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California Moves to Improve Group Home Schools

By Sara Woodward

The California Legislature passed two new laws in the recently concluded session—Assembly Bill 1858 and Senate Bill 1108—which seek to improve the quality of schools serving group home youth. The bills, which recently went into effect, raise standards and improve oversight of California’s non-public schools. They also reform a state funding mechanism that gave school districts a fiscal incentive to place group home and foster youth in these schools even when it was not in the students’ best interests.

These new laws attempt to solve a problem that exists across the country. Youth in group homes are frequently educated in substandard, unregulated, and unequal schools, located on their group home campus and which generally serve only youth from that home. In addition to concerns about segregation of these students, advocates have contended that many of these schools provide an inadequate education, failing to prepare youth for a successful transition into adulthood.

In most states, these youth—who desperately need a good education to help them overcome the instability in their lives—are instead denied the basic level of education provided to students in public schools. AB 1858 and SB 1108 not only seek to improve

group home schools, but reduce the number of youth improperly placed in such schools.

California’s Group Home Schools

In California, approximately 18,000 youth reside in “licensed children’s institutions” (LCIs), commonly referred to as group homes.¹ Group homes are run by agencies that contract with county social services departments to provide care for youth from the child welfare and probation departments.

The schools affiliated with group homes fall under the umbrella of “non-public schools” (NPS). NPS refers to schools run by private entities, which provide special education services to students placed in the school pursuant to an individual education plan (IEP). Many group homes work with these schools that serve only the youth from the home. Overall, 35 percent of California’s group home beds are in facilities with affiliated NPSs.²

In the past, California’s non-public schools have not been subject to the same standards, oversight, and teacher credential requirements as public schools. Under existing law, an NPS was reviewed by the state Department of Education once every four years,³ and is only required to have “one full-time teacher who holds an appropriate credential authorizing special education services.”⁴

This lack of oversight has led to dismal educational outcomes for foster youth. Reports from youth who have attended non-public schools confirm that they received very little education; former students say that many of these schools lack textbooks, that the work is often far below their abilities, and they frequently spend time watching movies.

Former Students Paint Bleak Picture of School Experience

On Sept. 20, 2004, Georgette Todd, a former California foster youth, described her education in a non-public school an opinion piece aired on KUSP, a public radio station in San Francisco:

I attended schools designed for foster children only. These schools are really just a classroom built in the institution where foster children live. Whenever I was not in an actual home, I had no choice but to attend classes at my placement. Now the problem with these so-called schools was that not only did I have to share one teacher with a classroom full of younger kids, but I didn’t have access to the computer or books I had in high school ... My education was so bad, I actually begged for homework. But after a while, I just gave up.⁵

Ja’Nelle Earle, another former California foster youth, described her experience in

¹ Thomas Parrish et al., *Education of Foster Group Home Children, Whose Responsibility Is It?*, 2001, 4-1.

² *Id.* at 4-3.

³ Cal. Educ. Code § 56366.1(d) and (h).

⁴ Cal. Educ. Code § 56034.

⁵ Georgette Todd, *Perspectives: Pick Me!* (KQED radio broadcast, Sept. 20, 2004), <http://www.kqed.org/epArchive/R409200737>.

non-public schools in even more detail. Ja'Nelle spent time in various group home schools in Southern California. In a 2001 article in "Foster Care Youth United,"⁶ a national publication written by and for foster youth, explained her experience:

When I went to high school in the group home, our curriculum consisted of watching movies such as "The Elephant Man" and coloring or drawing. We rarely did work that was truly educational ... I was very interested in learning Spanish, so I asked ... how I could take that class. He told me that the teacher at my group home school did not know Spanish, so I could not learn it. The same went for algebra. I needed algebra for college, and the teacher knew a little about it, but since he could not give me one-on-one time, I would not get to take the class... When it was time for me to take Geometry, there was no one to teach me ... so the teacher had me complete consumer mathematics. When I received an "A" in consumer mathematics, she reported the grade as an "A" in geometry.

