Los Angeles County Office of Education
Leading Educators ▪ Supporting Students ▪ Serving Communities
Division of Student Support Services

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John Phillip Keane M.S., P.P.S., CWA
Coordinator II / Foster Youth Services
Los Angeles County Office of Education (LACOE)

Foster Youth Services is a grant-funded project created from Senate Bill 933 in 1998. FYS is designed to support the academic needs of foster youth residing in group homes (licensed children's institutions) and in foster care, those with foster family agencies (FFA's), and those residing in court-specified homes. FYS provides tutoring, case management, mentoring, appropriate instruction, and other support services to support and promote academic achievement.

2011 – 2013 Countywide Coordinator Foster Youth Services LACOE FYS
2010 – 2011 Coordinator I / LACOE FYS
2008 – 2009 Juvenile Hall Administrator / Merced County Office of Education
2007 – 2008 Foster Youth Counselor / LACOE FYS
2004 – 2007
Student Intervention Specialist / Los Angeles Unified School District
Early Behavior Intervention Counselor (LAUSD)
1999 – 2004 Classroom Instruction / Compton Unified School District

Observations and Concerns:

1) Department of Children and Family Services Form 1399 (attached)
2) Access to Records Student Records (Confidentiality) AB 643
3) DCFS CSW Site Visits to Schools / Policy and Procedure
4) DCFS CSW Knowledge on School Procedures and Policy (Training)

Effects / Outcomes:

- Effective and open line of communication between Los Angeles County Schools and DCFS
- Awareness of who are the identified Foster Youth enrolling in schools and how schools can better serve the Foster Youth population
- Establish a collaborative relationship between schools and DCFS / accessing records and school visits
- Establish a better understanding of school policy, procedures and guidelines that educators must adhere to and how they relate to DCFS and CSW's.

Specific Examples:

- District Liaisons requesting DCFS 1399 and receiving the form incomplete / prepared by the group home and not the CSW.
- District Liaisons unsure of the status of a newly enrolled foster youth with special education needs or regular educational needs.
- DCFS CSW requesting records and access to youth records with no identification or authorization.

3 -5 Strong Recommendations:

- Resume / enforce standard practice and policy of CSW completing the DCFS Form 1399 and ensuring the receiving school has a completed copy. Adhere to seven day notice...
- Commission to instruct the creation of a standard form identifying the youth as either a foster or probation youth. This one page standard form outlines the access and authorization required by current and relevant law (AB 643). Instructs and provides a simple / standard release of records for identified foster or probation youth. (Sample attached)
- DCFS to revisit standard practice and policy for visiting school sites (countywide procedure).
- LACOE provides workshops and trainings for DCFS personnel on local educational agencies. (refer to training manuals and topics)

BIO

John Phillip Keane M.S., P.P.S., CWA
Coordinator II / Foster Youth Services
Los Angeles County Office of Education

John Phillip Keane, Coordinator II, from LACOE's Child Welfare and Attendance (CWA) Unit brings with him the expertise and experience gained from having served as a classroom teacher, counselor, site and district administrator, and county level administration (Foster Youth Service). He has presented at local and state conferences sponsored through LACOE.

The CWA Unit in the Division of Student Support Services for the Los Angeles County Office of Education (LACOE) provides support to districts, students, parents and community members as it relates to the California Education Code and other laws affecting student services and school administration. Support is provided in the form of workshops, mediation, technical support and publications. Areas of focus include, but are not limited to, student discipline support, pupil records, custody of minors, homeless education, foster youth services, compulsory attendance, and truancy reduction. The CWA Unit also processes and hears expulsion and interdistrict transfer appeals filed by parents.

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COUNTY OF LOS ANGELES

☐ **NOTIFICATION TO SCHOOL OF PUPIL'S FOSTER CARE STATUS**

☐ **NOTIFICATION TO LOCAL EDUCATIONAL AGENCY (LEA) OF PUPIL'S PLACEMENT IN A GROUP HOME OR RESIDENTIAL FACILITY**

☐ **REQUEST FOR TRANSFER OF PUPIL AND APPROPRIATE RECORDS FROM THE SCHOOL-OF-ORIGIN TO THE NEW SCHOOL PURSUANT TO EDUCATION CODE §49069.5**

☐ **NOTIFICATION TO LOCAL EDUCATIONAL AGENCY (LEA) OF A SPECIAL EDUCATION PUPIL'S PLACEMENT IN YOUR SCHOOL DISTRICT**

COURT NUMBER: _____

DATE: _____

CHILD'S NAME: _____ Date of Birth: _____

Last, First, M.I.

