

Santa Clara County Office of Education

Youth in Foster Care Key Protections

- ✦ **AB 167/216 – Provision to Align Graduation Requirements for Foster Youth**
Foster youth who transfer high schools after their 2nd year may be entitled to graduate using the state requirements or may be eligible for a 5th year of high school to be determined within 30 days of enrollment.
- ✦ **AB 490- Foster Youth Foundational Legislation**
Provides protections for youth in foster care including best interest school of origin placement for stability in the least restrictive environment, partial credit calculation, establishes liaison requirement, timely records, access to records, immediate enrollment, Ed rights for IEP placed with foster parent, grade protection from court related absences, diploma authorization from last school attended.
- ✦ **AB 604 - *Nonminor dependents: extended foster care benefits*** -allows older foster youth who were involved in sex trafficking to access extended foster care benefits. It also removes some barriers for older transition-age youth to re-enter foster care if they experienced a failed guardianship or adoption after age 18.
- ✦ **AB 766 -*Foster youth: students of the California State University and California Community Colleges*** -helps foster youth in college with living expenses by enabling family aid for dependent children to be applied towards student housing, such as in a college dormitory.
- ✦ **AB 854- Foster Youth Authorization aligns AB 490 to ESSA**
COE designated to support districts to improve educational outcomes for youth in foster care and leverage partnerships across agencies.
- ✦ **AB 1567 - *California State University: California Community Colleges: foster youth: Higher Education Outreach and Assistance Act for Foster Youth.*** -requires each community college and California State University campus to automatically enroll foster youth eligible for financial aid in a campus support program and notify youth of how to access their financial aid and support program benefits.
- ✦ **AB 1909- Discipline provisions for Foster Youth**
In order to suspend a youth in foster care, the exclusion must take place only after the Educational Rights holder has been communicated with by phone or in person.

- ✚ **AB 2043 - Foster children and youth: family urgent response system - 1)** establishes a statewide, toll-free hotline available 24 hours a day and 7 days a week for caregivers and foster youth who are experiencing emotional, behavioral or other difficulties and need immediate help. **2)** Requires counties to establish mobile response teams to provide face-to-face, in-home response on a 24/7 basis to help stabilize the living situation, assess the caregiver's and child's needs and develop a plan of action. Counties will provide the family with ongoing services through the existing local network of care. The Response System established by this bill will provide children and families with the support they need to maintain their family unit, which in turn will help children and their caregivers develop strong and healthy relationships. This approach will also reduce calls to law enforcement and ensure fewer contacts between foster youth and the criminal justice system.

- ✚ **AB 2119 - Foster care: gender affirming health care and mental health care** -all minors and non-minors in foster care have specified rights, including, among others, the right to receive medical, dental, vision, and mental health services, the right to be involved in the development of their own case plans and plans for permanent placement, and the right to be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records. This bill includes the right to be involved in the development of case plan elements related to placement and gender affirming *health care*, with consideration of their gender identity. The bill would also provide that the right of minors and nonminors in foster care to health care and mental health care includes covered gender affirming health care and gender affirming mental health care, as defined. The bill would require the State Department of Social Services, in consultation with the State Department of Health Care Services and other stakeholders, to develop guidance and describe best practices to identify, coordinate, and support foster youth seeking access to gender affirming health care and gender affirming mental health care and to incorporate current guidance on ensuring access to Medi-Cal services for transgender beneficiaries. The bill would require the department to issue written guidance by January 1, 2020.

- ✚ **SB 12 – Foster Youth in Higher Education** - widens access to the Pell Grant by helping foster youth during the grant's application process by making the verification process less burdensome and increasing help for foster students at community colleges in the state.

- ✚ **SB 89 - CA Foster Youth Sexual Education Act**- requires the child welfare worker to do the following for all youth in foster care *age 10 and older who are enrolled in middle school, junior high or high school*.

- ✚ **SB 233 – Caregiver Access to Education Records** -increases access for caregivers to foster children's education records and requires training on the educational rights of foster youth for foster parents.

