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AB 740 (McCarty) Educational Rights of Students in Foster Care
FACT SHEET

Co-Sponsors:

Black Minds Matter Coalition
Children’s Advocacy Institute
Children’s Law Center

Legal Advocates for Children & Youth

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As Introduced: 2/16/21

SUMMARY

Students in foster care are being failed by California’s public education system. They experience worse academic outcomes and higher rates of school discipline than their peers. Data shows that students in foster care are suspended at a rate 331% higher than the statewide average resulting in them missing valuable and needed classroom time.

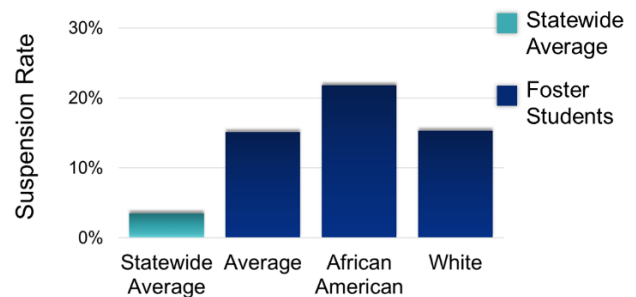
AB 740 addresses this disproportionately high rate of school suspensions and expulsions by making sure students in foster care have an experienced advocate working on their behalf. Specifically, this bill requires school districts to notify a foster child’s state-appointed attorney of any suspensions, pending suspensions, involuntary school transfers, and expulsion proceedings within the same timeframe that they are required to notify a child’s parent or guardian.

NEED FOR THE BILL

Students in foster care receive lower grades, are less likely to graduate high school or attend college, have higher rates of chronic absenteeism, and are suspended more often than their non-foster peers. In California, students in foster care are suspended at *four times* the statewide average rate. When broken down by student demographic, this disparity is even starker: the suspension for Black foster students is more than six times the statewide average. In Sacramento County, one in every five students in foster care was suspended at least once in the 2018-19 academic year.

Research shows a strong connection between high suspension rates, poor academic achievement, and high school dropout rates. The disproportionate suspension of students in foster care fuels a cycle of negative outcomes for these vulnerable students.

Students in Foster Care are Suspended at over 4x the Statewide Average Rate



Data Source: CA Department of Education, 2018-19 SY

BACKGROUND

When a child is placed into the California foster care system they are assigned a court appointed attorney to advocate on their behalf. Current law requires that a foster student’s attorney be notified of any pending discretionary expulsion proceedings. However, there is no such requirement for other disciplinary proceedings such as mandatory expulsions, involuntary school transfers, or suspensions – all of which can have serious negative impacts on students.

Guardians of students in foster care often lack the time, training, or background to advocate for the educational rights of students in their care. Furthermore, foster youth may cycle through multiple placements, which disrupts their education and makes advocacy within a school even less likely. In 2014, 75% of foster students in the U.S. experienced at least one unscheduled school change.

SOLUTION

AB 740 protects the educational rights of students in foster care by requiring their state-appointed attorney to be notified of disciplinary proceedings in order to ensure the student has a qualified person advocating on their behalf.

SUPPORT

Black Minds Matter Coalition (Co-Sponsor)
Children’s Advocacy Institute (Co-Sponsor)
Children’s Law Center (Co-Sponsor)
Legal Advocates for Children & Youth (Co-Sponsor)