



COUNTY OF LOS ANGELES OFFICE OF CHILD PROTECTION

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October 5, 2017

To: Supervisor Mark Ridley-Thomas, Chair
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From: Judge Michael Nash (Ret.) 
Executive Director, Office of Child Protection

IMPLEMENTATION PLAN AND TIMELINE TO COMPLY WITH SCHOOL-STABILITY PROVISIONS IN THE *EVERY STUDENT SUCCEEDS ACT* (2015)

On February 7, 2017, the Board of Supervisors passed a motion directing the Office of Child Protection (OCP) and the Los Angeles County Office of Education (LACOE), in consultation with the Department of Children and Family Services (DCFS), the California Department of Education (CDE), the Los Angeles County Education Coordinating Council (ECC), County Counsel, various public-interest law firms, philanthropy, and community-based organizations that serve foster youth, to report back in 60 days, and quarterly thereafter, with an implementation plan and timeline to comply with school-stability provisions in the *Every Student Succeeds Act* (ESSA), including an explanation of the extent of authority LACOE has over school districts regarding this issue.

The OCP submitted its first progress report on this issue to the Board of Supervisors on April 7, 2017, and its second interim report on July 7, 2017. This is the third report.

Statement of Problem

Improving school stability for youth living in foster care is crucial to improving their education outcomes. Youth in foster care change schools far more often than do other students, making it harder for them to succeed in school. About a year and a half ago, President Obama signed the *Every Student Succeeds Act* (ESSA), which imposes requirements on local education agencies (LEAs) and child welfare agencies to collaborate to ensure increased school stability for foster youth. This federal law requires school districts and local child welfare agencies to jointly establish plans that enable prompt transportation to foster youths' schools of origin to facilitate educational stability for youth in foster care. These plans must include clear procedures governing how transportation will be provided, and must detail how costs will be shared between agencies. In addition, the law requires that LEAs and local child welfare agencies each designate an individual as a Point of Contact to implement ESSA policy (see

their schools of origin unless the holder of the child's education rights determines that attending that school is not in the child's best interest.

Determination of LACOE's Role and Authority with Respect to ESSA

LACOE's role and authority with respect to ESSA was clarified through analyses by LACOE counsel, the CDE, and public-interest organizations. The CDE asked LACOE's Foster Youth Services Coordinating Programs to include in its program plan a description of its process for ensuring increased collaboration between the local child welfare agency (DCFS) and LEAs (school districts) on ESSA transportation issues. LACOE's role is that of a facilitator. Although ESSA requires LEAs and local child welfare agencies to have transportation plans, LACOE does not have the authority to compel school districts to include foster-youth transportation in their Local Control Accountability Plans (LCAPs). LACOE, however, is committed to working with school districts and DCFS to address the transportation provisions of ESSA.

Development of Implementation Plan

Convened ESSA Transportation Workgroup

Working closely with the OCP, LACOE convened an ESSA Transportation Workgroup to create and implement a plan for Los Angeles County school districts, in conjunction with DCFS, to comply with the school stability provisions in ESSA. This Workgroup includes representatives from LACOE, OCP, DCFS, ECC, Probation, the Los Angeles Unified School District (LAUSD), Bonita Unified School District, Palmdale School District, the National Center for Youth Law's FosterEd initiative, the Association of Community Human Service Agencies, the Alliance for Children's Rights, the Children's Law Center, Public Counsel, and California Youth Connection. Additionally, many meetings have been held on this issue outside of the Workgroup to develop the programs and documents referred to below, including meetings involving front-line school district transportation workers, County Counsel, philanthropy, the CDE, and the USC Children's Data Network.

DCFS and LACOE compiled and analyzed data to estimate the number of foster youth needing transportation to their schools of origin and the expected costs of providing that transportation. This estimation proved difficult, and a full analysis could not be completed. However, the Workgroup determined that an interim ESSA transportation pilot could provide an opportunity both to ensure the transportation of foster youth to their schools of origin in the short term, and also to collect robust data to project future costs and identify lessons learned, thereby informing a long-term transportation plan. A pilot allows LEAs and DCFS to work out the details of their long-term ESSA transportation plans in a more informed, thoughtful manner, and to test processes. Furthermore, a pilot would allow school districts, in conjunction with DCFS, to be in compliance with ESSA by providing a mechanism for them to secure immediate countywide transportation for foster youth to their schools of origin until such time that long-term plans are executed, as informed by pilot lessons learned.

