



## Foster Youth Provisions of the LCFF – Legislative Language

### I. Summary

California’s Local Control Funding Formula (LCFF) has a number of provisions that represent a significant victory for students in foster care. Most notably:

- California became the first state to include foster youth as a subgroup in their education accountability framework. Schools and school districts with 15 or more foster youth are held accountable for their academic performance.
- School districts are required to develop and implement local control and accountability plans (LCAPs) specifying how the district will improve the educational outcomes of foster youth. The plans must include goals, actions, and a budget.
- California’s Foster Youth Services (FYS) program was preserved as a categorical at the current funding level of \$15 million. This ensures county offices of education will continue to coordinate educational services and supports for students in foster care.
- The California Department of Education (CDE) and California Department of Social Services (CDSS) are required to share data such that CDE knows which students are in foster care as well as child welfare related information helpful to meeting the educational needs of students in foster care. CDE is required to all such information to school district and county offices of education on a weekly basis.
- CDE will be required to track and report, at the district, county and state level, the academic achievement, truancy rates, attendance rates, dropout rates, suspension rates and expulsion rates of students in foster care to the Governor and Legislature to ensure increased state oversight for students in foster care.

Details are below. New statutory language is underlined.

### II. School District Provisions

#### a. Inclusion of Foster Youth in the State Accountability Framework

California became the first state to include foster youth as a subgroup in their education accountability framework. Schools and school districts with 15 or more foster youth will be held accountable for their academic performance. This provision creates a new incentive for schools and school districts to better serve students in foster care.

California Education Code 52052

(a) (1) The Superintendent, with approval of the state board, shall develop an Academic Performance Index (API), to measure the performance of schools and school districts, especially the academic performance of pupils.

(2) A school or school district shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school, school or school district, including:

- (A) Ethnic subgroups.
- (B) Socioeconomically disadvantaged pupils.
- (C) English learners.
- (D) Pupils with disabilities.
- (E) Foster youth.

(3) (A) For purposes of this section, a numerically significant pupil subgroup is one that meets both of the following criteria: consists of at least 30 pupils, each of whom has a valid test score.

(B) Notwithstanding subparagraph (A), for a subgroup of pupils who are foster youth, a numerically significant pupil subgroup is one that consists of at least 15 pupils.

#### **b. School District Local Control and Accountability Plan**

The budget requires school districts to develop and implement local control and accountability plan (LCAP). These plans must:

- Identify goals for foster youth as a distinct subgroup, and
- Describe the actions the school district will take to achieve these goals.

School districts must also annually update their LCAPs, including the goals and actions specific to foster youth. Districts must:

- Review the district's progress in relation to the goals set for foster youth as a subgroup;
- List and describe the expenditures for the year implementing the specific actions the school district committed to taking to achieve the goals for foster youth; and
- List and describe expenditures for the year that primarily benefit English learners, students eligible for free or reduced price meals, and foster youth.

These plans represent the first time school districts will be required to detail the specific steps they will take to improve the educational outcomes of foster youth.

#### California Education Code 52060

(a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by a governing board of a school district shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by a governing board of a school district shall include, for the school district and each school within the school district, a description of both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d) and for any additional local priorities identified by the governing board of the school district. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in paragraphs (2) and (3) of subdivision (a) of Section 52052.

(2) A description of the specific actions the school district will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the school district.

#### California Education Code 52061

(a) On or before July 1, 2015, and each year thereafter, a school district shall update the local control and accountability plan. The annual update shall be developed using a template developed pursuant to Section 52064 and shall include all of the following:

(1) A review of any changes in the applicability of the goals described in paragraph (1) of subdivision (c) of Section 52060.

(2) A review of the progress toward the goals included in the existing local control and accountability plan, an assessment of the effectiveness of the specific actions described in the existing local control and accountability plan toward achieving the goals, and a description of changes to the specific actions the school district will make as a result of the review and assessment.

(3) A listing and description of the expenditures for the fiscal year implementing the specific actions included in the local control and accountability plan and the changes to the specific actions made as a result of the reviews and assessment required by paragraphs (1) and (2).

(4) A listing and description of expenditures for the fiscal year that will serve the pupils to whom one or more of the definitions in Section 42238.01 apply and pupils redesignated as fluent English proficient.

### **c. Funding and Spending Requirements**

In addition to a base amount per student, school districts will receive:

- Supplemental funds: 20% of the total base amount multiplied by the percentage of students who are eligible for free or reduced price meals, an English learner, or a foster youth.
- Concentration funds: 50% of the total base amount multiplied by the percentage of students who are eligible for free or reduced price meals, an English learner, or a foster youth, in excess of 55%.