Date of Current Placement:

NEW SCHOOL: _____ School District: _____

Address: _____ Telephone: _____

FAX: _____

City State Zip

SCHOOL-OF-ORIGIN: _____ School District: _____

Address: _____ Telephone: _____

FAX: _____

City State Zip Grade Level:

Name of Caregiver or Facility Contact Person: _____

Address: _____

City State Zip

Telephone:

Person with Educational Rights: ☐ Parent ☐ Other

Address: _____

City State Zip

Telephone:

Does Child Have an IEP on File? ☐ YES ☐ NO ☐ UNK. If Yes, Date Completed:

Does Child Have Special Educational Needs? ☐ YES ☐ NO ☐ UNK. (If Yes, Explain Below:)

Is Child Involved with Regional Center? ☐ YES ☐ NO ☐ UNK. (If Yes, Explain Below:)

Does Child Have Special Health Care Needs? ☐ YES ☐ NO ☐ UNK. (If Yes, Explain Below:)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES CONTACT INFORMATION:

CSW: _____ Telephone/Ext.: _____

SCSW: _____ Telephone/Ext.: _____

CSW's Office Address:

Instructions for use and distribution are on Side 2 of this form

CONFIDENTIAL CASE RECORD, PURSUANT TO WIC § 827 AND ORDER OF THE LOS ANGELES COUNTY JUVENILE COURT

...(Revised 08/08)

USE AND DISTRIBUTION:

When the Child will Remain in the School-of-Origin:

- When the child will remain in the school-of-origin, check the box for: "Notification To School Of Pupil's Foster Care Status". Utilize the DCFS School FAX Cover Sheet and send one copy of the completed DCFS 1399 to the school-of-origin.

When the Child will Transfer to a New School:

- When the child will transfer to a new school, check both the: "Notification To School Of Pupil's Foster Care Status" and "Request For Transfer Of Pupil And Appropriate Records From The School-Of-Origin To The New School" boxes. Utilize the DCFS School FAX Cover Sheet and send one copy of the completed DCFS 1399 to the school-of-origin and a second copy to the new school.

When the Child is Being Placed in a Group Home or a Residential Facility:

- When the child is being placed in a group home or a residential facility, check the: "Notification To LEA Of Pupil's Placement In A Group Home Or Residential Facility and whichever of the other two boxes is appropriate. Utilize the DCFS School FAX Cover Sheet and send one copy of the completed DCFS 1399 to the school-of-origin and a second copy to the LEA for the child's new residence.

NOTE: The LEA is the only agency authorized to determine the appropriate academic placement of a child and therefore the LEA is to be immediately notified of the child's placement in a group home or residential facility. Children may not be placed in a Non-Public School (NPS) without an IEP specifically stating that a NPS is required (unless the holder of the child's educational decision making rights requests a NPS). A group home or residential facility may not make attendance at their NPS a requirement for placement.

When a Special Education Child is placed into a School District (10 day notice required, if possible)

- When a Special Education child is being newly placed into a School District, check the box for: "Notification to Local Educational Agency (LEA) of a Special Education Pupil's Placement in your School District," and any other applicable boxes. Utilize the DCFS School FAX Cover Sheet and send one copy of the completed DCFS 1399 to the school-of-origin, a second copy to the new school and a third copy to the LEA for the child's new residence. The current IEP should be attached to the copies going to the new school and LEA. Note on the 1399 if the IEP is not available (see school information below).

Original:

- Give the original DCFS 1399 to the Caregiver to use as documentation of the child's foster care status and to enroll the child in a new school in the event the child is transferring to a new school.

Additional Copy:

- Mail one copy to the person(s) with educational decision making rights for the child (see FYI 04-31, Who Has Educational Decision Making Rights for a Child).