The Workgroup jointly developed a complete implementation plan to achieve ESSA compliance and school stability for youth in foster care. It includes: (1) the development

of an interim ESSA transportation pilot to enable Los Angeles County school districts, in conjunction with DCFS, to immediately provide transportation for youth to their schools of origin; and (2) the establishment of a long-term transportation plan that will ensure Los Angeles County school districts have worked together with DCFS to agree upon the logistics and funding of a long-term agreement for transporting foster youth to their schools of origin when they are removed from their homes or change placements. The Workgroup will continue to meet until the implementation plan (see below) has been fully executed.

Implementation Plan Action Steps	Completion Date ¹
Create ESSA Transportation Pilot <ul style="list-style-type: none"> • Memorandum of Understanding (MOU) • Pilot • Evaluation 	September 2017 September 2017 December 2017/June 2018
Establish Long-Term ESSA Transportation Plan <ul style="list-style-type: none"> • Plan Document and Guidance • Outreach/Partnership with School Districts • Execute Agreement 	February 2018 May 2018 June 2018

Implementation Plan Progress to Date

Create ESSA Transportation Pilot

Memorandum of Understanding

To help facilitate the development of the ESSA Transportation Pilot, the Board passed a motion on May 2, 2017, directing DCFS to: 1) enter into a Memorandum of Understanding (MOU) with LACOE and one or more local school districts to transport foster children to their schools of origin; 2) provide LACOE with \$300,000 from the existing DCFS budget to support this effort; and 3) prepare an outcome report of the Pilot program 30 days after its completion with a summary of lessons learned, barriers to countywide implementation, and metrics such as youth served, modes of transportation used, and average distances traveled.

In close consultation with the OCP, DCFS, LACOE, and LAUSD executed an MOU that establishes procedures to provide the funds necessary for transportation for children to remain in their schools of origin during the ESSA Transportation Pilot.² The MOU also includes processes for identifying students who are removed or change placements, making best-interest determinations, communicating placement changes and transportation needs between districts and DCFS, decision-making about modes of

¹ This table also includes projected dates of completion for future actions.

² The National Center for Youth Law's initiative, FosterEd: California, provided funding to hire a consultant from the San Diego County Office of Education to offer technical assistance in the development of this pilot MOU.

transportation, implementing transportation to school of origin, resolving disputes, and other issues that will inform the long-term joint ESSA transportation plans.

For example, the ESSA Transportation Workgroup developed a joint protocol for the best-interest determination process that includes key factors to consider in decision-making (Attachment II). In California, if youth are removed from their homes or experience a change of placement, the legal presumption is that it is in the best interests of those youth to remain in their schools of origin.³ The joint protocol is intended to be a tool for use by AB 490 Foster Youth Liaisons, Education Rights Holders, youth, and DCFS to help them determine whether staying in a school of origin is in the best interest of the foster youth. Caregivers should be involved in the process through DCFS. This protocol will ideally be integrated into Child and Family Team (CFT) meetings to help ensure that transportation is part of a youth's education planning. The best-interest determination tool is available during the interim ESSA transportation Pilot and will be included in the Long-Term ESSA Transportation Plan.

As per the MOU, the Pilot includes transportation methods such as:

- Caregiver transportation reimbursements
- Bus passes or transportation vouchers for public transportation
- Utilizing and/or modifying existing school bus routes within districts
- Using a safe, private transportation vendor

This last option may be used if the district or DCFS determines that immediate stop-gap transportation to the school of origin is necessary while a best-interest determination is being made and Long-Term ESSA Transportation Plans are finalized. Stop-gap transportation may become the long-term transportation method if DCFS and districts confirm that they have exhausted all other options.

Although the three named parties in the Pilot are DCFS, LACOE, and LAUSD, transportation services are available to all school districts in Los Angeles County. LACOE agreed to contribute \$100,000 to the transportation Pilot, in addition to in-kind funding for the hiring of two full-time transportation coordinators. LAUSD agreed to contribute \$100,000 in the form of in-kind services.⁴ DCFS will transfer \$300,000 to LACOE as directed by the Board.

The Pilot rollout began in May 2017 and began full implementation in September of 2017. It was originally expected to run through December 2017, but will now run through the end of the academic year in June 2018 because of the need to have a continuing plan in place while using Pilot-gathered data to inform long-term agreements.

