied the right to attend the youth's regular public school.

A foster youth has been denied the right to immediate enrollment in a charter school.

A foster youth has been forced to attend a continuation school, independent study program, or other alternative educational setting, without the education rights holder's agreement that that is in the youth's best interests.

A foster youth is not being educated in the least restrictive environment.

A foster youth liaison has failed to ensure and facilitate the proper educational placement, enrollment in school, or checkout from school of a foster youth.

3. Immediate Enrollment (Education Code § 48853.5)

A foster youth has been denied the right to immediately enroll for any reason including due to outstanding fees, fines, textbooks, or inability to produce clothing or records normally required for enrollment such as academic or medical/immunization records.

A foster youth has been denied the right to immediately enroll in the school of residence once it is determined by the education rights holder that enrollment is in the foster youth's best interest.

A foster youth has been denied the right to immediate enrollment in the same or equivalent classes as those they were taking at their prior school.

4. Enrollment In School Of Origin (Education Code § 48853.5)

A foster youth has been denied the right to remain in their school of origin during jurisdiction of the court.

A foster youth has been denied the right to remain in their school of origin, a charter school.

A foster youth in kindergarten or grades 1-8 has been denied the right to remain in their school of origin through the end of the academic school year after jurisdiction of the court is terminated.

A foster youth in high school has been denied the right to remain in their school of origin through graduation after jurisdiction of the court is terminated.

A foster youth has been denied the right to matriculate with his or her peers in accordance with established feeder patterns within the district of origin.

A foster youth liaison has failed to provide a written explanation stating the basis for a recommendation to move a foster youth from their school of origin.

A foster youth has been denied the right to remain in their school of origin pending resolution of a dispute regarding a request to remain in a school of origin.

5. Equal Access to School Services (Education Code § 48853)

A foster youth has been denied equal access to academic resources (e.g., tutoring, A-G/Honors courses).

A foster youth has been denied equal access to school services (e.g., school based mental health services).

A foster youth has been denied equal access to extracurricular activities (e.g., sports, art, drama, music).

A foster youth has been denied equal access to enrichment activities (e.g., field trips, college fairs).

A foster youth has been denied equal access to any support or service due to missing a sign-up or try-out deadline.

^{1 &}quot;Foster youth" includes any youth (foster and probation) removed from his or her home or subject to a petition under Welfare and Institutions Code Sections 300, 309, or 602. (Education Code §\$ 48853.5, 51225.2).



6. Emergency Shelter Schools (Education Code § 48853(g)).

A foster youth has been educated in an emergency shelter for a long period of time.

A foster youth is being educated in an emergency shelter even though they are not experiencing a health or safety emergency.

A foster youth is being educated in an emergency shelter even though all four of the following conditions have not been met: 1) a school of origin decision cannot be made quickly; 2) it is not practical to transport the child to the school of origin in the meantime; 3) the child would otherwise not receive educational services; and 4) temporary, special, and supplementary services are available to meet the youth's unique needs.

7. Records (Education Code § 48853.5; 49069.5)

The district failed to ensure the proper transfer of records from one school to another within 2 business days from a foster youth's transfer.

The district failed to ensure that the duty to transfer records was assigned to a person competent to handle the transfer procedure and aware of the specific educational recordkeeping needs of foster youth.

8. Partial Credits and Checkout Grades (Education Code § 48853.5; 49069.5; 51225.2)

A foster youth has been denied the right to credits, including partial credits, and/or check out grades upon transfer into or out of the school/district.

A foster youth has been denied the right to credits based on a determination of seat time.

A foster youth has been denied the right to have grades and credits calculated as of the date the student left school without lowering their grades due to absences resulting from a decision to change their home placement.

A foster youth has been denied the right to have grades calculated without lowering their grades due to absences resulting from court appearances or court ordered activities.

The district failed to ensure that the duty to issue or accept partial credits was assigned to someone who is aware of the specific educational recordkeeping needs of foster youthren who transfer between schools.

A foster youth has been denied the right to have partial credits applied to the same or equivalent courses as the coursework completed in the prior school.

A foster youth has been denied the right not to be forced to retake a course or portion of a course satisfactorily completed at a prior school.

A foster youth has been denied the right to retake a course to meet the eligibility requirements for admission to the California State University or University of California.

9. Graduation Under AB 167/216 or the "Foster Youth Graduation Exemption" (Education Code § 51225.1, 51225.3)

A foster youth has been denied the right to be exempt from coursework and other requirements adopted by the district that are in addition to the statewide requirements if the pupil (1) transferred schools after the completion of their second year of high school, and (2) is not reasonably able to complete district graduation requirements by the end of their fourth year of high school.

The district has denied a foster youth the right to complete additional courses (e.g., A-G courses) for which the foster youth would otherwise be eligible.

A foster youth has been denied the right to remain in their local high school for a fifth year to complete school district graduation requirements if he or she is reasonably able to do so.

A foster youth has been denied the right to remain in attendance at school through the end of the fourth year of school, even if they have already completed all statewide coursework requirements prior to the end of the fourth year.

The district has revoked the foster youth's right to graduate under the foster youth graduation exemption at any time after certifying them as eligible.