SCHOOL INFORMATION:

School personnel and Local Educational Agency (LEA) contact information:

Listings of contact information for schools and LEA may be found in LA Kids under Websites, Education Supports for Youth. Click on Educational Directories then Public School Directories. The needed fax number can be found under the title of the involved School District. Address the fax to the: Attention to the Special Education Director.

NOTE:

For clarification please refer to Procedural Guide 0700-500.10 Youth Development: Education. If you need further assistance please contact the Education Section at 213-351-5776 or County Counsel.

File the FAX confirmation sheets and a copy of the DCFS 1399 in the DCFS Case File (purple Medical/Dental/Psychological/Education folder).

CONCURRENCE IN SENATE AMENDMENTS
AB 643 (Stone)
As Amended June 19, 2013
Majority vote

ASSEMBLY: 75-0 (May 13, 2013) SENATE: 39-0 (June 24, 2013)

Original Committee Reference: ED.

SUMMARY: Amends California law to align the exceptions created to the Family Educational Rights and Privacy Act (FERPA) by the federal Uninterrupted Scholars Act of 2013. The language in this bill is substantially similar, and in most instances identical, to the language of the Uninterrupted Scholars Act of 2013. Specifically, this bill:

1) Creates an exception to the general rule that a school district shall not permit access to pupil records without written parental consent or under judicial order by permitting the release of pupil records to an agency caseworker or other representative of a state or local child welfare agency, or tribal organization, that has legal responsibility, in accordance with state law, for the care and protection of the pupil.

2) Specifies that records, and the personally identifiable information within, disclosed to a state or local child welfare agency, or tribal organization, that has legal responsibility for the care and protection of the pupil may be disclosed by that agency or organization to an individual or entity who is engaged in addressing the pupil's educational needs and is authorized by that agency or organization to receive the disclosure.

The Senate amendments clarify that pupil records, or the information contained therein, released by an agency or organization to an individual or entity engaged in addressing the pupil's educational needs may only be released if that individual or entity is authorized by the agency or organization to receive such a disclosure and is directly related to the assistance provided by that individual or entity. The Senate amendments also make technical clarifying changes to these provisions.

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS: According to advocates for foster youth, the Uninterrupted Scholars Act of 2013, and in turn this bill will help to close the academic achievement gap between children in foster care and their peers by providing youth with the support they need to avoid problems like inappropriate course placement and lost credits upon changing schools. Specifically, it will allow caseworkers, or other representative of a state or local child welfare agency, or tribal organization to access transcripts and report cards for foster youth while maintaining important privacy protections.

According to the author, FERPA unintentionally created a harmful barrier that prevented child welfare caseworkers or other representatives of a state or local child welfare agency, or tribal organization with legal responsibility for foster children from being able to quickly access the school records necessary to help meet the educational needs of students in foster care. This led to significant delays that contributed to inappropriate course placements, enrollment delays, lost credits, delayed graduation, and drop-outs. In fact, foster youth sometimes had to repeat

coursework they had already taken because child welfare agencies had incorrect or limited educational information. These youth also missed school for extended periods of time while waiting for school records to transfer when placed with a new caregiver. This was remedied in federal law by the enactment of the Uninterrupted Scholars Act. Similarly, this bill seeks to remedy the deficiencies in state law by allowing child welfare agencies or other representatives of a state or local child welfare agency, or tribal organization access to the education records of children within their care while also preserving the educational privacy rights granted to students under current federal, state, and tribal law. As a result, the more than 56,000 foster youth in California will now have additional tools for their advocates to ensure they are immediately enrolled into school and have access to the interventions they may need to succeed academically.

Analysis Prepared by: Jill Rice / ED. / (916) 319-2087

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SCHOOL AND COLLEGE LEGAL SERVICES of California

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LEGAL UPDATE

June 26, 2013

To: Superintendents, Member School Districts (K-12), County of Sonoma

From: Carl D. Corbin, Associate General Counsel CDC

Subject: Access to Foster Youth Educational and Juvenile Court Records
Memo No. 08-2013

This legal update is being provided to our client school districts within Sonoma County to provide information regarding their responsibility for foster youth educational and juvenile court records.