Pilot

Implementation of the ESSA Transportation Pilot began in May 2017. All parties are engaged.

³ According to the law (114 P.L. 95, 129 Stat. 1856), youth must continue to attend their schools of origin unless a youth's Education Rights Holder (with input from the student and the district-of-origin AB 490 Foster Youth Liaison) decides that it is in the youth's best interest to be enrolled in the public school local to where the foster youth resides.

⁴ This money will be used for transportation services within LAUSD boundaries only, not for the entire County.

DCFS has trained 817 new Children's Social Workers (CSWs) on the importance of maintaining foster youth in their schools of origin upon their being removed from their homes or changing placements, foster youth's legal right to remain in their schools of origin, the process of working with youths' Education Rights Holders on this issue, and the use of resources such as TAP cards (for public transportation) and caregiver Education Travel Reimbursement payments to transport these youth. DCFS also introduced these CSWs to the transportation Pilot and released a bulletin communicating Pilot details to Regional Administrators and the Services Employee International Union Local 721.

Los Angeles County Superintendent of Schools Dr. Debra Duardo communicated details of the Pilot to all Los Angeles County school districts through an announcement on LACOE'S website that included the fact that all school districts have access to the countywide services in the Pilot—such as DCFS educational caregiver reimbursements, TAP cards, and bus vouchers—as well as to LACOE's private transportation service.

Additionally, LACOE conducted an open competitive procurement process (by releasing a Public Bid) to identify a vendor to provide safe transportation services. In anticipation of this contract, LACOE hired two full-time transportation coordinators and has begun training its staff on the processes and procedures for transporting foster youth to their schools of origin. LACOE is in the final stages of contracting with a safe, child-friendly private car service, and has will work closely with the vendor to ensure that foster youth are safely transported to their schools of origin. During the Pilot, LACOE will take the lead on coordinating this private transportation, monitoring data collection for lessons learned, and facilitating communication between and among the Pilot parties.

LAUSD convened a group of front-line workers and staff to address transportation to schools of origin for foster youth, developing processes and procedures to use existing and modified bus routes to transport these youth (see Attachment III). This process is initiated when someone (e.g., biological parent, caregiver, CSW, or education consultant) requests transportation to the student's school of origin. The Foster Youth Achievement Program (FYAP) counselor then completes an online form and sends the request to the LAUSD Division of Transportation. The Division of Transportation completes a bus-route-matching process, taking into account the caregiver's address and the address of the school of origin. Once a match has been made or the bus route altered, the FYAP counselor is informed, consults with requestors to inform them of the match, and secures their acceptance. Bus-route information is then communicated to all involved parties. Transportation may be cancelled at any time by contacting the FYAP at LAUSD.

In September 2017, full implementation of the ESSA Transportation Pilot began. DCFS, LACOE, and LAUSD are currently using procedures developed for the Pilot MOU (Attachment I) to secure transportation for foster youth to their schools of origin.

Evaluation

An evaluation has been designed to help understand, analyze, and effectively incorporate lessons learned from the Pilot into Long-Term ESSA Transportation Plans. The evaluation is being conducted through the Children's Data Network by Dr. B.K. Elizabeth Kim, professor of Social Work at the University of Southern California. Dr.

Kim's research covers school-based prevention strategies and applied research on juvenile-justice youth.

This evaluation will also fulfill the requirements of the May 2, 2017, Board motion⁵ requesting an outcome report on the Pilot program 30 days after its completion. The evaluation will use surveys and focus groups to analyze lessons learned and barriers to countywide implementation. Furthermore, quantitative data from all three Pilot parties will be collected and used to examine metrics such as numbers of youth served, average distance traveled, and school stability-related measures (e.g., suspension and attendance rates as well as grade point averages).

In December 2017, the evaluator will present initial data and make recommendations to the ESSA Transportation Workgroup on lessons learned and barriers to countywide implementation. The evaluator will continue to update the Workgroup as further data is analyzed throughout the Pilot period. In July 2018, a final evaluation of the Pilot will be completed and submitted to the Board of Supervisors.

