



## POLICY BRIEF – EARLY CHILDHOOD EDUCATION PROGRAMS

Early childhood education programs can provide critical education and other services for children in foster care, but not all eligible foster children are enrolled in an appropriate program. Early child care providers and teachers may not be familiar with the challenges faced by children who have been removed from home because of abuse or neglect and placed in foster care. Similarly, persons working in the child welfare system may not be familiar with the educational and care needs of children zero to five years old, the related needs of their care and education providers, available programs and services, funding possibilities, or even with the educational rights of these children.

Please find below a list of early childhood education policy issues and proposed courses of action. We look forward to working with you at the 2007 California Foster Youth Education Summit where we will develop local action plans and recommendations for statewide policy to improve early childhood education and care for children in foster care.

### **POLICY ISSUES**

#### **Identification of Early Childhood Education and Care Needs**

- Court participants often lack education in the identification of early education, care, and developmental needs and the potential consequences if a child does not receive early childhood education and other related services.
- California has a statewide computer system known as the Child Welfare Services/Court Management System (CWS/CMS) that is available for use by county social services departments. This template provides for reporting on a child's education and development, however these areas are frequently not addressed for children zero to five years old.
- The child welfare system does not have a comprehensive policy or procedures to ensure that all children with disabilities are identified, located, and evaluated and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services. 20 U.S.C. § 1412(a)(3); 34 C.F.R. § 300.111; Gov. Code §95022; Ed. Code § 56300

#### **Ensuring Early Childhood Education and Care**

Comprehensive policies or procedures currently do not exist in the child welfare system to ensure the following early childhood education and care rights:

- Ongoing primary and preventive health-care services. Welf. & Inst. Code § 16001.9(a)(4); Cal. Code Regs, tit. 17, § 6847, <http://files.medical.ca.gov/pubsdoco/publications/Masters->

Other/CHDP/forms/periodhealth\_c01.pdf; California Department of Social Services All County Information Notice No. 1-82-05; 42 U.S.C. § 1396 et seq.; MPP 31-405.1(n)

- If the child is at least 1 year old, dental examinations every six months. CHDP Provider Information Notice 04-13, Welf. & Inst. Code § 14132.88; [http://www.aapd.org/media/Policies\\_Guidelines/G\\_Periodicity.pdf](http://www.aapd.org/media/Policies_Guidelines/G_Periodicity.pdf)
- Follow-up on identified health-care needs with appropriate referrals and treatment. Cal. Code Regs., tit. 17, § 6850
- If the child's current IEP shows that mental health services are necessary for the child to benefit from education, a referral for AB 3632/AB 2726 mental health services. Gov. Code §§ 7572, 7576; Cal. Code Regs., tit. 2, § 60100
- To have someone hold educational rights. If the parent's educational rights are limited, an education representative must be appointed. *Note:* County social workers and probation officers do not have the authority to make decisions regarding the child's educational rights and may not be appointed to make educational decisions for the child. If a nonpublic agency is providing the child with education, care or has a conflict of interest, neither it nor any person employed by it may be appointed to make educational decisions for the child. See 34 C.F.R. § 300.30 (2006); Gov. Code § 7579.5(i)–(j), 7579.6; Welf. & Inst. Code §§ 319, 361(a)(5), 366.27; Ed. Code, § 56055.
- If eligible for services or accommodations for a physical, mental, or learning disability as defined by the Americans With Disabilities Act (ADA), the Individuals With Disabilities Education Act (IDEA), or section 504, the receipt of appropriate services to meet the child's needs. 20 U.S.C. § 1400; Ed. Code § 56000; 34 C.F.R. § 104.3(j)
- If the child is under age 3 and is developmentally delayed, or meets eligibility criteria for being considered "at risk of developmental delay," a referral to the Early Intervention Program to determine eligibility for an Individualized Family Service Plan (IFSP)? 20 U.S.C. § 1436; Ed. Code §§ 56425-56426.9; Gov. Code § 95000 et seq., 5 CCR 3031, 17 CCR 52020; 17 CCR 52022 see 34 C.F.R. § 300.25 and Gov. Code § 95014 for the definition of infant or toddler.
- If the child is between 3 and 5 years old and has not met these developmental markers, a referral to the district to be assessed for special education services? Ed. Code § 56001
- The receipt of any related services that are necessary to help the child benefit from the special education program (e.g., transportation; psychological services; and physical, speech, and occupational therapy). 20 U.S.C. § 1401(26); 34 C.F.R. § 300.34; 34 C.F.R. § 104.3(j); Ed. Code § 56363; Gov. Code §§ 7573, 7575
- If the child has a developmental disability (e.g., mental retardation, autistic spectrum disorder, cerebral palsy, epilepsy), the receipt of appropriate developmental services from the regional center. Welf. & Inst. Code §§ 4512 (a), 4512 (b)