School districts must use supplemental and concentration funds to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils.

California Education Code 42238.02

(b) (1) For purposes of this section "unduplicated pupil" means a pupil enrolled in a school district or a charter school who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. A pupil shall be counted only once for purposes of this section if any of the following apply:

(A) The pupil is classified as an English learner and is eligible for a free or reduced-price meal.

(B) The pupil is classified as an English learner and is a foster youth.

(C) The pupil is eligible for a free or reduced-price meal and is classified as a foster youth.

(D) The pupil is classified as an English learner, is eligible for a free or reduced-price meal, and is a foster youth.

...

(e) The Superintendent shall compute a supplemental grant add-on equal to 20 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b). The supplemental grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 20 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in that school district or charter school. The supplemental grant shall be expended in accordance with the regulations adopted pursuant to Section 42238.07.

(f) (1) The Superintendent shall compute a concentration grant add-on equal to 50 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school district's or charter school's total enrollment. The concentration grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 50 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the total enrollment in that school district or charter school.

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California Education Code 42238.07

(a) On or before January 31, 2014, the state board shall adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574, 2575, 42238.02, and 42238.03. The regulations shall include, but are not limited to, provisions that do all of the following:

(1) Require a school district, county office of education, or charter school to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the school district, county office of education, or charter school.

### **III. County Office of Education Provisions**

California education code requires county offices of education (COEs) to play at least three distinct roles: 1) agencies with primary responsibility for educating children (similar to school districts); 2) agencies that provide support to districts and students countywide; and 3) agencies responsible for monitoring school districts.

#### **a. Foster Youth in County Operated Schools**

Many COEs operate county run schools and directly serve the students in these schools. In this respect they function much like school districts. Similar to provisions related to school districts, the LCFF requires COEs to develop and implement LCAPs that identify goals for foster youth as a distinct subgroup and describe the actions the COE will take to achieve these goals.

COEs must also annually update their LCAPs, including the goals and actions specific to foster youth. This includes reviewing the COE's progress in relation to the goals set for foster youth as a subgroup; listing and describing the expenditures for the year implementing the specific actions the COE committed to taking to achieve the goals for foster youth; and listing and describing expenditures for the year that primarily benefit English learners, students eligible for free or reduced price meals, and foster youth.

The LCFF provides COEs supplemental and concentration funding in a manner similar to how school districts are provided such funding, although the exact percentages are a bit different:

- Supplemental funds: 35% of the total base amount multiplied by the percentage of students who are eligible for free or reduced price meals, an English learner, or a foster youth.
- Concentration funds: 35% of the total base amount multiplied by the percentage of students who are eligible for free or reduced price meals, an English learner, or a foster youth, in excess of 50%.

California Education Code 52066

(a) On or before July 1, 2014, each county superintendent of schools shall develop, and present to the county board of education for adoption, a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by a county board of education shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by a county board of education shall include, for each school or program operated by the county superintendent of schools, both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d), as applicable to the pupils served, and for any additional local priorities identified by the county board of education.

(2) A description of the specific actions the county superintendent of schools will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the county superintendent of schools.

#### California Education Code 52067

(a) On or before July 1, 2015, and each year thereafter, a county board of education shall update the local control and accountability plan. The annual update shall be developed using a template developed pursuant to Section 52064 and shall include all of the following:

(1) A review of any changes in the applicability of the goals described in paragraph (1) of subdivision (c) of Section 52066.

(2) A review of the progress toward the goals included in the existing local control and accountability plan, an assessment of the effectiveness of the specific actions described in the existing local control and accountability plan toward achieving the goals, and a description of changes to the specific actions the county office of education will make as a result of the review and assessment.

(3) A listing and description of the expenditures for the fiscal year implementing the specific actions included in the local control and accountability plan as a result of the reviews and assessment required by paragraphs (1) and (2).

(4) A listing and description of expenditures for the fiscal year that will serve the pupils to whom one or more of the definitions in Section 42238.01 apply and pupils redesignated as fluent English proficient.

#### California Education Code 2574

(b) Determine the enrollment percentage of unduplicated pupils pursuant to the following:

(2) For purposes of this section, an "unduplicated pupil" is a pupil who is classified as an English learner, eligible for a free or reduced-price meal, or a foster youth. For purposes of this section, the definitions in Section 42238.01 of an English learner, a pupil eligible for a free or reduced-price meal, and foster youth shall apply. A pupil shall be counted only once for purposes of this section if any of the following apply:

(A) The pupil is classified as an English learner and is eligible for a free or reduced-price meal.