Establish Long-Term ESSA Transportation Plan

Plan Document and Guidance

With input from the Workgroup, the Alliance for Children's Rights will take the lead in facilitating the development of an initial draft of the Long-Term ESSA Transportation Plan intended to be used as the interagency agreement between DCFS and LEAs. Processes developed during the Pilot will guide the content of the long-term plan, which will include clear written procedures governing how transportation for children to remain in their schools of origin will be provided, arranged, and funded for their duration in foster care. It will also designate DCFS and LEA Points of Contact for transportation and school-stability issues, as well as include descriptions, positions, roles, and responsibilities. The long-term plan will contain enough detail that LEAs and DCFS can sign the plan as is, or use it as a template to finalize individual written transportation plans. A draft of the Long-Term ESSA Transportation Plan is expected to be completed by November 2017.

The evaluation's surveys and focus groups will study what steps workers find helpful and/or unnecessary in long-term transportation planning. Qualitative data will record the barriers and issues youth and families encountered in accessing these services, allowing the Workgroup to examine how often certain processes (such as dispute resolution) are needed, how many youth need transportation services, the cost of transporting them, modes of transportation used, and average distances traveled. This valuable information will create a robust Long-Term ESSA Transportation Plan and help districts and DCFS better anticipate related costs. It is anticipated that the final Long-Term ESSA Transportation Plan will be completed by February 2018.

The Workgroup is also creating a Guidance document that will support school districts, in conjunction with DCFS, under Title 1 of the federal Education Code in understanding their minimum legal obligations under Title 1 of the federal Education Code, as well as some recommended best practices, should they agree to something other than the

⁵ Item 14, May 2, 2017; original motion by Supervisors Barger and Ridley-Thomas, friendly amendment by Supervisor Hahn

sample plan drafted by the Workgroup. The Alliance for Children's Rights is also taking the lead on completing this document. It is anticipated that the guidance document will be completed by February 2018.

Outreach/Partnership with School Districts

The Workgroup will conduct outreach to the school districts within Los Angeles County to get their buy-in to the Long-Term ESSA Transportation Plan and to advocate for money to be set aside in their 2018–2019 school year budgets for transportation. This outreach will be done through advocacy by nonprofit legal groups, e-mail alerts, and/or presentations at superintendents' meetings. Additionally, LACOE may utilize their six Regional Learning Networks—groups of school districts that gather for training and sharing knowledge on ESSA—to target these outreach efforts. The Workgroup anticipates having sign-on to this agreement, or having alternate plans in place, by May 2018.

Execute Agreement

The ESSA Transportation Pilot, originally scheduled to end in December of 2017, is now anticipated to conclude in June 2018. School districts, in conjunction with DCFS, will need to have Long-Term ESSA Transportation Plans signed and in place for the 2018–2019 school year. Individual districts will have the summer between the end of the Pilot and the beginning of that school year to develop any additional processes required for long-term ESSA transportation. The documents, programs, and efforts described above are all designed to help ensure that Los Angeles County agencies and school districts work quickly to meet the mandates of ESSA and state law, but also that they do so in a thoughtful and informed manner designed to truly meet the needs of foster youth.

Conclusion

The OCP and LACOE, in consultation with DCFS, the California Department of Education, the Los Angeles County Education Coordinating Council, County Counsel, interested public-interest law firms, philanthropy, and community-based organizations that serve foster youth, have created an implementation plan and timeline to fully comply with the provisions of the federal *Every Student Succeeds Act* related to school stability for foster children. Furthermore, LACOE has clarified its role with respect to ESSA as a facilitator between child welfare and school districts during this process. As such, this is the OCP's final report in response to the February 7, 2017, Board motion, School Stability for Youth in Foster Care.⁶ The Department of Children and Family Services, with input from the ESSA Transportation Workgroup, will report back on the outcomes of the Pilot, including barriers to countywide implementation, in response to the Board's May 2, 2017, motion, Streamlining Funds for Foster Youth School Stability Pilot.⁷ Additional updates on these efforts will also be included in the OCP's quarterly updates.

⁶ Item 2, February 07, 2017; motion by Supervisors Barger and Ridley-Thomas

⁷ Item 14, May 02, 2017; original motion by Supervisors Barger and Ridley-Thomas, friendly amendment by Supervisor Hahn

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If you have any questions, please contact me at (213) 893-1152 or by email at mnash@ocp.lacounty.gov, or your staff may contact Stefanie Gluckman at (213) 893-2507 or by email at sgluckman@ocp.lacounty.gov.

