
Presentation to Child Welfare Roundtable // August 3, 2023
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Background: AB 740 [signed 9/18/22; effective 1/1/23] expanded who schools must notify when a foster youth receives discipline that excludes them from the classroom. It gives the foster youth’s county social worker, tribal social worker, and dependency attorney the same rights to notice as the youth’s parent or educational rights holder.

Goal: Decrease disproportionate school discipline against foster youth by ensuring that the student’s full team of providers could respond quickly to troubles at school.

It can take days or weeks for social workers or dependency counsel to hear from a foster family or STRTP (group home) staff about discipline at school, too late to intervene. Push out of foster youth via involuntary transfer or serial suspensions can sometimes be addressed and prevented by a student’s service providers, but only with advance warning.

Results To Date: Mixed. The advocates I surveyed reported low rates of compliance from schools. The primary barrier to implementation cited by advocates is school sites being unaware of the law.

Districts report additional barrier are difficulty inputting additional contacts like social workers and attorneys in CalPads, and incomplete or outdated information in Foster Focus.

Given lack of implementation in the spring semester of 2023, I would not expect to see any results reflected in the data until the 23-24 data comes available late next year.

Benefits: When trained staff are able to respond, timely notification of suspension allows early intervention opportunities to get increased supports for the youth in school, or for legal response if the team believes the student’s exclusion from class was inappropriate.

The expansion of notice to involuntary transfers has been important as advocates are observing a surge in this practice statewide. Districts are able to achieve much the same outcome as an expulsion while sidestepping the student’s procedural protections and state reporting requirements that attach to the formal expulsion process.¹

Primary Barrier to Effectiveness: Lack of trained personnel to respond to notifications.

A dependency attorney supervisor I spoke with said “ok we get these notices and then what are my attorneys supposed to do? Their plates are already overflowing.” Even if we reach full and prompt compliance from school sites, foster youth’s team members frequently lack the training or bandwidth required to respond. Notification is only as good as what the team can do with it.

Few minor’s counsel organizations can afford a dedicated education attorney to provide advice on complicated special education and discipline matters. County social workers are generally equally overwhelmed and lack training in student’s discipline-related rights.

Without staff knowledgeable in student’s disciplinary rights and appeal options, the practical impact of AB 740 may be minimal. However, it does provide a useful mechanism for ensuring full team involvement in foster youth’s education and an important early warning system when outside educational advocacy is available.