The district has required or requested that a foster youth transfer schools solely to qualify the pupil for the foster youth graduation exemption.

The district has refused to reconsider the foster youth's eligibility for the foster youth graduation exemption after being requested to do so by the foster youth and/or their education rights holder.

The district has failed to inform a foster youth, their education rights holders, and/or their social worker/probation officer of their eligibility or ineligibility for the graduation exemption within thirty (30) days of transferring into the school/district.

The district has failed to inform a foster youth and/or their education rights holder of: (1) the effect of graduating under the foster youth graduation exemption on admission to postsecondary educational institutions; (2) the pupil's option to remain in school for a fifth year to complete district's requirements if he or she is reasonably able to do so; and/or (3) transfer opportunities available through the California Community Colleges.

The district has failed to issue a 'normal high school diploma' for the foster youth upon their completion of all required state coursework.

10. Discipline (Education Code § 48853.5)

The foster youth liaison failed to notify the foster youth's attorney and/or appropriate representative of the county child welfare agency of pending expulsion proceedings, proceedings to extend a suspension, or pending manifestation determination for a student with an Individualized Education Program ("IEP").



11. Other:
A. Please give the facts about your complaint. Provide details such as the names of those involve, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator. You may attach additional pages and include as much text as necessary to fully describe the situation.
B. With whom have you spoken regarding this complaint? Please include that person's title and the result of the discussion.
C. Please provide copies of any written documents that may be relevant or supportive of your complaint. I have attached supporting documents. Yes No
D. Is there a specific remedy you action you would like the District to take?
No. I do not have a specific remedy in mind, but would like the district to resolve this complaint.
Yes. I am seeking the specific remedy below:
Immediate enrollment in school. Name of school:
Issuance of credits or partial credits. Graduation under the foster youth graduation exemption or eligibility certification for graduation under the foster youth graduation exemption.
Other (Please Specify):
IMPORTANT: I am mailing hand-delivering faxing this form on (date) to:
Compliance Office Compliance Officer Name:
By: (Check One)
MAIL:
IN PERSON:
FAX:

Note: If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. See 5 CCR § 4652.

For more information on the Foster Youth Education Toolkit, visit **kids-alliance.org/edtoolkit** or contact:



Jill Rowland

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ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS

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CALIFORNIA DEPARTMENT OF EDUCATION

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CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION

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COUNTY WELFARE DIRECTORS ASSOCIATION

Frank J. Mecca

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CHILD WELFARE COUNCIL

Sponsor of the Partial Credit Model Policy Workgroup and the Foster Youth Education Toolkit www.chhs.ca.gov/Pages/CAChildWelfareCouncil.aspx



CALIFORNIA SCHOOL BOARD ASSOCIATION

Teri Burns

Senior Director, Policy & Programs 916.669.3356 | tburns@csba.org

Section IV Resources

LGBTQ Resources

	Organization	Website
1.	California Safe Schools Coalition	www.casafeschools.org
2.	COLAGE	www.colage.org
3.	County Office of Education / Safe and Healthy Schools Network	http://www.sccoe.org/depts/schoolhealth/Pages/SB48.aspx
4.	Gay-Straight Alliance (GSA) Network: GSA Network has partnered with the California Safe Schools Coalition and Dr. Stephen Russell to help conduct, analyze, and publish many of the research briefs and reports provided at this link.	https://gsanetwork.org/resources/research-reports/california-research
	LGBTQ Inclusivity and School Safety Research Brief	http://www.smcoe.org/assets/files/about- smcoe/Lessons%20that%20matter.pdf
	The Impact of LBGTQ-Inclusive Curriculum on Student Safety, Well-Being, and Achievement	http://www.smcoe.org/assets/files/about- smcoe/ImplementingLessons fullreport.pdf
	Fair, Accurate, Inclusive, and Respectful Education Act	https://gsanetwork.org/fair
5.	Gender Odyssey Conference	www.genderodyssey.org
6.	Gender Spectrum	https://www.genderspectrum.org/resources/
7.	GIAN	http://www.genderidentityawarenessnetwork.com/
8.	GLSEN Safe Space	http://www.glsen.org/safespace
9.	HRC Welcoming Schools	http://www.welcomingschools.org/
10.	Intersex Society of North America	www.isna.org

11.	Kognito	https://www.kognito.com/		
12.	LGBTQ Youth Space	http://youthspace.org/		
13.	Our Family Coalition	http://www.ourfamily.org/		
14.	Outlet	http://www.acs-teens.org/what-we-do/outlet/		
15.	Reflection Press	http://www.reflectionpress.com/		
16.	San Mateo County Office of Education: Fair Education & AB 1266 & Resources	http://www.smcoe.org/learning-and-leadership/safe-and-supportive-schools/respect!-24/7/fair-education-and-ab-1266.html		
	Standards for Evaluating Instructional Materials for Social Content	http://www.smcoe.org/assets/files/about-smcoe/socialcontent2013 (1).doc		
17.	Teaching Tolerance	http://www.tolerance.org/lgbt-best-practices		
18.	The FAIR Education Act: This website aims to be a onestop place for lessons and resources to support teachers in making History and Social Studies a more Fair, Accurate, Inclusive and Respectful experience for all students.	http://www.faireducationact.com/		
19.	TransActive	www.transactiveonline.org		
20.	TransParentcy	www.transparentcy.org		
21.	TransKids Purple Rainbow	www.transkidspurplerainbow.com		
22.	Transyouth Family Allies	www.imatyfa.org		
23.	Welcoming Schools: HRC Welcoming Schools offers professional development tools, lessons aligned with the Common Core State Standards, and many additional resources for elementary schools on: • Embracing family diversity • Avoiding gender stereotyping and affirming gender • Ending bullying and name-calling	http://www.welcomingschools.org/		