(B) The pupil is classified as an English learner and is a foster youth.

(C) The pupil is eligible for a free or reduced-price meal and is classified as a foster youth.

(D) The pupil is classified as an English learner, is eligible for a free or reduced-price meal, and is a foster youth.

...

(c) Compute an alternative education grant equal to the sum of the following:

...

(2) A supplemental grant equal to 35 percent of the base grant described in paragraph (1) multiplied by the enrollment percentage calculated in subdivision (b). The supplemental grant shall be expended in accordance with the regulations adopted pursuant to Section 42238.07.

(3) (A) A concentration grant equal to 35 percent of the base grant described in paragraph (1) multiplied by the greater of either of the following:

(i) The enrollment percentage calculated in subdivision (b) less 50 percent.

(ii) Zero.

(B) The concentration grant shall be expended in accordance with the regulations adopted pursuant to Section 42238.07.

#### **b. Foster Youth Countywide - Foster Youth Services**

The second role played by COEs is to support the educational success of students countywide. For students in foster care those responsibilities have been accomplished through the county Foster Youth Services (FYS) program, funded pursuant to a CDE categorical. The FYS program was preserved and funded at its current level of \$15 million per year.

#### **c. Foster Students Countywide - Local Control and Accountability Plan**

The LCFF also contains language requiring COEs to include, as part of their LCAP, a section on how the COE will coordinate educational services for foster children in the county.

California Education Code 52066

(d) All of the following are state priorities:

(10) How the county superintendent of schools will coordinate services for foster children, including, but not limited to, all of the following:

(A) Working with the county child welfare agency to minimize changes in school placement.

(B) Providing education-related information to the county child welfare agency to assist the county child welfare agency in the delivery of services to foster children, including, but not limited to, educational status and progress information that is required to be included in court reports.

(C) Responding to requests from the juvenile court for information and working with the juvenile court to ensure the delivery and coordination of necessary educational services.

(D) Establishing a mechanism for the efficient expeditious transfer of health and education records and the health and education passport.

#### **d. Oversight and Technical Assistance**

Thirdly, the LCFF requires COEs to review district LCAPs, and beginning in 2015, to provide needed technical assistance. Technical assistance must be provided if, using an evaluation rubric adopted by the state board, the COE determines that the school district has failed to improve the achievement of foster youth across more than one state priority area.

#### California Education Code 52070

(b) On or before August 15 of each year, the county superintendent of schools may seek clarification, in writing, from the governing board of a school district about the contents of the local control and accountability plan or annual update to the local control and accountability plan. Within 15 days the governing board of a school district shall respond, in writing, to requests for clarification.

(c) Within 15 days of receiving the response from the governing board of the school district, the county superintendent of schools may submit recommendations, in writing, for amendments to the local control and accountability plan or annual update to the local control and accountability plan. The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations.

#### California Education Code 52071

(b) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, the county superintendent of schools shall provide the technical assistance described in subdivision (a) to any school district that fails to improve pupil achievement across more than one state priority described in subdivision (d) of Section 52060 for one or more pupil subgroup identified pursuant to Section 52052.

### **IV. State Agencies Provisions**

#### **a. Data Sharing and Reporting**

The LCFF contains new language requiring the California Department of Social Services (CDSS) to share information with the California Department of Education (CDE) that is necessary for CDE to identify which students are in foster care as well as information helpful to meeting the educational needs of these students. The new provisions also require the CDE to share this information with school districts and county offices of education on a weekly basis.

#### California Education Code 49085

(a) On or before February 1, 2014, the department and the State Department of Social Services shall develop and enter into a memorandum of understanding that shall, at a minimum, require the State Department of Social Services, at least once per week, to share with the department both of the following:

(1) Disaggregated information on children and youth in foster care sufficient for the department to identify pupils in foster care.

(2) Disaggregated data on children and youth in foster care that is helpful to county offices of education and other local educational agencies responsible for ensuring that pupils in foster care received appropriate educational supports and services.

(b) To the extent allowable under federal law, the department shall regularly identify pupils in foster care and designate those pupils in the California Longitudinal Pupil Achievement Data System or any future data system used by the department to collect disaggregated pupil outcome data.