As a reminder, Education Code section 48853.5 defines a foster child as:

> [a] child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

Pursuant to Superior Court for Sonoma County Standing Order No. 2004(1) issued on August 16, 2004:

1. Any public or non-public school that provides educational services to a ward or dependent of the juvenile court is authorized and directed to release any and all pupil records of such a minor (including but not limited to attendance records, IEP records, progress reports, immunization records, or any other educational or health record maintained by a school) upon the request of a child's social worker, probation officer, Court Appointed Special Advocate (CASA) or attorney.

2. The pupil records identified in paragraph 1, above, shall be released without the requirement of parental consent. The individual requesting such records shall provide the school with verification that the child is a juvenile court dependent or ward and of the person's employment or assignment in the case.

3. The Departments[1] are authorized and directed to provide to the designated foster child educational liaison of any school district, or their designee, information as to the legal status of a student who is the subject of a juvenile court placement, e.g., ward or dependent child of the court. The Departments are also authorized to provide copies to each other of psychological evaluations, additional testing or other data or health information necessary to assist in the development and implementation of a child's case plan. The Departments are further directed to provide such psychological or health information, for viewing purposes only, to assist in the development of a student's [Individualized Education Program] IEP or proper school placement, to a school psychologist. The school psychologist shall not retain copies of the documents and they shall not be placed in the student's educational records but shall be promptly returned or destroyed.

4. Records received pursuant to this standing order shall remain confidential and shall not be duplicated or disclosed to third parties. This information regarding a child's juvenile court involvement shall be kept strictly confidential.

Therefore, based on this Order, a foster youth's social worker, probation officer, CASA or attorney may directly request from a school district without parental consent all records regarding a student if the individual requesting the records can provide written verification that the student is a foster youth and the individual has been assigned to the foster youth's case.

In addition, school psychologists are allowed, and our office encourages the practice, to obtain a copy of the court documents for foster youth relating to psychological evaluations and other assessments, for the purposes of the development of an IEP and/or the special education assessment of a foster youth. While the copied court documents may not be further distributed and should be promptly returned or destroyed (shredded), the foster youth's IEP and/or psychoeducational assessment can reference educationally relevant information obtained from the documents related to the foster youth.

For your convenience, attached is a copy of Superior Court for Sonoma County Standing Order No. 2004(1).

Please contact our office with questions regarding this or any other legal matter.

[1] The reference to "Departments" in the Standing Order refers to Sonoma County Departments such as Human Services.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA
STANDING ORDER NO. 2004 (1)
ISSUED AUGUST 16, 2004

RELEASE AND SHARING OF EDUCATION RELATED RECORDS OF JUVENILE COURT WARDS AND DEPENDENTS

This Standing Order is intended to address the need for better coordination between service providers, the Sonoma County Human Service Department, Sonoma County Probation Department, Sonoma County Health Department (the "Departments") and schools to work toward improved outcomes for children within the jurisdiction of the Juvenile Court. In particular, the Standing Order is to implement the statutory goal of removing barriers to the educational success of foster children as recently declared in AB 490 (Steinberg), Chapter 862 which became effective on January 1, 2004. Among the bill's components was to confer joint responsibility between child protection, probation, and educational agencies to insure the timely transfer of students and their records when a school change occurs. To accomplish its goals the new law specifically authorizes the release of foster youth educational records to the county placing agency.

Nonetheless, full implementation of coordinated services has been impaired by statutory and regulatory confidentiality and privacy protections which may prohibit the disclosure of juvenile, health (including mental health) and educational records unless authorized by written consent or court order.

The Court hereby finds that the best interest of children appearing before the juvenile courts, as well as the need for relevant information by the Court, court-serving

and educational agencies, outweigh the confidentiality interests reflected in California Civil Code section 56 et. seq., Welfare and Institutions Code sections 827, 828, 4514, 5328 and 10850, Education Code section 49602, 34 C.F.R. 99.31, 42 C.F.R. Part 2, 45 C.F.R. Part 160 and 164 and other provisions related to the confidentiality of school, health and juvenile court records. The interests of foster youth include the need to design, as appropriate, more effective Individualized Education Plans ("IEP") and to improve educational outcomes and, therefore, good cause exists for the following order which shall apply to any child who is a dependent or ward of the juvenile court.