MN:CDM:SG:BS:EO:eih

c: Chief Executive Office
Executive Office, Board of Supervisors
Children and Family Services
County Counsel
Education Coordinating Council
Probation
County Office of Education
Alliance for Children's Rights
Association of Community Human Service Agencies
Bonita Unified School District
California Youth Connection
Children's Law Center
Los Angeles Unified School District
National Center for Youth Law, FosterEd Initiative
Palmdale School District
Public Counsel

**Memorandum of Understanding between
the Los Angeles County Department of Children and Family Services (DCFS),
the Los Angeles County Office of Education (LACOE), and
the Los Angeles Unified School District (LAUSD)
for a
Transportation Plan to Ensure School Stability for Students in Foster Care**

It is the intent of the parties that this agreement establish procedures to provide and fund the necessary transportation for foster children to remain in their school of origin¹ (SOO) as required by the Every Student Succeeds Act ("ESSA") ([114 P.L. 95, 129 Stat. 1856](#)). The agreement is in effect from May 1, 2017, through June 30, 2018, unless extended or terminated before that date.

1. Definitions

The parties agree to the definitions included in **Appendix A** as part of this agreement.

2. Scope

The provisions of this agreement cover students entering foster care, placed in out-of-home care (OHC), or changing placements who are under the supervision of DCFS (herein after referred to as "students") within all of Los Angeles County's 80 school districts.

3. Funding

- A. DCFS will provide \$300,000 to LACOE to contract with a transportation vendor.
- B. LACOE, through its Foster Youth Services Coordinating Program (FYSCP), will contribute \$100,000 toward a transportation contract, plus in-kind contributions of two full-time employees to coordinate the provision of transportation.
- C. LAUSD will contribute \$100,000 of in-kind services via staff time for the modification of district bus routes for the transportation of students within LAUSD schools of origin.
- D. In the event that any of the \$400,000 contributed for a transportation contract remains unused after the termination or expiration of this agreement, the remaining amount will be divided between DCFS and LACOE in proportion to their contribution.

4. Identifying Students Entering Foster Care Who Will Be Placed In OHC or Who Are Changing Placement

DCFS will notify the LACOE FYSCP via email immediately—but no later than one school day—following a determination that a student will be or has been placed into out-of-home care or is moving to a new OHC placement. LACOE FYSCP will subsequently and immediately notify the school district of origin's AB 490 Liaison² and LACOE's FYS Senior Program Specialist via email.

5. Best-Interest Determination

- A. Upon receiving the email notification that a student will be placed in OHC or will be changing or has changed OHC placement, the district AB 490 Liaison immediately notifies the student and his/her Education Rights Holder (ERH) of the student's right to attend his/her SOO.

¹ See Appendix A for definition.

² *Ibid.*

- B. The SOO is the default school placement. Prior to any school changes, a best-interest determination process must occur. The student may not be disenrolled from school until and unless that determination finds it in his/her best interest to change school placements. The student must attend his/her SOO during the best-interest determination process. Within five school days of receiving notification from DCFS, the district AB 490 Liaison, will consult with the student and his/her ERH and may make a recommendation to them regarding the student's best interest³.
- C. Before recommending that a student be moved from his/her SOO, the AB 490 Liaison shall provide the student and the ERH with a written explanation stating the basis for the recommendation and how the recommendation serves the student's best interest. The student's ERH ultimately decides whether to invoke or waive school of origin rights.
- D. If the ERH determines that the best interest of the student would be served by his/her transfer to a school other than the SOO, the student shall immediately be enrolled in the new school. If DCFS or any other party disagrees with the ERH's best-interest determination, they may bring it to the juvenile court's attention so it can determine whether any additional orders are necessary.
- E. When it is in a student's best interest to remain in their SOO, the district and DCFS collaborate under this agreement to establish the most cost-effective transportation arrangements available for the student within five school days of the best-interest determination's⁴ being made.
- F. DCFS social workers and LAUSD districts will work to exhaust all resources prior to requesting LACOE transportation.

6. Stop-Gap Transportation During the Best-Interest Determination Process

- A. During the above-noted process (Section 5A), if the district or DCFS determines that immediate stop-gap transportation to the SOO is necessary while a best-interest determination is being made and long-term transportation plans finalized, then the LACOE FYSCP Counselor will complete the online transportation referral form that includes the new caregiver and SOO address.
- B. LACOE FYSCP staff will coordinate the stop-gap transportation and communicate with the caregiver, student, DCFS Children's Social Worker (CSW), and district AB 490 Liaison.
- C. LACOE FYSCP will create and implement a plan for monitoring DCFS and the district's creation of a long-term transportation plan while stop-gap transportation is being provided. This includes, at a minimum, weekly email notifications to the DCFS CSW and district AB 490 Liaison to continue efforts to maintain the student's attendance at his/her SOO and communicate the final plan to LACOE FYSCP.