She thought she was doing me a favor, but really she was cheating me out of actual learning. Later on, when I found myself back in a public school, that made it harder for me to catch up with other kids... The group home I was at for pregnant and parenting teens was the worst education-wise. There was a day when I was reading a literature book that was at the 11th grade level (I was in 11th grade at the time). Students kept going up to the teacher's desk for help, and I guess she got frustrated, because soon she announced that we would all be working out of a 6th grade book because it would be easier for

her. If she put us all at the level of the lowest person, she could put us in a circle and we could all work together.⁷

California Law Formerly Favored Group Home School Placements

In addition to a lack of standards and oversight for NPSs, existing law in California presented school districts with a fiscal incentive to place foster youth in group home schools, resulting in placements that were unduly restrictive, unnecessary, and illegal. All students placed in NPSs must be first identified as disabled under the Individuals with Disabilities Education Act (IDEA), and then placed in an NPS pursuant to an Individual Education Plan (IEP). Most group home youth placed in NPSs are identified as "emotionally disturbed" under IDEA.

While placement into an NPS is an appropriate placement for some youth, financial incentives encourage districts to over-identify foster youth as in need of special education, and place them unnecessarily into NPSs. Until the passage of SB 1108, school districts received 100 percent reimbursement for the cost of tuition at an NPS for group home and foster youth—but if a school district provided those special education services in a public school, the district received no additional funds from the state.⁸

The 100 percent state reimbursement applied only to youth placed in group homes or foster homes; if a district placed a non-foster youth into an NPS, the district received no additional state funds.⁹ This gave school districts an enormous financial incentive to place foster youth into non-public schools; districts were faced with the choice of receiving no additional funds for foster youth served in public settings, or 100 percent reimbursement for youth placed into non-public schools.¹⁰

Overall, 47 percent of California's group home youth are identified as disabled and requiring special education.¹¹ Of group home youth in special education, 46 percent are educated in non-public schools, while only 1 percent of special education students who are not in foster care or group homes have NPS placements.¹² Foster youth are also educated in NPSs at a disproportionate rate; 4 percent of foster youth with special education needs attend NPSs.¹³ For group home youth, the numbers are staggering; 46 percent of group home youth with special education needs are educated in NPSs.¹⁴

The Individuals with Disabilities Education Act requires that disabled students receive special education services in the least restrictive educational environment.¹⁵ Placement into an NPS is one of the most restrictive educational placements possible, and although it is a violation of the IDEA for a district to recommend an NPS placement for financial rather than educational reasons, the size of the financial incentive and the reality of school district budgets may help explain why youth in group homes attend NPSs at such a disproportionate rate.

SB 1108: Reduces Unnecessary Group Home School Placements

SB 1108 removes this financial incentive; no longer is reimbursement linked to school placement.¹⁶ Instead, school districts receive funding based on the youth's residential placement.¹⁷ Beginning with the 2005 fiscal year, the state will provide each special education local plan area (SELPA) with funds based on the number of youth living in foster care, and the number of beds in group home facilities, within the SELPA's jurisdiction.¹⁸

The state will calculate the amount based on a "bed allowance" for each type of residential placement.¹⁹ The "bed allowance" increases according to

⁶ The publication, Foster Care Youth United, was recently renamed Represent

⁷ Ja'Nelle Earle, *The Miseducation of Foster Youth: When Group Home Teachers Expect the Worst*, Foster Care Youth United, September/October 2002, <http://www.youthcomm.org/FCYU-Features/FCYU-2002-09-2.htm>.

⁸ Tom Parrish et al., *Policies, Procedures and Practices Affecting the Education of Children Residing in Group Homes*, II-2 (2003).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Thomas Parrish, *Education of Foster Group Home Children, Whose Responsibility Is It?* 3-8 (2001).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ 20 U.S.C. § 1412 (a)(5)(A).