✚ **SB 940 - *Improve Post-Secondary Achievement Among Foster Youth*** - makes it easier for foster youth entering college, giving them greater access to the Cal Grant, a big source of financial aid to students in California that is rarely used by foster youth. It will extend the enrollment window for current or former foster youth until age 26 — the current cap is one year after high school graduation — and allows students to finish school in eight years instead of four.

✚ **SB 89- Sexual Health Requirement**

Child Welfare worker must review school records of all youth in foster care over the age of 10 or older enrolled in junior or high school to verify comprehensive sexual education requirements have been met.

Key McKinney-Vento Protections

❖ **SB 177- Homeless Youth Education Success Act**

Immediate enrollment in interscholastic sports, CDE/DSS, ensures no barriers, organize inter-agency work group, and develop policies/practices to support youth.

❖ **SB 252- Pupils: Diploma alternatives: Fees for G.E.D Testing Centers**

This bill exempts Homeless youth from the fee typically charged to an applicant for high school proficiency examination application.

- It also exempts Homeless youth from fees charged by scoring contractors or testing centers that administer the equivalency exam

❖ **SB 445- Pupil Instruction and Services: Homeless children**

Requires a LEA to allow the Homeless child to continue his or her education in the school of origin. Through the duration of the Homelessness, and would set forth related requirements governing the enrollment of Homeless children.

❖ **SB 708- Pupil Nutrition: Free or Reduced-price meals: Online applications**

Authorizes school districts and COEs to make applications for free or reduced-price meals electronically available and requires those LEAs who chose to offer online applications to:

- Ensure both paper and electronic applications contain clear instructions for families that are Homeless or Migrants.

❖ **SB 1068- Homeless children and youth: LEA Liaisons: training materials**

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.

❖ **AB 309- CalFresh/ CDSS**

CalFresh Supplemental Nutrition Assistance Program clarifies that there is no minimum age requirement for unaccompanied youth to apply. Requires Child Welfare Departments who process CalFresh applications to Clarify that there is no minimum age requirement for unaccompanied youth to apply. Promote awareness of CalFresh Expedited services to the Homeless population by training Homeless community about CalFresh services. Evaluate and screen unaccompanied youth's CalFresh application to determine household eligibility. Provide written explanation if denied.

❖ **AB 379- Foster Youth: Homeless Children or Youth: Complaint of Non-Compliance: Exemption from Local Graduation Requirements**

1. Allows Youth to access the uniform complaint procedure to resolve alleged violations of educational rights.
2. Reduces timelines for LEAs to respond to complaints alleging a violation of the right to immediate enrollment. As well as the violation of the rights to remain in the school of origin pending resolution of a dispute.

❖ **AB 652- Child Abuse and Neglect Reporting Act: Homeless children**

Clarifies that a child/youth is homeless or unaccompanied minor is not sufficient for reporting child abuse or neglect, as defined by McKinney-Vento.

❖ **AB 982- Childcare and Development: Eligibility: Priority: Homeless children.**

Prioritizes Homeless families for enrollment in subsidized childcare and expands the type of agencies that can verify that a family is Homeless for purposes of eligibility.

❖ **AB 1068- Pupil Records**

Permits a student who is either Homeless or Unaccompanied minor 14 years or older to have access to his/her student records without parental consent. Extends rights to caregivers who enroll students in school using CA caregiver authorization affidavit. It prevents schools from releasing directory information of students experiencing Homelessness, unless a parent expressly consents, including name, e-mail, and photographs.

❖ **AB 1166- Pupils in Foster Care: pupils who are Homeless children or youth: School transfer: Exemption from Local Graduation requirements**

Allows Homeless students an exemption even if the district fails to provide timely notice of the availability of the exemption. If a pupil is exempted from Local Graduation Requirements, the exemption continues to apply after the pupil is no longer a Homeless child or youth, while he or she is enrolled in school or if the pupil transfers to another school or school district.