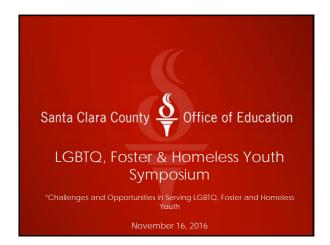
24.	Youth Space	http://www.defrankyouthspace.org/

Foster Youth & Homeless Resources

	Organization	Website
1.	Bill Wilson Center	www.billwilsoncenter.org
2.	California Department of Education: Homeless Children and Youth Education	http://www.cde.ca.gov/sp/hs/
3.	Foster Youth Education Toolkit Version 3	http://kids-alliance.org/wp- content/uploads/2016/09/FosterYouthEducationToolkit_v3 .pdf
4.	National Association for the Education of Homeless Children and Youth: NAEHCY offers updates on advocacy and policy, educational resources, webinars and an annual conference.	http://www.naehcy.org/
5.	National Center for Homeless Education: NCHE operates the U.S. Department of Education's technical assistance and information center for the Education for Homeless Children and Youth Program. NCHE offers briefs, a help hotline, listserv, training resources, national/state/local resources, and other products.	http://nche.ed.gov/

Section V LGBTQ, Foster & Homeless Youth Symposium PowerPoint

The PowerPoint presented at this Symposium begins on the following page.



Risk Factors for LGBTQ Youth

- 28% of LGBT youth drop out of school because of harassment by other students
- 26% of gay youth are forced to leave home
- 23% of GLB youth have been threatened with a weapon at school
- 52% feel sad and hopeless
- 48% have seriously considered suicide
- 29% have attempted suicide
- 30% of all completed adolescent suicides in the U.S. are by LGBT youth



AB 458: Foster Care Non-Discrimination Act

"It is the policy of the state that all children in foster care shall have the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, physical or mental disability, or HIV status."

• Cal. Welfare & Inst. Code § 16001.9(a)(22)



Becoming a Foster Youth A child may meet more than FIVE strangers in the first few hours.

- Social Worker(s)
- Police Officer(s)
- Family Care / Community Worker
- Public Health Nurse
- Doctor/Nurse Practitioner
- Other Social Work staff
- Foster Parents or Receiving Home Staff
- Other Children in the Placement



How Would You Respond to Personal Questions by These Strangers?



Personal Questions

- Would you mind lifting your shirt so I can look at your back?
- Do you know where your private parts are?
- Have you seen your mom use drugs?
- Has anyone ever touched your private parts?
- What happens when you break a rule in your home?
- How much beer do you see your father drink?



Every child removed from their home grieves that loss no matter what the reason they were removed.



Removal from your home includes many losses:

- Physical loss of living with the family
- Loss of relationships
- Loss of control over one's life
- Loss of self-esteem
- Loss of belongings (clothes, backpacks, books, personal items, pictures)





Foster Youth Services

Educational liaisons ensure the rights of foster youth are met.



FY Education Law AB 490 (1/1/04)

- Maintain stable school placements
- Designates FY educational liaisons- ensures proper placement/transfer/enrollment
- Allows FY to remain in school of origin if best
- Comprehensive/least restrictive schools considered first
- FY will attend school while disputes are worked out
- Immediate enrollment- no records required
- Timely records transfer (2 days)
- Calculate and accept partial credit
- Records access to SW and PO's
- No penalty for court-related absences

 $\underline{http://www.youthlaw.org/fileadmin/ncyl/youthlaw/events \ trainings/ab490/AB490 \ Summary.pdf}$

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040AB490



School of Origin

AB 1933(9/10)

Requires LEA to allow FY to matriculate*:

- between grade levels
 from one school to another through high school

("If court jurisdiction ends before the end of the school year, the child shall be allowed to stay at the school of origin until the end of the school year.)

http://www.publiccounsel.org/publications?id=0167

SB 1568 (1/13)

• continue at school of origin through graduation if jurisdiction ends in high school

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1568



School Residency

AB 1573

A foster child who remains in his/her school of origin satisfies the residency requirements for school attendance in that LEA.

*no need for inter-district transfer

Cal. Educ. Code § 48853.5(d)-(e)





School Discipline Proceedings

AB 1909 (9/30/12)



- Requires LEA school districts to notify and invite social worker and attorney if facing recommendation for expulsion or subject to a manifestation determination.
- · Mandatory expulsion notice is requested (not required).
- Recommendation: keep updated foster youth contact sheet

For sample notice letters link to: l?bill id=201120120AB1909



Information Sharing

Uninterrupted Scholars Act

Provides child welfare agencies direct access to the children's education records.