(c) To the extent allowable under federal law, the Superintendent, on or before July 1 of each even-numbered year, shall report to the Legislature and the Governor on the educational outcomes for pupils in foster care at both the individual schoolsite level and school district level. The report shall include, but is not limited to, all of the following:

(1) Individual schoolsite level and school district level educational outcome data for each local educational agency that enrolls at least 15 pupils in foster care, each county in which at least 15 pupils in foster care attend school, and for the entire state.

(2) The number of pupils in foster care statewide and by each local educational agency.

(3) The academic achievement of pupils in foster care.

(4) The incidence of suspension and expulsion for pupils in foster care.

(5) Truancy rates, attendance rates, and dropout rates for pupils in foster care.

(d) To the extent allowable under federal law, the department, at least once per week, shall do all of the following:

(1) Inform school districts and charter schools of any pupils enrolled in those school districts or charter schools who are in foster care.

(2) Inform county offices of education of any pupils enrolled in schools in the county who are in foster care.

(3) Provide schools districts, county office of education, and charter schools disaggregated data helpful to ensuring pupils in foster care receive appropriate educational supports and services.

#### **b. Technical Assistance**

The LCFE authorizes and requires to the CDE to provide technical assistance to school districts, or intervene in school districts, under a limited set of circumstances.

#### California Education Code 52072

(a) The Superintendent may, with the approval of the state board, identify school districts in need of intervention.

(b) The Superintendent shall only intervene in a school district that meets both of the following criteria:

(1) The school district did not improve the outcomes for three or more pupil subgroups identified pursuant to Section 52052 or, if the school district has less than three pupil subgroups, all of the school district's pupil subgroups, in regard to more than one state or local priority in three out of four consecutive school years.

(2) The California Collaborative for Educational Excellence has provided advice and assistance to the school district pursuant to Section 52071 and submits either of the following findings to the Superintendent:

(A) That the school district has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.

(B) That the inadequate performance of the school district, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or acute as to require intervention by the Superintendent.

(c) For school districts identified pursuant to subdivision (a), the Superintendent may, with the approval of the state board, do one or more of the following:



- (1) Make changes to a local control and accountability plan adopted by the governing board of the school district.
- (2) Develop and impose a budget revision, in conjunction with revisions to the local control and accountability plan, that the Superintendent determines would allow the school district to improve the outcomes for all pupil subgroups identified pursuant to Section 52052 in regard to state and local priorities.
- (3) Stay or rescind an action, if that action is not required by a local collective bargaining agreement, that would prevent the school district from improving outcomes for all pupil subgroups identified pursuant to Section 52052 in regard to state or local priorities.
- (4) Appoint an academic trustee to exercise the powers and authority specified in this section on his or her behalf.

## **V. Complaint procedures**

The LCFF allows for complaints to be filed when a school district, county office of education or charter school has not complied with all procedural requirements. Complaints are to be made pursuant to the Uniform Complaint Procedures contained in Title 5 of the California Code of Regulations.

### California Education Code 52075

- (a) A complaint that a school district, county superintendent of schools, or charter school has not complied with the requirements of this article or Sections 47606.5 and 47607.3, as applicable, may be filed with a school district, county superintendent of schools, or charter school pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.
- (b) A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.
- (c) A complainant not satisfied with the decision of a school district, county superintendent of schools, or charter school may appeal the decision to the Superintendent and shall receive a written appeal decision within 60 days of the Superintendent's receipt of the appeal.
- (d) If a school district, county superintendent of schools, or charter school finds merit in a complaint, or the Superintendent finds merit in an appeal, the school district, county superintendent of schools, or charter school shall provide a remedy to all affected pupils, parents, and guardians.
- (e) Information regarding the requirements of this article shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations or any successor regulation.
- (f) School districts, county superintendents of schools, and charter schools shall establish local policies and procedures to implement the provisions of this section on or before June 30, 2014.

## **VI. Foster Youth Definition**

The trailer bill contains two very similar definitions for students in foster care. The first is the definition the applies to the API and local control and accountability plans. The second applies to data sharing.

### California Education Code 42238.01

- (b) "Foster youth" means a foster child, as described in subdivision (a) of Section 48853.5, or a nonminor under the transition jurisdiction of the juvenile court, as described in Section 450 of the Welfare and Institutions Code, who satisfies all of the following criteria:

(1) He or she has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, and not more than 21 years of age, on or after January 1, 2014, and as described in Section 10103.5 of the Welfare and Institutions Code.

(2) He or she is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 of the Welfare and Institutions Code.

(3) He or she is participating in a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403 of the Welfare and Institutions Code.