

ISSUE BRIEF

February 2011

AB 490: Partial Credits

OVERVIEW:

The calculation and acceptance of partial credits is critical to ensure that foster youth are not academically penalized because they are often transferred from school district to school district. It is not uncommon for these school transfers to take place within the course of the school year without regard for semester or quarter completion dates. Under AB 490 (Steinberg, 2003), school districts must accept partial credits for entering foster youth (and thus a sending district must be able to calculate partial credits for foster youth who are transferring out).

Each public school district and county office of education *shall accept for credit full or partial* coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. EDUC. CODE § 48645.5. Upon receiving a transfer request from a county placing agency, a school district is required to *"compile the complete educational record of the pupil including a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records,"* and, if applicable, a copy of a pupil's 504 Plan and/or IEP. EDUC. CODE § 49069.5(e). The AB 490 educational liaison must assist foster youth when transferring from one school to another which includes *"ensuring proper transfer of credits, records, and grades"*. EDUC. CODE § 48853.5(b)(2). The person responsible for the transfer of educational records for foster youth must be *"aware of the specific educational recordkeeping needs of homeless, foster, and other transient children who transfer between schools."* EDUC. CODE § 49069.5(f).

Unfortunately, while some school districts have developed partial credit policies and protocols to ensure this calculation or acceptance of partial credits, most have not yet done so. To date, there is not a standard formula for calculating partial credits, and calculation varies from county to county and district to district. In addition, although many school districts report that they are awarding partial credit to students on a case-by-case basis, only a few school districts have developed policies to guide their calculations. Given the lack of consistent policy, it is likely that many students are slipping through the cracks and not receiving credit for schoolwork they have completed.

This problem may be created or exacerbated by the fact that no uniform, statewide method has been established for calculating partial credits and there is a lack of guidance or suggested standards. Also, within some counties there are also school districts with varying credit systems, such as 1 credit per class versus 5 credits per class. This can cause further complications.

Another major challenge that is impacted by educational instability is difficulty meeting local graduation requirements that can differ as students in foster care transfer schools or school districts due to placement changes. This may lead students to drop out or pursue a General Education Development test (GED) as opposed to a high school diploma. This may impact their ability to be eligible for certain employment opportunities that require a high school diploma and also impact their ability to serve in the military. In 2009, AB 167 was passed which amended Educ. Code 51225.3 to exempt pupils in foster care from school district graduation requirements that exceed state graduation requirements if the pupil changes districts or schools while in the 11th or 12th grade, if the pupil would not be reasonably able to complete the additional district requirements while eligible for foster care benefits. Although AB 167 has been tremendously helpful in allowing a larger number of students in foster care to graduate high school, it requires some changes to better integrate with AB 12.

PROGRESS TO DATE:

Since the Foster Care Education Summit in 2007, there have been several efforts to address this issue. The Superintendent of Public Instruction Jack O’Connell wrote to school districts across the State to remind them of their obligations to provide partial credit to students. (Attachment A). The California School Boards Association has developed a Policy Brief to provide guidance to school districts on this issue. (Attachment B). In the fall of 2009, the CA Child Welfare Council’s Child Development and Successful Youth Transitions Committee adopted a strategy for CA Department of Education to work with the Legislature on developing language to clarify the issue of partial credits. The National Center for Youth Law, in an effort to assist districts with the development of partial credit policies, developed a survey that was distributed to Foster Youth Services coordinators across the state in December 2007. A summary of the findings are below:

METHOD FOR CREDIT CALCULATION	INFORMAL POLICY PRACTICES BY COUNTIES AND SCHOOL DISTRICTS
No consistent practice/ Unknown	25 counties and/or school districts (out of 69 responding) reported that they had no policy/practice or were unaware of a policy/practice in their county or district.
Attendance and/or Hours of Work Completed	29 counties and/or school districts calculate credits based on attendance, seat time, and/or hours of work completed.
Attendance and Work Completed/ Passing Grade by Student	11 counties and/or school districts calculate credits based on attendant/seat time/work completed AND quality of work (e.g. considering whether student is passing, successful, or productive, OR teacher input).
Award Credits Based on Information from Previous School	3 counties and/or school districts award credits based on information from previous school.

RECOMMENDATIONS FOR POSSIBLE COURSES OF ACTION STATEWIDE:

- Model Guidelines: The Superintendent and/or the State Board could offer guidance on how to calculate and accept partial credits to school districts. This would require a change in statute to grant the CDE the authority to provide this guidance.
- Regulations: The State Board of Education has broad authority to promulgate and adopt rules and regulations, not inconsistent with state law, concerning the governance of the schools of the state. (See, EDUC. CODE § 33031.) Through the regulatory process, the State Board could direct school districts to comply with the law by adopting policies and procedures for the calculation and acceptance of partial credits and establish minimum standards for such calculations and the procedures that guide them. The State Board can also be directed by the Legislature to promulgate regulations to effectuate a specific Education Code provision to that effect (e.g. EDUC. CODE § 221.1, regulations concerning discrimination; EDUC. CODE § 60005, regulations concerning curriculum framework).
- Local Policies & Procedures: It is not unusual for the Legislature to direct school districts to adopt policies, rules and regulations for the purpose of implementing an Education Code requirement. (See e.g., EDUC. CODE § 48070, promotion/retention policies and Educ. Code § 48918, expulsion rules and regulations.) School districts could be required by legislation to adopt polices, procedures and protocols governing the calculation and acceptance of partial credits and seat time.
- Inclusion in CPM: If AB 490 is included in the CDE’s Categorical Program Monitoring (CPM) process, the acceptance and calculation of partial credits should be included as one of the monitoring items to be reviewed.
- The following changes should be made to California Education Code § 51225.3(c) to clarify this section only applies to foster youth who suffer an involuntary transfer. Further those students continue to be eligible for graduation under this section even if they have exited the foster care system, so long as they involuntarily transferred schools in the 11th or 12th grade while they were in care. When determining whether foster youth can reasonably complete local graduation requirements, school districts should use the student’s 19th birthday as a cut-off date, so long as they will enroll the student until age 19; otherwise the school district should use the student’s 18th birthday. This change is made necessary by the passage of AB 12, which extends “foster care benefits” to age 21 for some youth.

SUMMARY:

Though there have been a lot of federal and state legislative efforts to increase educational stability for students in foster care to stay in their school of origin, the issue of high mobility, particularly for students in high school remains a challenge. To that end, it is important to recognize that there is still a great need to develop tools, practices and policies in regards to ensuring that the calculation of partial credits is consistent. In addition to this, when partial credits are awarded, occasionally, partial credits are not applied to the original courses taken and are considered elective credits due to a lack of course continuity between school districts. The ability to develop consistent statewide implementation of partial credits would greatly enhance the successful academic achievement of students in foster care. In addition to this, clarification to the statutes created by AB 167 would help increase educational and career opportunities for students in foster care.