Allows child welfare agency representatives to access pupil records of foster children without parental consent/court order. *

*(incorporates into 2013 FERPA amendment)

http://www2.ed.gov/policy/gen/guid/fpco/ferpa/uninterrupted-scholars-act-guidance.pdf.



Graduation Requirements

AB 167 (6/20/11)

- Exempts foster youth who transfer schools or districts in 11th or 12th grade from local graduation requirements, if they would not be able to reasonably meet additional local requirements.
- Minimum State Graduation Requirements
- Who should be involved in decisions?

AB 216 (9/23/13)

- Students who transfer after completing their second year of high school, using either the number of credits earned or length of time of enrollment, whichever will make a student eligible
- Students are eligible if they are not reasonably able to complete local graduation requirements by the end of their 4th year of high school. Students have a right to remain in high school for a 5th year if they can complete the local graduation requirements.



Length of Foster Care

AB 12 (1/12)

- Youth may opt for extended foster care until age 21.
- 5th Year Seniors
- Provides stability in care during a time of multiple transitions
- Potentially, more youth can and will graduate from HS.





When Foster Youth Law & McKinney Vento Law Intersect



When are FY considered homeless?

"children and youths who are sharing the housing of other persons due to loss of housing economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;"



For LCFF Purposes, the definition for Foster Child is as follows:

All children or youth who are the subject of a petition filed under Welfare and Institutions Code (WIC) Section 300 (meaning a court has taken jurisdiction over a child and declared the child to be a dependent of the court due to the presence or risk of abuse or neglect), are included regardless of whether they are living at home or are placed outside the home. Children or youth who are the subject of a petition filed under WIC Section 602 however, (meaning a court has taken jurisdiction over a child July 15, 2014 and declared the child to be a ward of the court due to the child's violation of certain laws) are included only if they have been ordered by a court to be removed from home pursuant to WIC Section 727 and placed in foster care as defined by WIC Section 727.4(d).

http://www.cde.ca.gov/fg/aa/lc/lcfffaq.asp#FOSTER



Homeless Facts and Figures

• The number of homeless children and youth enrolled in the 2013–14 school year (SY):

Area	Number of Homeless Children and Youth Enrolled
Nationwide	1.5 million
Statewide	310.002

- Over 40 percent of all homeless children are under the age of five.
- Ten percent of all children live in poverty.



Barriers

- Eligibility requirements
- Lack of transportation
- Lack of school supplies, equipment, etc.
- Poor health, fatigue, hunger, anxiety, and/or trauma
- Lack of outreach to homeless families



Barriers (Cont.)

- Lack of identification of homeless children
- Lack of parent or guardian involvement strategies
- Lack of awareness
- Prejudice and misunderstanding



Barriers (Cont.)

- Unaccompanied youth face barriers, such as:
 - Lack of adult, parent, or guardian
 - Need for employment
 - Credit accrual policies
 - Concerns of capture by authorities



Definition

- Homelessness is defined as individuals who <u>lack a fixed, regular, and adequate</u> <u>nighttime residence</u>.
 - A <u>fixed</u> residence is one that is stationary, permanent, and not subject to change.



Definition (Cont.)

- A regular residence is one that is used on a normal, standard, and consistent basis.
- An adequate residence is one that is sufficient for <u>meeting</u> both the <u>physical and psychological needs</u> typically met in home environments.



Definition (Cont.)

- Examples of homelessness include children and youth living in:
 - Shared housing due to economic hardship
 - Motels or hotels
 - Public or private <u>places not designed</u> <u>for sleeping</u>



Definition (Cont.)

- Trailer parks or campgrounds
- Cars, parks, and abandoned buildings
- Shelters
- Emergency or transitional shelters



Definition (Cont.)

- Additional examples of homelessness include children and youth who are:
 - Migratory children who qualify as homeless
 - Awaiting foster care placements
 - Abandoned in hospitals
 - Unaccompanied youth



Definition (Cont.)

- To determine if a homeless child or youth lives in substandard living conditions consider:
 - Health and safety concerns
 - Number of occupants per square foot
 - Age of occupants
 - State and local building codes



Education for Homeless Children and Youth Act

- Education for Homeless Children and Youth (EHCY) Act:
 - -Was originally authorized in 1987.
 - Reauthorized with ESSA Dec 10, 2015
 - Provides stability, access, and support for academic success for homeless children and youth, including preschool-aged children.



Education for Homeless Children and Youth Act (Cont.)

- All local educational agencies (LEAs) must designate a homeless liaison.
- A list of homeless liaisons can be found on the California Department of Education Homeless Children and Youth Education Web page at http://www.cde.ca.gov/sp/hs/cy/



Education for Homeless Children and Youth Act (Cont.)

- Homeless liaisons must:
 - Ensure that homeless children and youth are <u>promptly identified</u>.
 - Ensure that <u>access is provided</u> and <u>barriers</u> to enrollment and retention are <u>removed</u>.



