## CALIFORNIA LEGISLATURE

STATE CAPITOL SACRAMENTO, CALIFORNIA 95814

November 04, 2013

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

1340 N Street

Sacramento, CA 95814

RE: Improving the Educational Outcomes of Foster Youth

Dear Board President Kirst and Superintendent Torlakson:

At any given time there are approximately 42,000 California students in foster care. The state has a unique legal and moral responsibility to ensure their well-being, which includes supporting their educational attainment needs. Unfortunately, studies have consistently found their educational outcomes to be significantly worse than other at-risk subgroups.

Students in foster care face a unique set of educational challenges and require a unique set of educational services. In recognition of these realities, California recently made the important decision to include foster youth as one of three at-risk subgroups included in the local control funding formula (LCFF) while also adding foster youth as a subgroup to California's academic performance index (API).

We commend the Governor for working with the Legislature to create an education system that supports the educational needs of students in foster care. Though there is much potential in enacting this legislation, concrete steps must be taken to ensure school districts have the incentive, guidance and assistance necessary to ensure students in foster care receive the educational opportunities they need. Specifically:

• School districts need to know which of their students are in foster care: AB 97 amended education code section 49085 to require the California Department of Education (CDE) to inform local education agencies (LEAs) which of their students are in foster care. The CDE must also provide LEAs information about these students helpful to meeting their educational needs. This information must be updated weekly. We recommend immediately forming an inter-agency workgroup to ensure all provisions of education code 49085 are implemented efficiently and effectively while preserving the pupils' rights to privacy of their records and foster youth status.

- Local Control Accountability Plan (LCAP) templates must require information specific to foster youth: Different subgroups of students face different and unique educational challenges and require different educational supports. Recognizing this, AB 97 requires LEAs to provide information on a number of challenges and outcomes unique to the subgroup of students identified in the LCFF. This includes an annual statement of goals for each identified subgroup across all 8 state priority areas, as well as the annual specific actions the LEA will take to achieve those goals. For example, students in foster care have a higher level of system involvement than their counterparts and it is critical for this to be reflected in the LEAs annual statement of goals and actions for this student population. We recommend the LCAP templates require LEAs to provide information on how they will develop and implement an education plan for students in foster care consistent with AB 97 that includes appropriate interventions.
- The CDE needs to issue clear guidance with respect to the foster youth provisions of the LCFF: All foster youth are categorically low-income. Because foster youth do not "generate" supplemental or concentration funds beyond the funding they "generate" by virtue of being low-income, many LEAs believe they do not need to provide foster youth supports beyond those they will provide low-income students generally. The inclusion of foster youth as an API subgroup, as distinct from low-income students, is public recognition that foster youth require a unique set of educational services. We recommend the CDE issue clear guidance clarifying that foster youth are included as one of three at-risk subgroups in the LCFF because they require unique educational services and supports.
- School districts need technical assistance to help them successfully design and implement programs for foster youth: Unlike the other subgroups in the API, 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. We recommend that the CDE ensure districts receive the technical assistance they need to assist with developing LEAs' internal capacity in this area and move towards coordinated care among all affected agencies.

California recently became the first state to hold itself accountable for the educational outcomes of students in foster care. These recommendations ensure that foster youth receive the educational opportunities they need to succeed in school as intended in the legislation.

We look forward to learning more about your progress in the months to come.

Sincerely,

DARRELL STEINBERG

Senate President pro Tempore

California State Senate

JOHN A PÉREZ

Speaker

California State Assembly

Board President Kirst and Superintendent Torlakson November 4, 2013 Page 3

LELAND YEE, Chair

Senate Human Services

JOAN BUCHANAN, Chair

Assembly Education

MARK DESAULNIER

Senate District 7

MARK STONE, Chair

Assembly Human Services

HOLLYMITCHELL

Senate District 26

WESLEY CHESBRO

Assembly District 2

CC: All SBE Members

Karen Stapf Walters, Executive Director, CA State Board of Education

Christine Swenson, Director, Improvement & Accountability Division, CDE

Keric Ashley, Director, Analysis, Measurement & Accountability Reporting Division, CDE