- If the child is suspected of having a developmental disability, a referral for these services. Gov. Code §§ 95014, 95016
- The child's foster parent or placement be provided with the following:
  - The child's medical history. Welf. & Inst. Code § 16010(c); MPP 31-405.1(s)(2)
  - Information about CHDP services. MPP 31-405.1(m)
  - If a permanent plan has been ordered for the child, the foster parent may be appointed as the child's educational representative. The educational representative has the right to be fully informed of, and provided consent in writing for, the activity for which consent is sought. 34 CFR 300.9; 71 FR 46540, 46551; Ed. Code §§ 56321, 56341(h), 56346

### Available Services

- **Child Care and Development Programs:** Children in foster care are eligible for child care and development program services and have first priority in obtaining these services. If an agency is unable to enroll a child with this priority, it must refer the family to resource and referral services to locate services for the child. Ed. Code § 8263(a) and (b).
- **Head Start and Early Head Start:** Children in foster care may also be eligible for Head Start or Early Head Start (for children birth to three.) 42 U.S.C. §§ 9831, *et seq.*, 45 C.F.R. §§ 1301, *et seq.*
- **Early Intervention Services:** Children under the age of three who have disabilities, or are at risk of having disabilities, are eligible for early intervention services. Ed. Code § 56001(c); Gov. Code §§ 95000, *et seq.* The Child Abuse Prevention and Treatment Act (CAPTA) requires procedures for referring a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention services. 42 U.S.C. § 5106a(b)(2)(A)(xxi).
- **Pre-School Special Education:** California children three to five years old who have a disability are eligible for preschool special education services. Ed. Code §§ 56001(b), 56440, *et seq.*

### POSSIBLE COURSES OF ACTION:

- Working with potential service recipients, develop local needs assessment/asset mapping.
- Develop local means of identification of children not yet benefiting from early childhood education and care.
- Develop policies for the referral of foster children to appropriate early childhood care and education programs.
- Provide training for social workers and foster care providers on the importance and benefits of early childhood care and education programs.
- Provide early childhood care and education teachers with information about the child welfare system and the experiences of children in foster care.
- Preschool for All – Children who are at risk of entering the foster care system and children currently in the foster care system should be afforded the opportunity to

take advantage of preschool. AB 172 Preschool for All benefits from the Governor signing a \$50 million preschool expansion bill. Communities must advocate for expansion of preschool services in their communities.

- [http://www.childrennow.org/issues/education/preschool\\_for\\_all.html](http://www.childrennow.org/issues/education/preschool_for_all.html)
- <http://www.preschoolcalifornia.org/>
- <http://www.iir.berkeley.edu/cscce/pdf/credentialing.pdf>
- Concerted efforts focused on prevention – Communities must collaborate with institutions of education, child welfare agencies, First Five and others in the development of community based school readiness programs. These resources will be available for “Differential Response” programs in Child Welfare redesign. Path one in Differential Response is designed as pre-placement prevention and early intervention.
  - [http://www.americanhumane.org/site/PageServer?pagename=pc\\_initiatives\\_differential](http://www.americanhumane.org/site/PageServer?pagename=pc_initiatives_differential)
  - [http://www.co.olmsted.mn.us/upload\\_dir/cs/differentialresponse.pdf](http://www.co.olmsted.mn.us/upload_dir/cs/differentialresponse.pdf)
- Kinship Care Support – Training and support programs for kinship care must include specialized training in educational advocacy for kin caregivers. The recent presentation at the California School Board Association on AB 490 identified this issue as a gap in service for caregivers. Funding for this may come from enhanced title IV-E (Training) and/or KSSP (Kinship Support Services Program).
  - [http://cssr.berkeley.edu/childwelfare/pdfs/kssp\\_March03\\_v21.pdf](http://cssr.berkeley.edu/childwelfare/pdfs/kssp_March03_v21.pdf)
  - <http://www.childsworld.ca.gov/res/pdf/KinshpList.pdf>
- Education Training – Training on all aspects of Education, Educational Rights, Advocacy, Special Education and Educational Requirements should be made available for parents, Social Workers, Probation Officers, Caregivers (Kin and Non-kin), Administrators, CASA, attorneys, judicial officers, and other community providers.
  - [http://www.ssa.gov/OP\\_Home/ssact/title04/0426.htm](http://www.ssa.gov/OP_Home/ssact/title04/0426.htm)
  - [http://www.childsworld.ca.gov/res/pdf/2002TitleIV-EStatePlan4\\_03.pdf](http://www.childsworld.ca.gov/res/pdf/2002TitleIV-EStatePlan4_03.pdf)
- Increased attention to Health and Education Passport – compliance for the documentation in the Health and Education Passport should be a collaborative effort. Currently the completion of this requirement falls on the case carrying social worker. Some counties have educational liaisons who attend to this issue.
  - <http://www.hwcws.cahwnet.gov/training/hep/c-mapguides/3-condguide/clcondguide.doc>
  - <http://www.hwcws.cahwnet.gov/training/hep/d-heptemplate/health%20and%20education%20passport.doc>
  - <http://www.hwcws.cahwnet.gov/training/hep/b-process/9d-heppres/heppres.doc>
- Determine Prop 63 fund availability.