❖ **AB 1228- Public postsecondary education: Campus Housing: priority for Homeless Youth**

This bill would provide priority for campus housing to current, former Homeless youth that is identical to that priority extended to current, and former Foster Youth under existing law. This bill would request the campuses of the California Community Colleges, and would require the campuses of the California State University, and of the University of California, subject to its agreement by resolution, if they maintain student housing facilities, to provide housing in housing facilities that are open for uninterrupted year-round occupation to current and former Homeless youth and current and former Foster Youth at no extra cost during academic or campus breaks, and would request each campus of the California Community Colleges, the California State University, and the University of California to develop a plan to ensure that current and former Homeless youth and current and former Foster Youth can access housing resources during and between academic terms, including during academic and campus breaks.

❖ **AB 1733- Public Records: Fee Waiver**

Local registrars or county recorders are required to issue a birth certificate without a fee to any person, who can verify his or her status as a Homeless person or a Homeless child or youth, as defined.

Prohibits a fee from being charged for an original or replacement identification card issued by the Department of Motor Vehicles to any person who has a Social Services provider, an Attorney, Homeless liaison or an Education Counselor vouch for their Homeless status.

❖ **AB 1806- Pupil services: Homeless children or youth**

It extends some of the protections that were recently issued to Foster youth, to Homeless youth as well. The new mandates address the following:

- **Partial Credit Issuance**
- **Exemption from Graduation Requirements**
- **Expulsion Recommendations**

❖ **AB 1995- Community Colleges: Homeless Students: access to shower facilities**

Requires a community college campus that has shower facilities for student use to grant access to those facilities to any homeless student who is enrolled in coursework, has paid enrollment fees, and is in good standing with the community college district. Requires the community college to determine a plan of action to implement this requirement.

McKinney-Vento/Homeless Educational Services

Definition of Terms

Unaccompanied Homeless Youth (UHY)

According to the McKinney-Vento Act, children, and youth through age 17 who are living apart from their parents or guardians are considered “Unaccompanied.” The Act states, a child or youth “*not in the physical custody of a parent or guardian.*” This means a child or youth has the right to immediate enrollment in school, without the consent of a parent or guardian.

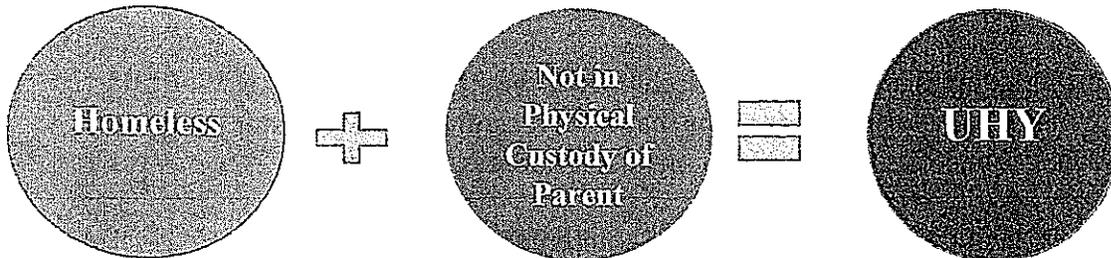
A student who is considered **homeless** (lacking a fixed, regular, and adequate nighttime residence) and **unaccompanied** (not in the physical custody of a parent or guardian) can be registered as an unaccompanied homeless youth under the McKinney-Vento Act.

A student who is not homeless, even though residing with a person other than the parent or court-appointed guardian, does not qualify as an unaccompanied homeless youth under the McKinney-Vento Act.

Age Restrictions

Lower: There is no lower age limit for unaccompanied homeless youth.

Upper: The upper age limit (as with all McKinney-Vento, eligible students) is 18 or 21, if receiving services through Special Education.



Runaway Youth

The term “Runaway” used with respect to youth, means an individual who is less than 18 years of age and who absents (*to take or keep (oneself) away*) himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.

Homeless Youth

The term “homeless youth” means an individual who is not more than 21 years of age or, in the case of youth seeking shelter, less than the age of 18.

Youth for whom it is not possible to live in a safe environment with a relative; and who has no other safe alternative living arrangement.