Education for Homeless Children and Youth Act (Cont.)

- <u>Disseminate</u> public notice of <u>educational rights</u> in areas where homeless <u>families</u> are found.
- Inform parents or guardians of educational opportunities.



Education for Homeless Children and Youth Act (Cont.)

- Ensure that homeless families, children, and youth have <u>access</u> to and receive educational services.
- Assist children and youth who do not have immunizations.
- Coordinate and collaborate services for homeless children, youth, and their families.



Education for Homeless Children and Youth Act (Cont.)

- Collaborate with the <u>state coordinator</u>, <u>community agencies</u>, and <u>school</u> <u>personnel</u>, <u>including special education</u>.
- Refer parents or guardians to other public agencies, community service organizations, nonprofit agencies, and faith-based organizations for needed services.



Education for Homeless Children and Youth Act (Cont.)

- Assist with the mediation of the dispute resolution process.
- Assist unaccompanied homeless youth with enrollment, transportation, services, etc.



Equal Access

- Homeless students should have equal access to all programs including:
 - Gifted and Talented Education
 - -Special education
 - Migrant education



Equal Access (Cont.)

- English learner programs
- -Vocational education
- -Title I
- -State Meal Program
- Before and/or after school programs



Segregation/Integration

 LEAs are required to ensure that homeless children and youth are <u>not</u> <u>stigmatized or segregated</u> on the basis of their homeless status.



Immediate Enrollment

- Homeless children must be immediately enrolled in school.
- "Enroll" and "enrollment" means attending classes and participating fully in school activities.



Immediate Enrollment (Cont.)

- No prior records are needed but should be obtained as quickly as possible.
 Records may include:
 - Birth certificates.
 - Social Security number.
 - -Immunization.
 - Transcripts.
 - Proof of address.



Immediate Enrollment (Cont.)

- Homeless preschoolers may be given priority enrollment
- <u>Unaccompanied youth have the right</u> to enroll without a legal guardian



Data Requirements

- All LEAs are required to <u>report</u> the number of homeless students enrolled through the California Longitudinal Pupil Achievement Data System (CALPADS) <u>annually</u>
- It is Education Program Code 191
 Homeless Program



Data Requirements (Cont.)

- In 2014–15, CALPADS changed the collection of homeless data
- It is no longer collected through the Primary Residence Category Code
- It is now collected in the Student Program File (SPRG)



Data Requirements (Cont.)

- The SPRG requires a program start and end dates.
- Homeless Dwelling Type code:
 - 100 Temporary Shelters
 - 110 Hotels/Motels
 - 120 Temporarily Doubled-Up
 - 130 Temporarily Unsheltered



Data Requirements (Cont.)

- There are also two new indicators:
 - Unaccompanied Youth Indicator.
 - Runaway Indicator
 - Homeless runaways



Data Requirements (Cont.)

- LEAs should consider:
 - Training staff regarding identification and tracking.
 - Updating and uploading to CALPADS frequently.



Local Control Funding Formula and Data

 Homelessness should be reconfirmed at the beginning and end of each school year to ensure students are appropriately counted for the Local Control Funding Formula (LCFF):



Local Control Funding Formula and Data (Cont.)

- If student is still homeless, no change is necessary.
- If student is no longer homeless, populate program end date.



School of Origin

- "School of origin" is the school the child attended when permanently housed or the school last enrolled.
- Students can stay in their school of origin the entire time they are homeless and until the end of any academic year in which they move into permanent housing.



School of Origin (Cont.)

 If a student is sent to a school other than that requested by a parent or guardian, the district must <u>provide a</u> <u>written explanation to the parent or</u> <u>guardian of its decision and their right</u> <u>to appeal</u>.



School Selection

- Students have the right to stay in the "school of origin:"
 - -For the duration of homelessness;
 - -If in the best interest of the student; and,
 - -Parent or guardian requested.



Best Interest

- To determine the best interest, an LEA should consider the following:
 - Continuity of instruction
 - -Age of the child or youth
 - -<u>Safety</u> of the student
 - -Length of stay in shelter



Best Interest (Cont.)

- Student's <u>need for special</u> instructional <u>programs</u>
- -Length and impact of the commute
- -School placement of siblings
- -<u>Time remaining</u> in the school year



Dispute Resolution

- Whenever there is a disagreement, the school must:
 - Immediately enroll the student in school according to the parent's and/or guardian's wishes.
 - Keep the student until the dispute is settled and provide transportation to the school of origin.
 - Explain the decision in writing to the parents or guardians.



Dispute Resolution (Cont.)

- Contact the liaison to assist in settling the dispute with parents, guardian, or youth.
- If dispute is not resolved at the district level, refer case to the county liaison.
- If case is still not resolved, refer to state coordinator.



Transportation

- Provided and/or arranged to and from the school of origin.
- In addition to providing transportation to the school of origin, LEA's must provide students in homeless situations with transportation services <u>comparable to</u> <u>those provided to other students</u>.



Transportation (Cont.)

 If the student's temporary residence and the school of origin are in the same LEA, then that LEA must provide and/or arrange transportation to and from the school of origin (keep comparability).