7. DCFS Assess Available Options To Address Transportation Needs

The steps below may occur at the same time as the district (see Section 8) assesses all available transportation options.

- A. DCFS determines the caregiver's/resource parent's willingness and capacity to provide transportation (with mileage reimbursement) to the SOO, or the possibility of the student's using bus passes or public transportation vouchers.
- B. DCFS checks with the group home or Short-Term Residential Therapeutic Program (STRTP) to determine their willingness/capacity to provide transportation to the SOO.

³ See Appendix A for definition and Appendix B for tool.

⁴ See Appendix A for definition.

- C. If none of the above-mentioned options are available, DCFS responds to the district AB 490 Liaison via email, with a copy to the LACOE FYSCP, to determine if the district can accommodate transportation.
- D. Any district or DCFS may choose at any time to voluntarily share in this cost or take sole responsibility for such costs.
- E. Any district or DCFS has the right under this agreement to provide an alternate form of transportation, so long as it is cost-effective and appropriate for the child.

8. District Assess Available No- Or Low-Cost Options To Address Transportation Needs

The required steps below may occur at the same time DCFS assesses all available transportation options:

- A. The district AB 490 Liaison assesses whether the child is eligible for transportation services under another entitlement (because of experiencing homelessness⁵) or as a related service included in his/her Individualized Education Plan (IEP) or 504 Plan. The district provides and funds transportation if the student is eligible under the McKinney-Vento Act⁶ or the Individuals with Disabilities Education Act (IDEA).
- B. The district examines existing transportation options available for the student, including incorporating the student into an existing bus route, modifying an existing bus route, or other no-cost or lost-cost options. Transportation is provided and funded by the district if such a solution is available.
- C. Districts will collaborate to provide transportation to the SOO when a student in OHC resides outside of the boundaries of the school district of origin. This can include, but is not limited to, districts modifying and connecting cross-district routes, or one district providing transportation to the SOO while the other provides transportation *from* the SOO. The district of origin can contact the district of residence directly or send an email to request facilitation.
- D. The district AB 490 Liaison notifies the LACOE FYSCP via email at ESSA_Transportation@LACOE.edu when the above-mentioned options are not available, or when further collaboration is necessary to set up transportation.

9. Timing of Implementing Transportation

DCFS, the district, and LACOE have five school days after the best-interest determination is finalized to put needed transportation in place. In the interim, the LACOE FYSCP provides transportation via the contract referenced in Section 3 and the process identified in Sections 5A and 5B.

10. Duration of Transportation

- A. Transportation is provided for the duration of the child's time in OHC, as long as it continues to be in the child's best interest to remain in the SOO.
- B. Stop-gap transportation (funded by DCFS and LACOE) is intended to be short-term and ends when DCFS and districts create long-term arrangements as outlined in Sections 7 and 8.

⁵ Per ESSA, foster youth "awaiting foster care placement" no longer automatically qualify as homeless. Children awaiting foster care placement may still be covered under the McKinney-Vento Act if they qualify under another definition of homeless, such as being doubled-up or living in a shelter.

⁶ Title I Part A funds can be used for both foster and homeless youth transportation. However, funds specifically set aside to provide services for homeless students cannot be used to pay for transportation for foster youth, unless that foster youth is also homeless. See ESSA Non-Regulatory Guidance FAQs, question #30.

- C. Stop-gap transportation can become the long-term plan if DCFS and districts confirm, in writing, that they have exhausted all other options.
- D. To maintain educational stability, if a student exits foster care before the end of a school year, transportation to the SOO is maintained by the student's district of origin through the end of the school year, when possible. Transportation provided via stop-gap measures (funded by DCFS and LACOE) ends when the student leaves foster care.

11. Transportation Arrangements for Los Angeles County Student In Foster Care Placed Outside of Los Angeles County

- A. DCFS notifies LACOE FYSCP via email immediately (or within one school day) upon learning that a student under the jurisdiction of Los Angeles County DCFS will be placed in an OHC placement outside of Los Angeles County.
- B. LACOE FYSCP immediately notifies the school district of origin's AB 490 Liaison.
- C. LACOE FYSCP provides the school district of origin the contact information for the student's caseworker to facilitate communication.
- D. LACOE FYSCP provides the other county's school district of residence a copy of this agreement for reference.
- E. Whenever possible, DCFS and LACOE FYSCP will use the procedures provided in this MOU to provide transportation to the SOO for a child placed outside of Los Angeles County.

