



POLICY BRIEF – ACADEMIC SUPPORTS

Academic Support Services:

Many foster youth are entitled to services and programs to address various special academic needs. These include, but are not limited to, the following:

Students “at risk for retention”: All California school districts must have a promotion/retention policy that provides for the identification of pupils who are at risk of being retained in their current grade level. Students so identified may be eligible for interventions, such as tutoring, summer school or other services *“to assist the pupil to attain acceptable levels of academic achievement.”* Parents must be provided notice when a pupil is identified as being at risk for retention and such notice must be provided as early in the school year as practicable. EDUC. CODE §§ 48070-48070.5.

- Many foster youth are academically “at risk” and, thus, may be “at risk for retention.” It is important that these students have access to the opportunities for remedial instruction mandated by statute and that a parent or the person who retains educational decision-making rights for a foster youth receives proper notice concerning retention, especially since students identified as “at risk for retention” are often given priority enrollment status for summer school.

Access to Quality Services to Meet Academic Needs: The Foster Youth Services (FYS) 2006 Report to the Governor and the Legislature¹ notes that “[a] majority of foster youth students are academically deficient . . . [and that] seventy-five percent of foster youths are working below grade level.” This report also estimates that “approximately 78,800 of foster youth are currently not receiving counseling, tutoring, mentoring, or other vital services provided through the FYS Programs.” In addition, issues arise regarding the quality of such services that are being provided to foster youth.

- Although resources to FYS programs have been increased, many foster youth continue to need supplemental services such as tutoring, before and after-school programs, homework assistance, counseling, and different teaching methodologies to address varying types of learners. There is also a need to examine the quality and duration of services that are being provided.

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

- Given the lack of support, foster youth may have challenges passing the high school exit exam. Disaggregated data is needed to assess the extent of the problem. In addition, foster youth need to be educated about and have access to supplemental services to help them pass the exam.

Special Education: Many foster youth are entitled to special education and related services under federal and California law. Studies have estimated that anywhere from 30 and 41% of children in foster care receive some sort of special education services. Elizabeth Yu et al., *Improving Educational Outcomes for Youth in Care, A National Collaboration*, CWLA Press, 2000. Twenty-six percent FYS Countywide Programs report that "untimely receipt of IEPs" is a challenge in their county. FYS 2006 Report at 16.

- Many challenges exist in ensuring that foster youth are appropriately identified for and provided with special education services. Key problems include: significant lags in timing prior to assessments, implementation of IEPs, and receipt of related services; delays caused by requirement that student be assessed for AB 3632 services prior to certain educational placements; holders of educational rights are often not informed of available services; and educational surrogates may lack minimal levels of competency.

English Learner (EL) or Limited English Proficient (LEP) students: A school district must provide specialized programming through which LEP students can acquire the English language skills necessary so that they will be able to eventually participate equally with the students who entered school with an English language background. 20 U.S.C. § 1703(f); EDUC. CODE §§ 300 *et seq.* Parents or guardians of LEP students must be provided a "full written description of . . . any alternative courses of study and all educational opportunities offered by the school district and available to the pupil." 5 C.C.R. § 11309.

- The State receives funds from the federal government under NCLB for LEP students to provide supplemental services to address the language needs of these students. 20 U.S.C. §§ 6801 *et seq.*²
- LEP students, by grade, language spoken and program placement, are reported to CDE on a form entitled the Language Census Report (R-30) and this data can be found on DATAQUEST. Unfortunately, there is no data concerning the number of foster youth who are LEP.³ Twenty-five (25) percent (1.6 million) of all students enrolled in California schools are classified as LEP and 41% of all students speak a

²General information about LEP students can be found on the CDE's website at <http://www.cde.ca.gov/sp/el/>.

³School districts must follow certain procedures so that EL students will be properly identified, which includes the use of a home language survey, assessment in English and the primary language within certain time periods. EDUC. CODE §§ 62002, 52164; 5 C.C.R. § 11307.

language other than English in the home. We also know that 46% of all students are Latino and that 85% of all LEP students in California are Spanish-speaking. Given these numbers and the fact that approximately 41% of all foster youth in California are Latino,⁴ it would not be unreasonable to assume that a significant number of foster youth are also LEP or formerly LEP.