Transportation (Cont.)

- If the student is living outside of the school of origin's LEA, the LEA of residence and the school of origin's LEA determine how to divide the responsibility and cost of providing transportation.
- If the two LEAs cannot agree on who will pay the costs, then the two LEAs share the costs.



Title I

 Homeless children by definition are automatically eligible for Title I services.



Title I and Reporting

- LEAs are required to:
 - Reserve Title I, Part A funds for homeless students—to be determined by the LEA.



Title I and Reporting (Cont.)

- "Homeless Education Policy, Requirements and Implementation" page requires LEAs to:
 - Provide their homeless liaison's contact information.
 - -Indicate if they have a written homeless education policy, and if not, why?



Determining Reservations (Cont.)

- Reserve an amount greater than or equal to the McKinney-Vento subgrant funding if the LEA receives a subgrant.
- Reserve a percentage based on the district's poverty level or total Title I, Part A allocation.
- Collaborate with your LEA's homeless liaison.



Allowable Reservations Uses

- Title I, Part A reservations may be used for:
 - Meeting <u>basic needs</u> such as clothing, school supplies, health costs, dental, and vision services
 - Hiring <u>special teachers</u>, <u>aides</u>, and <u>tutors</u> to provide <u>supplemental</u> <u>instruction</u>



Allowable Reservations Uses (Cont.)

- Providing <u>outreach</u> to homeless parents and/or guardians
- Providing <u>after-school</u> and/or <u>summer</u> <u>programs</u>
- Collecting data on homeless students
- Providing <u>emergency food</u> while the student is in school, including breakfast, lunch, and snacks

· O	Santa	Clara	County
_	Office	of Ed	lucation

Allowable Reservations Uses (Cont.)

- Obtaining and paying for <u>birth</u> <u>certificates</u> and/or <u>immunizations</u>
- Paying for a General Educational Development (GED_•) test
- Paying for a <u>GED</u>_® test to improve literacy skills of homeless <u>parents</u>



Allowable Reservations Uses (Cont.)

- Providing the <u>cost of cap and gown</u> to wear at graduation
- Paying for <u>class projects</u> and/or <u>field</u> <u>trips</u>
- Providing academic and nonacademic support to homeless students in non-Title I schools



Allowable Reservations Uses (Cont.)

- Providing <u>activities</u>, in addition to direct instruction, that promote <u>student</u> achievement
- Providing <u>transportation to and from the school of origin</u>
- -Supporting a <u>homeless liaison</u> position



Prohibited Reservation Uses

- Title I, Part A reservations may not be used to:
 - Provide <u>rental assistance</u> for homeless families.
 - Provide <u>clothing assistance for parents</u> or <u>guardians</u>.
 - -Pay for the cost of <u>prom</u> dresses, <u>sports</u>, or <u>yearbooks</u>.



Making California Schools Safe for all Youth

- Local Practices
- Policy
- State Law
- Federal Law



California Legislation

- January 1, 2014
 - -Senate Bill (SB) 177
 - -Assembly Bill (AB) 1068
 - -Assembly Bill (AB) 309
 - -Assembly Bill (AB) 652
- January 1, 2015
 - Assembly Bill (AB) 1806



California Legislation (Cont.)

- January 1, 2016
 - -Senate Bill (SB) 445
 - -Senate Bill (SB) 252
 - Assembly Bill (AB) 982
 - Assembly Bill (AB) 1166



California Legislation (Cont.)

- January 1, 2016
 - -Assembly Bill (AB) 379
 - Assembly Bill (AB) 1228Assembly Bill (AB) 104

 - Assembly Bill (AB) 1101



Strategies for Outreach

- Post notice of educational rights in places that homeless families with young children frequent.
- Initiate interagency communication and collaboration.
- Visit homeless shelters in your community.



Strategies for Outreach (Cont.)

- Incorporate questions about housing status on <u>registration forms</u>.
- Enlist the <u>help of school personnel</u>, including secretaries, in <u>identifying</u> <u>children under five years old</u>.
- Reach out to homeless families on a continuous basis.



Strategies for Outreach (Cont.)

- Coordinate and collaborate with the local <u>homeless liaison</u>.
- Be <u>flexible</u> with policies that may serve as a barrier.
- Adjust program schedules to accommodate homeless families, particularly parents or guardians who work.



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Section VIHomeless & Foster Youth Bills

Homeless and Foster Youth bills are provided on the following pages.



Homeless and Foster Youth Bills

November 14, 2016

Assembly Bills

AB 801 Bloom (D) Success for Homeless Youth In Higher Education Act

Enacts Success for Homeless Youth in Higher Education Act. Deletes the repeal date of, and thereby extends the request for the granting of priority, with respect to the University of California and community colleges to include homeless youth, and extends that priority requirement. Requires other qualifying institutions to designate a staff member within the financial aid office or department to serve as a Homeless and Foster Student Liaison. Places such youth within the scope of financial aid programs.

