

State infrastructure needed to ensure students in foster care benefit from LCFF¹

Background

There are approximately 39,000 school-age children in foster care in California.² Removed from their families because they have experienced abuse or neglect, their educational outcomes are heartbreakingly poor. The Invisible Achievement Gap, a recent groundbreaking report, found that California students in foster care:

- Were significantly more likely to change schools.
- Were significantly more likely to be enrolled in the lowest-performing schools.
- Tested *below basic* and *far below basic* at twice the rate of students statewide.
- Were significantly more likely to drop out than any other at-risk student group.
- Had the lowest grade-12 graduation rate among all at risk subgroups. Just 58% of students in foster care graduate compared to a statewide rate of 84%.³

New LCFF Landscape

Recognizing this stark reality, California's new local control funding formula (LCFF) contains a number of provisions aimed at improving the educational outcomes of students in foster care:

- California's Academic Performance Index (API) now includes students in foster care as a subgroup such that schools and school districts with 15 or more students in foster care will be held accountable for their academic improvement.
- Local education agencies (LEAs) are required to develop and implement local control and accountability plans (LCAPs) specifying how the LEA will improve the educational outcomes of students in foster care.
- The California Department of Education (CDE) must inform school districts which of their students are in foster care on a weekly basis.

These laws will mean little unless LEAs receive the information, guidance and assistance needed to implement them effectively.

Necessary State Infrastructure

Information

At present, most school districts do not know which of their students are in foster care. Without such information school districts cannot provide students in foster care the unique educational services they need to succeed in school. LCFF added provisions to Education Code 49085 requiring the CDE to inform school districts which of their students are foster youth on a weekly basis.

For foster youth to benefit from LCFF, the CDE needs the information sharing infrastructure to fully implement Education Code 49085.

Technical Guidance

School districts and county offices of education are already seeking guidance on a number of issues specific to the foster youth provisions of LCFF, including:

- Clarity around the definition of a student in foster care.

¹ Produced by the Alliance for Children's Rights, Children Now, and the National Center for Youth Law. Please contact Melissa San Miguel at msanmiguel@youthlaw.org for more information or with questions.

² Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Williams, D., Yee, H., Hightower, L., Mason, F., Lou, C., Peng, C., King, B., & Lawson, J. (2014). *CCWIP reports*. Retrieved 2/24/2014, from University of California at Berkeley California Child Welfare Indicators Project website.

³ Vanessa X. Barrat, BethAnn Berliner, *The Invisible Achievement Gap, Part One*, The Center for the Future of Teaching and Learning at WestEd, 2013.

- Information as to when the CDE will begin informing them which of their students are in foster care and how this information will be transmitted.
- The process for verifying this information, either because the LEA believes a student is not in foster care or because the district believes additional students are in foster care.
- Federal and state law and policy informing which district staff should know the identity of those students in foster care, appropriate uses of such information, and appropriate training to accompany dissemination of such information.

Technical guidance specific to students in foster care is needed to help districts effectively implement the provisions of their LCAP aimed at improving the educational outcomes of this student population.

Assistance

To fulfill LCFF's mission, districts must now systematically develop plans, programs and policies on how to serve students in foster care. A single, integrated foster youth unit is needed within the CDE to ensure districts and counties receive the assistance they need. CDE units typically consist of a unit manager, four consultants, one analyst and an office technician. The foster youth unit should be comprised of knowledgeable data, policy and program staff.

The foster youth unit will collaborate with, and respond to questions regarding, the California Department of Social Services, California Administrative Office of the Courts, local child welfare agencies, local juvenile courts and other government entities. The unit will provide needed assistance to the over 1000 school districts and 58 counties in California. Specific responsibilities should include:

- **COUNTY PROGRAM AND POLICY (EXISTING FUNCTION):** County offices of education currently apply for and receive grants to administer the Foster Youth Services program. At the local level, the FYS program provides needed education supports to students in foster care. At the state level, staff provides the policy guidance and grants management that enables the local FYS program coordinators to establish effective programs and policies for foster youth. Sufficient state staff is needed to provide both types of assistance effectively. Though the CDE has been performing the minimal grants management responsibilities, the program guidance has been lacking and insufficient due to changes in staffing.
- **DISTRICT PROGRAM AND POLICY (NEW RESPONSIBILITY):** Students in foster care were included in California's API and LCFF as a subgroup because they are a distinct population of students facing unique educational challenges. They require a specific array of services and programs to succeed in school. Unfortunately, most school districts have little knowledge of how to develop successful programs targeting student in foster care. Staff support is needed to ensure school districts have the resources and assistance needed to develop and implement integrated programs that meet the unique needs of students in foster care.

Moreover, the unique educational challenges faced by students in foster care have led California to enact an array of statutes intended to improve their educational success. For example, students in foster care are subject to special graduation requirements (Ed Code 51225.1); are entitled to remain in their schools of origin even if placed outside the school district (Ed Code 48853.5); are to be immediately enrolled even if lacking immunization records (Ed Code 48853.5); are entitled to have their social worker informed before they are subject to school discipline proceedings (Ed Code 48911); and may have an education rights holder appointed when a parent is unable to make educational decisions for them (Cal. Rule of Court 5.650). Additional staff support is needed to ensure school districts have the resources and assistance needed to enact policies and practices consistent with these statutes.

- **DATA SUPPORT (NEW MANDATE):** Ed Code 49085 was recently amended to require the CDE to inform LEAs which of their students are in foster care on a weekly basis. This is intended to supplement local data sharing efforts. Staff support will be needed to ensure school districts and counties have the resources and assistance needed to develop local data sharing practices, integrate local practices with state efforts, and develop and implement model policies related to sharing the information of students in foster care as the state continues its iterative process of collecting and maintaining data from CDSS and LEAs.

A new CDE foster youth unit is needed to provide LEAs the support they need to design and implement highly effective programs and policies for foster youth, ensuring they benefit from LCFF as intended.