



January 10, 2014

Michael Kirst
President
State Board of Education
1430 N Street, Room 5111
Sacramento, CA 95814

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education
1430 N Street
Sacramento, CA 95814

RE: Improving the Educational Outcomes of Foster Youth

Dear President Kirst and Superintendent Torlakson:

We are writing as organizations which support improving the educational outcomes of students in foster care. **This letter follows-up on our letter dated November 1, 2013.** It is in response to the most recent draft regulations and local control accountability plan template, and to continued concerns expressed by school districts, county child welfare agencies, foster parents and foster youth.

As before, we commend the Governor for working with the Legislature to create an education finance system that supports the educational needs of students in foster care. There remain, however, a number of concrete steps that must be taken to ensure that they receive the educational opportunities they need. Specifically:

- **Local Control Accountability Plan (LCAP) templates need to require information specific to foster youth:** We are excited by the revised LCAP template posted on January 3, 2014, and thankful that it incorporates much of our feedback. In a number of important ways it encourages local education agencies (LEAs) to develop goals, actions and services specific to foster youth. We think it could be improved by dividing the “goal chart” in Section 2 into two goal charts, one containing goals for all students, the other containing goals for at-risk subgroups, similar to the structure of the charts in Section 3. ***We recommend the LCAP template continue to be improved such that it contains a chart for districts to list their goals specific to the at-risk student groups defined in Education Code section 42238.01 and pupils re-designated as fluent English proficient.***
- **School districts need to know which of their students are in foster care:** AB 97 requires the California Department of Social Services (CDSS) and the California Department of Education (CDE) to enter into a memorandum of understanding (MOU) pursuant to which the CDE will inform LEAs which of their students are in foster care on a weekly basis. The MOU must be signed by February 1, 2014. Because LEAs cannot adequately develop or implement the portion of their LCAP related to foster youth if they don’t know which of their students are in foster care, it is critically important that this MOU, and all provisions of Education Code 49085, be fully executed as quickly as possible. ***We recommend the CDE be required to regularly update the SBE and public on their progress implementing Education Code 49085 until all provisions are fully implemented and districts have the information they need to meet the unique needs of students in foster care.***
- **The CDE needs to issue clear guidance with respect to the foster youth provisions of the LCFF:** Foster youth and LEAs would benefit greatly from clear guidance explaining the new provisions of education code related to foster youth. Common questions include: what is the definition of foster youth; who are the adults and what are the agencies collectively responsible for the well-being of these students; which employees should know the identity of



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the LEA students in foster care, what is appropriate use of this information; and what are the respective responsibilities of the school district, county office of education foster youth services program and child welfare agency with respect to meeting the educational needs of students in foster care. ***We recommend the CDE work with CDSS and foster youth education experts to quickly issue guidance to these and other common questions.***

- **School districts need technical assistance to help them successfully design and implement programs for foster youth:** The inclusion of foster youth as a subgroup in California's accountability framework, as distinct from low-income students, is public recognition that foster youth require a unique set of educational services. Unlike the other at-risk subgroups in the local control funding formula (LCFF), most school districts have little experience developing or implementing programs specific to foster youth. They are likely to require substantial technical assistance in this area. Yet at present the CDE has just one staff position dedicated to improving the educational outcomes of students in foster care. This is not close to sufficient. ***We recommend that the CDE develops increased internal capacity in this area and we recommend that the California Collaborative for Educational Excellence have expertise in this area.***

We are proud that California is the first state to hold itself accountable for the educational outcomes of students in foster care. The State has made significant progress since November 1st to ensure foster youth realize the promise contained in the LCFF. Implementing the recommendations above will help to ensure that foster youth receive the educational opportunities they need to succeed in school, and in life.

Sincerely,

Francisco Lobaco
Legislative Director
ACLU of California

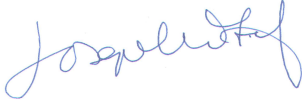
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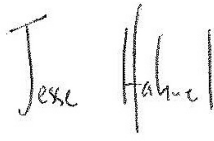
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