

Early Care & Education



CALIFORNIA FOSTER YOUTH EDUCATION TASK FORCE

INTRODUCTION

The value of early education for children in the foster care system is recognized as a key to later education success and a stabilizing force for families. The Early Care and Education (ECE) system is not really a system, but a patchwork of public, private non-profit and private for-profit ECE programs.

ECE PROGRAMS AND SERVICES CEL

Every county has a Centralized Eligibility List (CEL) which all state funded programs – including infant and preschool full-day and part-day programs – are required to use to enroll families. Children in the foster care system or “at-risk” of child abuse are deemed to be on the top of the CEL list, but that does not guarantee immediate services. EC § 8227.

Early Head Start and Head Start

Early Head Start and Head Start programs are comprehensive, federally-funded programs that promote school readiness by enhancing social and cognitive development. Early Head Start provides children birth to 3 with early learning experiences. It also serves at-risk pregnant women. Head Start provides a part-day preschool program for 3 and 4 year old children and includes an array of educational, health, social, and other services, with a particular focus on early reading and math skills. Both are open to economically disadvantaged families, but children in foster care are eligible regardless of family income and have a priority for admission. 45 CFR § 1304.1; 45 CFR § 1305.4.

All applicants for new Head Start programs must have a plan to meet the needs of children in foster care, including transportation. In addition, programs must allow for the application and enrollment in a Head Start program of a child “awaiting foster care placement.” 42 USC § 11431.

Child Care Resource and Referral Agency (CCR&R)

The Child Care Resource and Referral Agency (CCR&R) is a list of child care resource and referral agencies by county that is available online at <http://www.rnetwork.org>.

EARLY INTERVENTION SERVICES ACT – PART C OF IDEA

To be eligible for federal Part C funds, a State must ensure that appropriate early intervention services are available to all

infants and toddlers with disabilities who are wards of the State, i.e., a foster child or a child in the custody of a child welfare agency. 34 CFR § 300.45.

In addition, states receiving Child Abuse and Prevention Act funds must develop and implement “provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of abuse and neglect to early intervention services funded under Part C of IDEA. 32 CFR § 80.5; GC § 75026.

Early Start Program

The Early Start Program is California’s response to federal legislation ensuring that early intervention services to infants and toddlers with disabilities and their families are provided in a coordinated, family-centered system of services that are available statewide. GC §§ 95000 et seq.

33% delay in two or more areas of development, or 2) they have an established risk condition of known etiology, with a high probability of resulting in delayed development, such as Down Syndrome. GC § 95014 (a)(1).

Who Is Responsible: School districts and county offices of education are responsible for providing or paying for services to infants and toddlers who have hearing, vision, or severe orthopedic impairments. Regional Centers – of which there are 21 in California – are responsible for providing or paying for services for all other eligible infants and toddlers. See <http://www.dds.ca.gov/earlystart>; GC § 95014(b).

Referrals: A referral for early start services must be made to the regional center or school district in writing or orally. The responsible regional center or school district then has 45 days to complete the evaluation and assessment, hold a meeting to determine eligibility, and develop an Individualized Family Service Plan (IFSP). An annual review and other periodic reviews of the IFSP shall be conducted to determine the degree of progress that is being made in achieving the outcomes specified in the plan and whether modification or revision of the outcomes or services is necessary. GC §§ 95020(b), 95020(f).

Transition Requirements: A smooth and effective transition must be developed for children eligible for special education services, including developing and implementing an Individualized Education Program (IEP) by the child’s 3rd birthday. Strict timelines apply for both school districts and regional centers to coordinate this transition. 34 C.F.R. § 303.148.

For children who are not eligible for special education services, a transition plan must be developed that will assure a smooth transition from Part C to other appropriate services for which the child is eligible. GC § 95020(d).

Due Process Procedures: If the person who holds educational rights believes that the Regional Center is not providing the services written in the child’s IFSP, he/she may file a complaint with the Department of Developmental Services, which then has 60 days to investigate and issue a written decision. If the person who holds educational rights disagrees with the services provided under the IFSP, then he/she may

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Eligibility: Infants and toddlers from birth to 36 months may be eligible for these services if through documented evaluation and assessment they meet one of the following criteria: 1) they have a developmental delay in either cognitive, communication, social or emotional, adaptive, or physical or motor development including vision and hearing and are under 24 months of age or older at the time of referral, with a 50% delay in one area of development or a

Early Care & Education (*continued*)

factsheet number four

continued from previous page

file for a fair hearing. The entire process is supposed to take no more than 30 days. 17 CCR §§ 52170 et seq.

Prevention Program for At-Risk Infants or Toddlers (Birth – 3)

A child who is not eligible for Early Start services may be eligible under the Prevention Program for At-Risk Children. A child is “at risk” if their genetic, medical, developmental, or environmental history predicts a substantially greater risk for developmental disability than the general population. Such factors could include low birth weight, prematurity, and prenatal exposure to drugs or alcohol. The Regional Centers administer the Prevention Program and provide intake, assessment, case management, developmental monitoring, and information and referral to public and community agencies. WIC § 4435.

PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES

All school districts are required to provide special education services for children with disabilities between the ages of 3 and 5 years. EC §§ 56001(b), 56440(c).

Eligibility: To be eligible for preschool special education services, a child must have one of the 13 special education eligibility criteria or an established medical disability. EC § 56441.11(b). See also the *Special Education Factsheet*.

In addition to qualifying under one of the disability categories, a child must also need specially designed instruction and services and have needs that cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support. A child need not be intellectually disabled to qualify; education includes age appropriate developmental milestones. EC §§ 56441.11 (2) and (3).

Referrals: See the *Special Education Factsheet*

Transition Services: Prior to transitioning a child receiving preschool special education services to kindergarten or first grade, an appropriate reassessment of the child must be conducted by the school district to determine if the child is still in need of special education and services. EC § 56445. Children who meet Regional Center eligibility will continue to receive case management

services and home support.

Due Process: See the *Special Education Factsheet*.

The California Foster Youth Education Task Force is a coalition of organizations dedicated to improving educational outcomes for foster youth. For more information, please visit our website at www.cfyetf.org or contact Mia Stizzo at mia.stizzo@cfpic.org.

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