Status: 09/21/2016 - Signed by GOVERNOR: 09/21/2016 - Chaptered by Secretary of State. Chapter No. 432

Location: Chaptered

AB 885 Lopez (D) Foster Youth

Deletes the requirement that a former guardian or adoptive parent will no longer receive aid on behalf of the nonminor before a juvenile court may resume dependency jurisdiction for the purposes of extending foster care benefits. Requires defining the term ongoing support. Makes changes to the requirement that a nonminor former dependent child or ward be receiving AFDC-FC as a criterion for continued eligibility to receive aid. Requires that he or she only be eligible for AFDC-FC. Makes technical changes.

Status: 09/25/2016 - Vetoed by GOVERNOR.

Location: Vetoed

AB 1001 Maienschein (R) Child Abuse: Reporting: Foster Family Agencies

Expands the definition of mandated child abuse report. Requires the denial of an application for, or suspend or revoke a license for community care facilities including foster care agencies for children for reporting violations. Requires attendance at a related orientation. Imposes other conditions of licensure. Requires posting information on the Department of Social Services Web site.

Status: 09/30/2016 - Signed by GOVERNOR.;09/30/2016 - Chaptered by Secretary of State. Chapter No. 850.

Location: Chaptered

AB 1067 Gipson (D) Foster Children: Rights

Requires the State Department of Social Services to convene a working group regarding the specified rights of all minors and nonminors in foster care in order to educate them, foster care providers, and others. Provides the group's duties including recommendations for revising the rights, and developing standardized information regarding the revised rights. Requires providing a written copy of those rights to the child, and documentation of informing the child of his or her rights.

Status: 09/30/2016 - Signed by GOVERNOR.;09/30/2016 - Chaptered by Secretary of State. Chapter No. 851.

Location: Chaptered

AB 1567 Campos (D) Before/After School Programs: Enrollment: Fees: Meals

Gives first priority enrollment to after school programs to pupils identified as homeless youth and pupils who are identified as being in foster care, and second priority enrollment, for programs serving middle and junior high school pupils, to pupils who attend a program daily. Requires the program to notify the parent or caregiver of a pupil of the right of such children to receive priority enrollment and how to request enrollment. Prohibits a program from charging a for a homeless or foster child.

Status: 09/21/2016 - Signed by GOVERNOR.;09/21/2016 - Chaptered by Secretary of State. Chapter No. 399

Location: Chaptered

AB 1732 Ting (D) Single-User Restrooms

As of March 1, 2017, this bill requires all single-user toilet facilities in businesses, places of public accommodation,

and government agencies to be identified as all-gender toilet facilities. The law does not apply to bathrooms with multiple stalls that can be used by more than one person at a time. Inspectors, building officials or other local officials responsible for code enforcement may check for compliance with these provisions during an inspection.

Status: 09/29/2016 - Signed by GOVERNOR: 09/29/2016 - Chaptered by Secretary of State. Chapter No. 818

Location: Chaptered

AB 1789 Santiago (D) Personal Income Taxes: Voluntary Contributions

Authorizes the designated nonprofit organization to provide school supplies and health-related products to homeless children and homeless youth residing in or receiving services from specified living centers with funds from the School Supplies for Homeless Children Fund. Extends the time period for the Fund to appear on the tax return to a specified date, or when the amount of contributions by taxpayers does not meet the minimum contribution amount, whichever comes first.

Status: 09/22/2016 - Signed by GOVERNOR.;09/22/2016 - Chaptered by Secretary of State. Chapter No. 447

Location: Chaptered

AB 1838 Ting (D) Foster Care: Infant Supplement

Relates to the infant supplement program connected with Aid to Families with Dependent Children-Foster Care or Kinship Guardianship Assistance Payment Program benefits. Makes a pregnant minor or nonminor dependent eligible for the infant supplement for a specified period before the expected date of birth, subject to verification of pregnancy.

Status: 09/25/2016 - Vetoed by GOVERNOR.

Location: Vetoed

AB 1840 Gipson (D) State Agencies: Interns: Hiring Preferences

Requires state agencies, when hiring for internships and student assistant positions, also to give preference to homeless youth and formerly incarcerated youth. Require any application for an internship and student assistant position with a state agency to allow the applicant to identify that the applicant is eligible for these preferences, but would prohibit the application from requiring the applicant to identify the specific category that entitles him or her for eligibility.

Status: 09/21/2016 - Signed by GOVERNOR: 09/21/2016 - Chaptered by Secretary of State. Chapter No. 404

Location: Chaptered

AB 1849 Gipson (D) Foster Youth: Independent Living: Health Insurance

Requires, for a foster youth transition plan, information provided regarding health insurance options to include verification that the youth or nonminor is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the social worker or probation officer to ensure the eligible youth or nonminor is transitioned into the Medi-Cal program upon case closure. Revises the list of information, services, and documents are required to be provider to the nonminor including a benefits card.

Status: 09/25/2016 - Chaptered by Secretary of State. Chapter No. 609

Location: Chaptered

AB 1997 Stone (D) Foster Care

Provides that the resource family approval process replaces certification of foster homes by foster family agencies and the approval of guardians. Makes changes concerning certain rates, inspections, criminal records exemptions, false statements, short-term residential therapeutic programs, certain licensing and operation requirements, and permanent placement options. Relates to short-term residential therapeutic programs as licensed facilities providing an integrated program.