Erin Gabel, Director, Government Affairs Division, CDE

Whitney Staniford, Legislative Representative, Government Affairs Division, CDE

Richard Zeiger, Chief Deputy, CDE

Deb Sigman, Deputy, CDE

Will Lightborne, Director, CDSS

Greg Rose, Deputy Director, Children & Family Services Division, CDSS

Jannelle Kubinec, Director, National, State and Special Projects, WestEd

STATE CAPITOL, ROOM 4090 SACRAMENTO, CA 95814 TEL (916) 651-4039 FAX (916) 327-2188

DISTRICT OFFICE 701'B STREET, SUITE 1840 SAN DIEGO, CA 92101 TEL (619) 645-3133 FAX (619) 645-3144

WEBSITE HTTF://SD39.SENATE.CA.GOV

## California Legislature



MARTY BLOCK

SENATOR, THIRTY-NINTH DISTRICT

November 4, 2013

Dr. 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: Implementation of the Local Control Funding Formula Regarding Foster Youth

Dear President Kirst and Superintendent Torlakson:

As Chair of the Senate's Budget Subcommittee #1 on Education, I look forward to working closely with you in the year ahead on the implementation of the recently enacted Local Control Funding Formula (LCFF). I anticipate that our Subcommittee will hold hearings to oversee several important aspects of these statewide laws and the related regulations that should appropriately balance local flexibility, provide for meaningful accountability, and make critical progress toward closing achievement gaps.

Today, I am writing to join with colleagues in directing your attention to the needs of the approximately 42,000 California students in foster care. I share in the belief that the state has a legal and moral responsibility to ensure their well-being, which includes supporting their educational attainment, particularly in light of studies that consistently find the educational outcomes of foster youth to be significantly worse than other at-risk subgroups.

To that end, in the months and year ahead, we will seek to improve outcomes for these students by ensuring the data-sharing aspects of Section 49085 of the Education Code are implemented effectively and efficiently and that Local Control Accountability Plan templates reflect goals that t recognize and treat foster youth as a unique subgroup. Third, we also want to ensure that Local Education Agencies are supported and assisted in their efforts to increase or improve services specifically for foster youth and do not rely solely on reaching these students because they may also be categorized as low-income students.

Again, I look forward to continuing to partner with you to ensure the successful implementation of all aspects of the groundbreaking changes in state law and policy that we enacted this year under the Local Control Funding Formula, including those impacting our students in foster care.

Sincerely,

Senator Marty BMcl

CC: All SBE Members

Will Lightbourne, Director, CDSS

Jannelle Kubinec, Director, National, State and Special Projects, WestEd

President Pro Tem Darrell Steinberg

Senator Mark DeSaulnier

Senator Holly Mitchell

Assemblymember Wesley Chesbro

Maya Cooper, Policy Manager, FosterEd Initiative

Amy Lemley, Policy Director, John Burton Foundation

PROUBLY REPRESENTING THE CITIES & COMMUNITIES OF SAN DIEGO, DEL MAR, SOLANA BEACH & CORONADO

COMMITTEES CHAIR, BUDGET & FISCAL REVIEW SUBCOMMITTEE #1 ON EDUCATION

BUDGET & FISCAL REVIEW BUSINESS, PROFESSIONS & ECONOMIC DEVELOPMENT

EDUCATION

PUBLIC EMPLOYMENT & RETIREMENT

PUBLIC SAFETY
VETERANS AFFAIRS



November 1, 2013

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. At any given time there are approximately 42,000 California students in foster care. The state has a unique legal and moral responsibility to ensure their well-being, which includes supporting their educational attainment. Unfortunately, studies have consistently found the educational outcomes of foster youth to be significantly worse than other at-risk subgroups.



Students in foster care face a unique set of educational challenges and require a unique set of educational services. In recognition of these realities, California recently made the important decision to include foster youth as one of three at-risk subgroups included in the local control funding formula (LCFF) while also adding foster youth as a subgroup to California's academic performance index (API).