- For foster youth who are identified as LEP, it is extremely important to consider their language needs when determining what educational placement is in the best interests of the child pursuant to AB 490. Whenever possible, there should be continuity in the type of language program made available to such a youth when changing a placement.

Migrant Students: Foster youth who are migrant students are also eligible for migrant education supplemental services designed to address the special needs of migrant students enrolled in California schools.

- These programs are usually administered by Migrant Regional Offices through county offices of education, often in collaboration with local school districts. These supplemental services may include such things as: academic support services, including academic tutoring, incentives, work study, extended day and academic leadership activities, Saturday schools, and specialized high school programs that may include independent study for credits, and career education. The State receives funds from the federal government under NCLB to serve the specific needs of migrant students. See, 20 U.S.C. §§ 6391-6399 and 34 C.F.R. §§ 200.81-200.89. See also, EDUC. CODE §§ 54441.⁵
- As with our LEP student population, we do not know the number of foster youth who are eligible for migrant education supplemental services.

No Child Left Behind

Under "No Child Left Behind" (NCLB), the State of California receives millions of dollars from the federal government to address the needs of the State's academically "at risk" student groups and those students who attend the State's highest poverty schools. Pursuant to NCLB, a complicated "accountability" system has been developed under which school districts are evaluated on a yearly basis concerning the academic progress of their students. Individual schools and districts that fail to make "adequate yearly progress" for a certain period of time are identified for "Program Improvement" (PI) and are subject to various corrective actions and interventions.⁶ Students attending PI schools are also eligible for certain services and options, which include the following:

⁴See, <http://cssr.berkeley.edu/CWSCMSreports/dynamics/disprop/response.asp?crit=PR&county=0>

⁵General information about Migrant Education can be found on the CDE's website at <http://www.cde.ca.gov/sp/me/mt/>.

⁶For a more thorough explanation of the State's accountability system, see CDE's "2006 Adequate Yearly Progress Report Information Guide (August 2006) found at <http://www.cde.ca.gov/ta/ac/ay/>

- **Supplemental Services:** Eligible low income students who attend Title 1 schools that have been in PI status for two years or more, are entitled to supplemental educational services, which are generally tutoring services provided by State-approved contracted entities outside of the regular school day.⁷

“Neglected and delinquent” children are specifically identified as one of the intended beneficiaries of programs and services provided under NCLB. 20 U.S.C. § 6301(2). Unfortunately, access to supplemental services and school choice is dependent upon the extent to which a school district provides meaningful and adequate notice concerning the availability of such options and a parent’s ability to understand such notice and to act upon it. As discussed in the policy brief concerning “Educational Decision Making and Parental Notice”, too often the parents of foster youth and those designated to make educational decision for them in lieu of their parents, do not regularly receive such notice and, thus, may have no knowledge concerning the availability of such options. Thus, academically “at risk” foster youth too often do not have access to supplemental educational services or other interventions made available to other students to address academic deficits. The FYS 2006 Report sheds some light on this issue:

- **School Choice:** Students who attend a Title 1 funded school that has been identified for Program Improvement, corrective action, or restructuring must be given the option of school choice. Under school choice, students must be given the option of transferring to another non-PI public school within the district and they must be provided transportation. If transportation funding is limited, then students from low-income families who are the lowest achieving students may be given priority.

Possible Courses of Action:

1) Examine Access and Quality of Academic Support Services: Expand academic support services provided through FYS and other programs to meet the needs of foster youth. Evaluate the quality and timeliness of services provided to foster youth, and the competency of educational surrogates. Examine district policies and the IEP’s of youth to promote timely and appropriate provision of tutoring programs, summer school options, and testing supports. Youth need financial and practical support to pass the CAHSEE and to prepare for testing related to post-high school education. Efforts

[documents/infoguide06.pdf](#) or the “Parent/Guardian Guide to School Accountability Progress Reporting System, found at <http://www.cde.ca.gov/ta/ac/ay/documents/parentguide06.pdf>

⁷For more information about school choice and supplemental services, see, <http://www.cde.ca.gov/ta/ac/ti/schoolchoice.asp>, <http://www.cde.ca.gov/ta/ac/ti/supplemental.asp> & <http://www.ed.gov/parents/schools/choice/choice.html>, 20 U.S.C §6316.

should be made to document on-going support services so they are continued in new placements.