Status: 09/25/2016 - Chaptered by Secretary of State. Chapter No. 612

Location: Chaptered

AB 2656 O'Donnell (D) Diploma Alternatives: Fee Waiver: Foster Youth

Prohibits the State Department of Education from charging a fee to a defined foster youth under a specified age for examinations for a certificate of proficiency. Prohibits a scoring contractor or testing center from charging a fee to a defined foster youth who is under a specified age for all or a portion of a general education development test. Requires the Superintendent to incorporate data on high school proficiency equivalency test examinees who are foster youth into specified reports.

Status: 09/27/2016 - Signed by GOVERNOR: 09/27/2016 - Chaptered by Secretary of State. Chapter No. 697

Location: Chaptered

AB 2767 Lopez (D) Foster Care: Caregivers: Information

Provides that foster child caregivers should be provided with the email address of the child's social worker, the social workers' supervisor, the child's attorney, and the court-appointed special advocate.

Status: 09/25/2016 - Chaptered by Secretary of State. Chapter No. 619

Location: Chaptered

ACR 179 Cooley (D) Foster Care Month

Declares the month of May 2016 as Foster Care Month.

Status: 07/11/2016 - Chaptered by Secretary of State.;07/11/2016 - Resolution Chapter No. 88

Location: Chaptered

Senate Bills

SB 906 Beall (D) Public Postsecondary Education: Priority Enrollment

Revises the definition of foster youth or former foster youth for granting priority registration for enrollment to foster youth or former foster youth at the California State University, each community college district and the University of California. Extends the provisions of existing law that requires each community college district to grant priority for registration for enrollment to students in the Community Opportunity Programs and Services program and to eligible disabled students.

Status: 09/21/2016 - Signed by GOVERNOR: 09/21/2016 - Chaptered by Secretary of State. Chapter No. 437

Location: Chaptered

SB 1068 Leyva (D) Homeless Children and Youth: Local Educational Agency

Requires the State Department of Education to provide specified informational and training materials to local educational agency liaisons for homeless children and youths including informational materials on the educational rights of homeless children and youths and the resources available to schools to assist them. Requires the adoption of policies to ensure local educational agency liaisons for homeless children and youths participate in professional development and technical assistance.

Status: 09/23/2016 - Signed by GOVERNOR.;09/23/2016 - Chaptered by Secretary of State. Chapter No. 538

Location: Chaptered

SB 1291 Beall (D) Medi-Cal: Specialty Mental Health: Dependents

Requires mental health plan reviews to be conducted by an external quality review organization and include specific data for Medi-Cal eligible minor and nonminor dependents in foster care, including the number of Medi-Cal eligible minor and nonminor dependents in foster care served each year. Requires Internet posting of a corrective action plan prepared by the mental health plan to address deficiencies. Requires notification to the mental health plan and a mental health corrective action plan.

Status: 09/29/2016 - Signed by GOVERNOR: 09/29/2016 - Chaptered by Secretary of State. Chapter No. 844

Location: Chaptered

SB 1380 Mitchell (D) Homelessness Coordinating and Financing Council

Requires a State agency or department that funds or administers a program that provides housing or housing-related services to people experiencing or at risk of homelessness to revise or adopt guidelines and regulations to include enumerated housing first policies. Establishes the Homeless Coordinating and Financing Council to oversee guideline and regulation implementation and to identify resources, benefits, and services. Includes homeless youth, counseling, addiction services and rental assistance.

Status: 09/29/2016 - Signed by GOVERNOR.;09/29/2016 - Chaptered by Secretary of State. Chapter No. 847

Location: Chaptered

SB 1442 Liu (D) Discrimination: Regulations and Enforcement

Reorganizes various statutes regarding discrimination. Removes the requirement that certain State agencies to promulgate regulations to prohibit discrimination. Requires investigation and enforcement of the anti-discrimination provisions to be performed by the Department of Fair Employment and Housing. Reorganizes an existing law which authorizes housing for homeless youth. Requires regulations implementing these provisions be transferred to the Department. Authorizes the add, amend, or repeal of regs.

Status: 09/30/2016 - Signed by GOVERNOR.;09/30/2016 - Chaptered by Secretary of State. Chapter No. 870.

Location: Chaptered

SCR 140 Cannella (R) Foster Care Awareness Month

Acknowledges the month of May 2016 as Foster Care Awareness Month.

Status: 06/13/2016 - Chaptered by Secretary of State.;06/13/2016 - Resolution Chapter No. 72

Location: Chaptered

SCR 160 McGuire (D) California Runaway and Homeless Youth Month Designates the month of November 2016 as California Runaway and Homeless Youth Month.

Status: 08/26/2016 - Chaptered by Secretary of State.;08/26/2016 - Resolution Chapter No. 148

Location: Chaptered





County Board of Education

Michael Chang Joseph Di Salvo Darcie Green Rosemary Kamei Grace H. Mah Claudia Rossi Anna Song

County Superintendent of Schools

Jon R. Gundry

LGBTQ, Foster & Homeless Youth Symposium

November 16, 2016