We commend the Governor for working with the Legislature to create an education system that supports the educational needs of students in foster care. Though there is much potential in enacting this legislation, concrete steps must be made taken to ensure school districts have the incentive, guidance and assistance necessary to ensure students in foster care receive the educational opportunities they need.

More specifically:



• School districts need to know which of their students are in foster care: AB 97 amended education code section 49085 to require the California Department of Education (CDE) to inform local education agencies (LEAs) which of their students are in foster care. The CDE must also provide LEAs information about these students helpful to meeting their educational needs. This information must be updated weekly. We recommend immediately forming an inter-agency workgroup to ensure all provisions of Education Code 49085 are implemented efficiently and effectively.



Local Control Accountability Plan (LCAP) templates need to require information specific to foster youth: Different subgroups of students face different educational challenges and require different educational supports. Recognizing this, AB 97 requires LEAs to provide information on a number of challenges and outcomes unique to English learner students. Similarly, the LCAP templates should require districts to provide information on the unique supports they will provide foster youth. For example, students in foster care have a higher level of system involvement than their counterparts. We recommend the LCAP templates require LEAs to provide information on how they will develop and implement an education plan for students in foster care in collaboration with the local child welfare agency.



The CDE needs to issue clear guidance with respect to the foster youth provisions of the LCFF: All foster youth are categorically low-income. Because foster youth do not "generate"

supplemental or concentration funds beyond the funding they "generate" by virtue of being low-income, many LEAs believe they do not need to provide foster youth supports beyond those they will provide low-income students generally. The inclusion of foster youth as an API subgroup, as distinct from low-income students, is public recognition that foster youth require a unique set of educational services. We recommend that the CDE issue clear guidance clarifying that foster youth were included as one of three at-risk subgroups in the LCFF because they require unique educational services and supports and direct LEAs to include those supports in their planning.

• School districts need technical assistance to help them successfully design and implement programs for foster youth: Unlike the other subgroups in the API, 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. We recommend that the CDE ensure districts receive the technical assistance they need by developing internal capacity in this area.

California recently became the first state to hold itself accountable for the educational outcomes of students in foster care. These recommendations will help to ensure that foster youth receive the educational opportunities they need to succeed in school as intended in the legislation.

Sincerely,

Francisco Lobaco Legislative Director ACLU of California

Carroll Schroeder Executive Director

California Alliance of Child and Family Services

Joseph Tietz

**Executive Director** 

California Youth Connection

Frank J. Mecca Executive Director

County Welfare Directors Association of California

a Kuthu-

Arun Ramanathan
Executive Director
The Education Trust—West

398

Amy Lemley Policy Director John Burton Foundation

Jexe Hahrel

Jesse Hahnel

Director, Foster Youth Education Initiative National Center for Youth Law

Liz Guillen

Director of Legislative & Community Affairs

Public Advocates Inc.

Ciz Grillen

CC: All SBE Members

Christine Swenson, Director, Improvement & Accountability Division, CDE

Keric Ashley, Director, Analysis, Measurement & Accountability Reporting Division, CDE

Erin Gabel, Director, Government Affairs Division, CDE

Whitney Staniford, Legislative Representative, Government Affairs Division, CDE

Riche Zeiger, Chief Deputy, CDE

Deborah Sigman, Deputy, CDE

Will Lightborne, Director, CDSS

Greg Rose, Deputy Director, Children & Family Services Division, CDSS

Janelle Kubinec, Director, National, State and Special Projects, WestEd



## THE PUBLIC INTEREST LAW OFFICE OF THE LOS ANGELES COUNTY AND BEVERLY HILLS BAR ASSOCIATIONS The Southern California Affiliate of The Lawyers' Committee for Civil Rights Under Law

November 8, 2013

Michael Kirst, Tom Torlakson,

President State Superintendent of Public Instruction
State Board of Education California Department of Education

1430 N Street, Room 5111 1340 N Street

Sacramento, CA 95814 Sacramento, CA 95814

RE: Improving the Educational Outcomes of Foster Youth

Mr Kirst and Mr Torlakson:

We are writing as one of many organizations committed to improving the educational outcomes of students in foster care. We strongly agree with the recommendations made by the National Center for Youth Law and other statewide organizations. We would also like to provide some more detailed recommendations based on our experiences working one-on-one with foster youth in Los Angeles County to protect their educational rights, help them graduate from high school and go on to succeed in college and careers.