2) Amend Parental Notice Provisions: As noted above, access to many of the supplemental services and programs available for academically "at risk" students is triggered through some type of formal notification. In addition to the recommendations set forth in the policy brief addressing "Educational Decision Making and Parental Notice" it may be necessary to carefully review each of the notice requirements for all the programs described above, and suggest that they be amended to ensure that those who are responsible for or those who impact the educational placement of foster youth receive copies of all relevant notices. Other measures should be looked at to effectuate CDE's recommendation to increase foster youths' access to existing services through their local districts.

3) Supplemental Services and School Choice: What protocols can be established to ensure that placing agencies are made aware of which schools have been identified for "program improvement"? As a start, those schools designated for "program improvement" are listed on the CDE website <http://www.cde.ca.gov/ta/ac/ay/tidatafiles.asp>. When determining what is in the best educational interest of a foster youth pursuant to AB 490, what additional protocols are needed to ensure that placing agencies, parents and those responsible for making educational decisions for foster youth take advantage of the school choice options, while students are in out of home care?

4) Categorical Program Monitoring (CPM) Process: The programs described above are subject to the CDE's CPM monitoring process. It may be helpful to review the compliance items reviewed for each of these programs and suggest items that might address the special access needs of foster youth.

5) Local School District Policies: Each school district has policies and procedures that address how students become eligible for and have access to supplemental services, school choice, retention intervention, and program and services designed to address the special needs of LEP and Migrant students, as well as, those students who are Gifted and Talented and those who are having difficulty passing the California High School Exit Exam. Many of these policies are posted on school district websites. What protocols can be established to ensure that placing agencies are made aware of these local policies?

6) The Reauthorization of NCLB: NCLB is slated to undergo the reauthorization process in Congress. This provides an opportunity to suggest amendments to the statute to address the needs of foster youth. State Superintendent O'Connell has been appointed to serve on the federal reauthorization task force and CDE recently held several public hearings to discuss the NCLB reauthorization, with the focus on Accountability, Teacher Quality, Interventions and Corrective Actions, and English Learner Issues. (See <http://www.cde.ca.gov/nr/re/et/yr06ltr1002.asp>). Although the hearings have already been held, it may still be possible to submit written comments or to meet with the Superintendent about these issues. It may be useful to convene a sub-

committee to come up with recommendations concerning how NCLB can be amended or reshaped to better meet the needs of foster youth. Some of the issues to be examined may include:

- What can be done to ensure that foster youth have greater access to the services and programs funded under the act;
- What can be done to ensure that the parents of foster youth and those designated to make educational decisions for them have sufficient information to make informed decisions regarding supplemental education service providers;
- How can NCLB's parental involvement and notice provisions take into account the unique situation of foster youth;
- What criteria should be established to ensure that a certain percentage of the state designated supplemental service providers have the knowledge and skills necessary to address the unique academic needs of foster youth;
- To what extent can monies be set aside to ensure that lack of transportation does not impede access to these services for foster youth;
- Should funding provided under NCLB's "Part D - Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk." (20 U.S.C. §§ 6421-6472) be better targeted to ensure that neglected and delinquent youth are actually benefiting from Part D funded programs;
- Should foster youth be deemed a subgroup for "adequate yearly progress" purposes? This would require school districts to disaggregate certain academic testing information for foster youth students. The subgroups currently included in the AYP process include: various ethnic/racial groups, socio-economically disadvantaged students, English Learners, and students with disabilities.