IT IS HEREBY ORDERED that:

1. Any public or non-public school that provides educational services to a ward or dependent of the juvenile court is authorized and directed to release any and all pupil records of such a minor (including but not limited to attendance records, IEP records, progress reports, immunization records, or any other educational or health record maintained by a school) upon the request of a child's social worker, probation officer, Court Appointed Special Advocate (CASA) or attorney.

2. The pupil records identified in paragraph (1) shall be released without the requirement of parental consent. The individual requesting such records shall provide the school with verification that the child is a juvenile court dependent or ward and of the person's employment or assignment in the case.

3. The Departments are authorized and directed to provide to the designated foster child educational liaison of any school district, or their designee, information as to the legal status of a student who is the subject of a juvenile court placement, e.g., ward or dependent child of the court. The Departments are also authorized to provide copies, to each other, of psychological evaluations, additional testing or other data or health information necessary to assist in the development and implementation of a child's case plan. The Departments are further directed to provide such psychological or health information, for viewing purposes only, to assist in the development of a student's IEP or proper school placement, to a school psychologist. The school psychologist shall not

retain copies of the documents and they shall not be placed in the student's educational records but shall be promptly returned or destroyed.

4. Records received pursuant to this standing order shall remain confidential and shall not be duplicated or disclosed to third parties. This information regarding a child's juvenile court involvement shall be kept strictly confidential.

IT IS FURTHER ORDERED that a copy of this Standing Order shall be furnished by the Sonoma County Office of Education to all relevant schools and school districts within Sonoma County and by County Counsel to the Departments.

Dated: August 16, 2004

/s/ Mark Tansil
Mark Tansil, Superior Court Judge
Presiding Judge of the Sonoma County Juvenile Courts

STUDENT SUPPORT SERVICES

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Student Support Services, a Division of the Los Angeles County Office of Education, is committed to supporting the physical, social/emotional and mental health, safety, and well-being of all students in Los Angeles County, and to facilitating learning and success in expanded learning environments and in the community. Accordingly, the Division is pleased to provide the many reference guides found in this brochure for teachers, administrators, and to our clients.

Los Angeles County Office of Education

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For an order form and information on shipping, please visit our website at:

www.lacoe.edu

...or contact the Division of Student Support Services with any questions or concerns regarding the ordering process.

Keep this brochure handy for your resource needs.

Los Angeles County Office of Education
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Los Angeles County Office of Education

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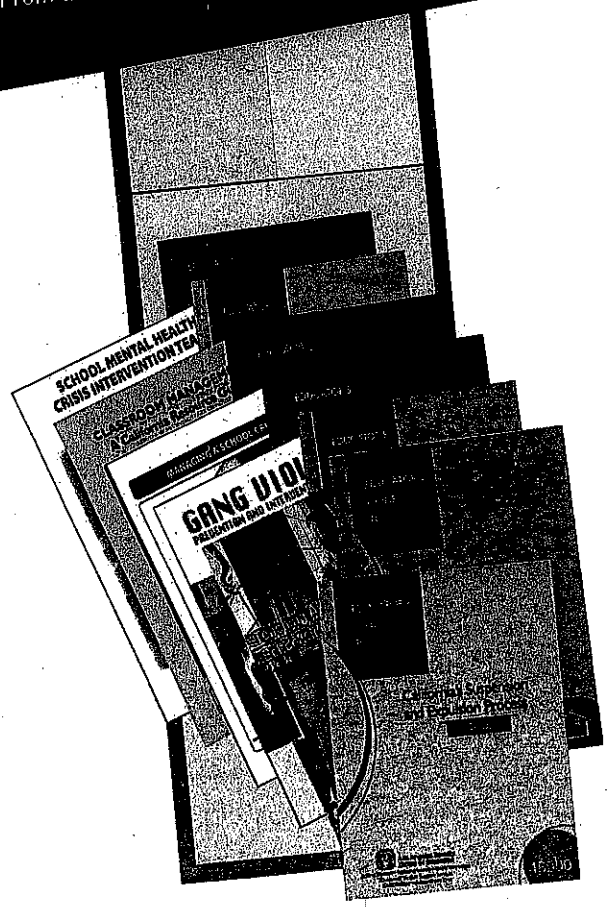
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