As the recent WestEd report shows, over ¼ of the approximately 42,000 California students in foster care are concentrated in just 10 school districts – three of which are here in Los Angeles County! County-specific as well as statewide data show that the education outcomes for these youth lag far behind other youth, even equally low-income youth.

Almost a decade ago, the passage of AB 490 marked a significant recognition by California that the foster youth population face a unique set of educational challenges and require a unique set of educational services. Through the years, additional laws were passed to provide additional rights to foster youth. Nonetheless the educational outcomes of foster youth continue to be dismal in comparison to their counterparts who are not in foster care. In recognition of these realities, California recently made the important decision to include foster youth as one of three at-risk subgroups included in the local control funding formula (LCFF) while also adding foster youth as a subgroup to California's academic performance index (API).

Building on the recommendations recently provided by the National Center for Youth Law and other organizations, we hope that the Board will consider taking the following actions: :

• School districts need to know which of their students are in foster care:

We recommend that CDE and CDSS enter into a MOU by December 31, 2013 that would allow the transfer of data on foster youth to begin. The MOU should include provisions to ensure that data is accurate, promptly provided to LEAs, and LEAs have

Michael Kirst and Tom Torlakson, November 5, 2013 Page 2 of 3

> the technical assistance and support needed to interpret the data and use it to better meet the educational needs of students in foster care.

- Local Control Accountability Plan (LCAP) templates need to require information specific to foster youth: Different subgroups of students face different educational challenges and require different educational supports. Prior to LCFF, LEAs had existing obligations under Education Code 48850 et seq. to promote educational stability of foster youth, remove educational barriers and ensure that foster youth are educated in the least restrictive environments with full access to services and supports. LCFF now provides LEAs with additional resources to help them comply fully with these legal requirements. In addition, EC 49085 now requires that the State Superintendent provide to the Legislature and Governor specific outcomes for foster youth including academic achievement and rates of suspension, expulsion, attendance and drop out. In light of these specific legal obligations, we recommend the LCAP templates require LEAs (with at least 15 foster youth) to provide information as required by Ed. Code sections 49085 and 52052 including:
  - What percentage of LEAs' population is foster youth and the percentage of supplemental and concentration grants spent on this population;
  - What unique supports and services they will provide to foster youth;
  - What specific efforts they will make to collaborate with local child welfare agencies and other stakeholders to support foster youth;
  - What services are provided by the LEAs' foster education liaisons and how the LEA will ensure adequate staffing to ensure all foster youth have access to these services
  - Baseline and yearly outcomes on key measures including: foster youths' school stability, academic achievement, access to A-G curriculum, length of time for enrollment and transfer of records including checkout grades and partial credits calculation, attendance rates, suspension and expulsion rates, dropout rates, graduation rates and college acceptance rates.
- The CDE needs to issue guidance with respect to the foster youth provisions of the LCFF: We recommend that the CDE issue guidance clarifying ,that LEAs are required to establish goals and actions specific to foster youth in the LCAP, regardless of the overlap between the low-income and foster youth populations, using the guidelines above.
- School districts need technical assistance to help them successfully design and implement programs for foster youth: We recommend that the CDE encourage LEAs to seek technical assistance from existing, effective Foster Youth Services programs in their own or other counties.

California recently took the bold step of holding its education system accountable for the educational outcomes of students in foster care. The above recommendations would follow through on and fulfill the promise of the LCFF legislation by ensuring that foster youth actually receive the supports needed to thrive and succeed in school.

Michael Kirst and Tom Torlakson, November 5, 2013 Page 3 of 3

Sincerely,

Laura Faer

and Martha Matthews

CC: All SBE Members

Christine Swenson, Director, Improvement & Accountability Division, CDE Keric Ashley, Director, Analysis, Measurement & Accountability Reporting Division, CDE Jannelle Kubinec, Director, National, State and Special Projects, WestEd