¹⁶ S.B. 1858, 2004-2005 Sess., Reg. Sess., § 14, amending Cal. Educ. Code § 56836.17 (Cal. 2004).

¹⁷ *Id.* at § 13, adding Cal. Educ. Code § 56836.165.

¹⁸ *Id.*

¹⁹ *Id.* at § 13, adding Cal. Educ. Code § 56836.165(a).

the “severity level” of the placement; for example, for the 2004-2005 fiscal year, the “bed allowance” for a youth living in a foster home will be between \$502 and \$610, and the “bed allowance” for a bed in a group home will depend on its rate classification level, but can go as high as \$20,081 for a Level 14 group home.²⁰ In California, group homes are given a number designation by the Department of Social Services between 1 and 14, with Level 14 serving the highest need youth, often those identified as seriously emotionally disturbed. The funding mechanism developed by SB 1108 takes into consideration that high needs youth, like those living in Level 14 group homes, will typically require more expensive educational services than youth living in foster family homes, and, accordingly, provides a much greater amount of compensation to school districts working with these youth.

The funding mechanism in SB 1108 initially appeared in the 2003 American Institutes for Research (AIR) report, “Policies, Procedures and Practices Affecting the Education of Children Residing in Group Homes.”²¹ The AIR report recognized that “youth living in foster care often require some additional educational services,” and that “generally, youth who are placed

in the higher levels of residential care require more educational accommodations, such as counseling and behavior management.”²² By connecting the funding amount to the type of residential placement, the state Department of Education is able to provide financial support to districts serving high-needs foster youth without influencing the type of educational placement that the district recommends.

AB 1858: Improving the Quality of Education in Group Home Schools

AB 1858 aims to hold NPSs to the same standards as public schools.²³ First, the bill requires that NPSs provide each classroom with a teacher who holds certification credentials equivalent to those required in public schools.²⁴ AB 1858 also requires that students educated in NPSs have access to the same opportunities afforded students in public schools, including access to the same instructional materials, college preparatory courses, extracurricular activities, and vocational training.²⁵ In addition, the bill requires that NPSs prepare a school accountability report card, and report their standardized testing results to the state Department of Education.²⁶

AB 1858 also seeks to increase monitoring and oversight of NPSs.²⁷ The new law requires NPSs to meet certification standards every year, rather than every four years.²⁸ AB 1858 increases local oversight as well, requiring NPSs to provide quarterly reports to local school districts on the educational progress of its students towards achieving their IEP goals.²⁹ Also, students placed in NPSs will be able to provide confidential information to their IEP team.³⁰

Together, these two new laws represent a victory for California’s group home youth. Increased standards and oversight will improve the quality of education in group home schools, and egalitarian funding will reduce the number of youth improperly placed in such schools.

Advocates in other states wishing to learn more about California’s approach to improving group home schools can contact Sara Woodward at NCYL, (510) 835-8098, ext. 3002.

Sara Woodward is a Skadden Fellow at NCYL, focusing on the educational needs of at-risk children. She is working to implement AB 1858.

²⁰ *Id.* at § 13, adding Cal. Educ. Code § 56836.165(c).

²¹ Parrish, *supra* note 10.

²² *Id.* at II-11.

²³ *Id.* at § 1 (b).

²⁴ *Id.* at § 9, amending Cal. Educ. Code § 56366.1(n)(1).

²⁵ *Id.* at § 12, adding Cal. Educ. Code § 56366.10(b).

²⁶ *Id.* at § 8, amending Cal. Educ. Code § 56366 (a)(8), (9).

²⁷ *Id.* at § 1 (b)(2).

²⁸ *Id.* at § 8, amending Cal. Educ. Code § 56366 (d).

²⁹ *Id.* at § 6, amending Cal. Educ. Code § 56257 (d).

³⁰ *Id.* at § 7, amending Cal. Educ. Code § 56341.5 (d), and § 14, adding Cal. Educ. Code § 56336.12.