Special Needs Resources

Disabilities and Special Education

Types of Childhood Disabilities and Other Special Needs

<http://www.ciccparenting.org/ChildhoodDisabilities.aspx>

Explanations, research, and resources for many disabilities/special needs, including: ADHD, Autism, Mental Retardation, Emotional Disturbance, Learning disabilities, speech and language impairments. Prepared by the National Dissemination Center for Children with Disabilities (English and Spanish).

Developmental Delays

<http://www.keepkidshealthy.com/WELCOME/conditions/developmentaldelays.html>

Explanation of identifying factors and resources, including a list of early speech and language milestones.

Protection and Advocacy, Inc.

<http://www.pai-ca.org/index.htm>

Federally mandated and funded, national disability rights advocacy system, with offices serving individuals throughout the United States. This site includes several publications to assist advocates represent clients in obtaining appropriate services and CA Office Directory - <http://www.pai-ca.org/connect/contact.htm>

Special Education Rights and Responsibilities (SERR) Manual

(by PAI, in English, Chinese, Spanish, Korean and Vietnamese)

This 12 chapter manual covers special education and early intervention law and advocacy guidance, for youth ages 0-22. It also includes information on discipline rights for youth with disabilities (ch. 8) and inter-agency responsibility for related services (ch. 9).

<http://www.pai-ca.org/PUBS/504001SpecEdIndex.htm>

Regional Centers

<http://www.dds.ca.gov/rc/RCinfo.cfm>

Regional centers help coordinate the services and supports for individuals with developmental disabilities, mental or physical disabilities, such as cerebral palsy or mental retardation, that arise before adulthood and usually lasting throughout life.

Directory of California's 21 Regional Centers

<http://www.dds.ca.gov/rc/rc/relist.cfm>

California Children's Services

<http://www.dhs.ca.gov/pcfh/cms/ccs/>

CCS is a statewide program that evaluates and treats children with certain physical limitations and chronic health conditions or diseases. CCS can authorize and pay for specific medical services and equipment provided by CCS-approved specialists.

Local/County CCS Office Directory

<http://www.dhs.ca.gov/pcfh/cms/ccs/directory.htm>

Addressing the Effects of Trauma on Education

National Early Childhood Technical Assistance Center

<http://www.nectac.org/partc/partc.asp>

Minibibliography on the Impact of Abuse, Neglect and Foster Care Placement on Infants, Toddlers and Young Children: Selected Resources.

<http://www.nectac.org/~pdfs/pubs/abuseneglect.pdf>

Recognizing Trauma and Helping Traumatized Children Learn

http://www.massadvocates.org/helping_traumatized_children_learn

Downloadable version of 117 page research and policy publication, documenting the effects of trauma on educational progress. Includes a description of the Massachusetts Trauma Sensitive Schools Grant Program.

Childwelfare Information Gateway

<http://www.childwelfare.gov/can/impact/>

<http://www.childwelfare.gov/pubs/focus/earlybrain/>

Information on how child maltreatment during infancy and early childhood has been shown to negatively affect child development, including brain and cognitive development, attachment, and academic achievement. These include enduring physical, intellectual, and psychological repercussions into adolescence and adulthood.

Childhood Trauma Academy

http://www.childtrauma.org/ctamaterials/states_traits.asp

Adapted version of Bruce D. Perry's article on the neurodevelopmental implications of adaptive mental and physical responses to trauma, including physiological hyperarousal and dissociation. Found in *Infant Mental Health J*, 16 (4): 271-291, 1995. Also in *Working with Traumatized Youth in Child Welfare*, edited by Nancy Boyd Webb, 2006

"Foster Care Education Fact Sheets"-revised.

These factsheets, written by members of the California Foster Youth Education Task Force and produced by Casey Family Programs, are included in hard copy and the resource CD, in your Education Summit materials. They will also be available on many websites of the organizations involved in the task force. The updated factsheets provide overviews and key legal cites in several areas, including: AB 490, Education Rights, Special Education, Nonpublic Schools, AB 3632 (mental health), Functional Behavior Assessments and Behavior Intervention Plans, School Discipline, and Special Ed. Discipline.