12. Pilot Data and Evaluation

- A. Parties agree to share relevant data to complete a pilot evaluation and compile lessons learned working with an agreed-upon independent evaluator.
- B. DCFS, LACOE, and LAUSD districts will collect data on
 - Lessons learned,
 - Potential barriers to countywide implementation,
 - Numbers of youth served,
 - Modes of transportation used,
 - Average distances traveled,
 - Costs associated with transportation, and
 - Other information that the parties agree is important for understanding lessons learned and program performance, and to develop recommendations for program improvement.

13. Dispute Resolution

- A. Districts and DCFS must make every effort to collaborate in serving children in OHC. When a dispute arises between the agencies over paying the costs of transportation, the district and DCFS must make every effort to resolve the dispute collaboratively at the local level
- B. If the dispute cannot be resolved collaboratively among DCFS and a school district, DCFS will notify the youth's attorney of the dispute. DCFS or the youth's attorney may then bring the issue before the Juvenile Court.
- C. During the dispute, LACOE shall administer and coordinate transportation via the contract referenced in Section 3 and the process identified in Sections 5A and 5B.
- D. Nothing in this agreement is intended to limit the rights of any person or agency, including but not limited to a student, ERH, biological parent, foster/resource parent, or another representative of a foster child, to file a complaint with the California Department of Education using the Uniform

Complaint Procedures (UCP) authorized by the California Code of Regulations Title 5, Sections 4600-4687 or to pursue other available remedies. Each school district is required to adopt UCP compliant policies and procedures and designate a staff member to be responsible for receiving, investigating, and resolving complaints. This information is commonly found on a district's website but the district foster-care point of contact can also be contacted to provide the details of that district's policy.

- E. The following applies while the UCP processes referenced in Section 13C is being conducted
 - i) The child remains in the SOO as required ESSA.⁷
 - ii) Transportation is provided as agreed to in Sections 6, 7, 8 and 10B, above, while the dispute process is pending.⁸

14. Termination

- A. Any party may terminate this MOU without penalty at any time but must provide 30 school days written notice. Notice is deemed served on the date of mailing to the following address:

LACOE FYSCP Project Director
9300 Imperial Highway, ECW 334
Downey, CA 90242

- B. Unless the parties agree otherwise in writing, this MOU will terminate automatically if the funds contributed by DCFS and LACOE referenced in Section 3 are exhausted.

15. Amendments

- A. This MOU may be amended in writing. For changes that materially affect the scope, term of agreement, and/or funding for the MOU, Amendments to the MOU must be prepared and executed by the parties.
- B. For non-material changes, a written request by e-mail or letter from one party to the LACOE FYSCP shall be made. LACOE FYSCP will distribute the request to the affected parties for approval. Once approved by the affected parties, a Change Notice may be issued and signed by LACOE.

16. Facsimile Representation

Parties to this MOU hereby agree to regard facsimile representations of original signature of authorized officers of each party, when appearing in appropriate places on the amendments prepared pursuant to Section 15, Amendments, and received via communications facilities, as legally sufficient evidence that such original signatures have been affixed to Amendments to this MOU, such that the parties need not follow-up facsimile transmissions of such documents with subsequent (non-facsimile) transmission of "original" versions of such documents.


17. Counterparts

This MOU may be executed in counterparts, each of which so executed shall, irrespective of the date of its execution and delivery, be deemed an original, and all such counterparts together shall constitute one and the same instrument.

⁷ ESEA section 1111(g)(1)(E)(i)

⁸ ESEA section 1111(g)(1)(E)(i)

Signatures by authorized Department Heads or designees:



Brandon T. Nichols
Acting Director
Los Angeles County Department of
Children and Family Services

Signature

Date

Debra Duardo M.S.W., Ed.D.
Superintendent
Los Angeles County Office of
Education

Signature

Date

Michelle King
Superintendent
Los Angeles Unified School District

Signature

Date

LACOE Report of Contracts : 9/11/17

Signatures by authorized department heads or designees:

<hr/> <p>Brandon L. Nichols Acting Director Los Angeles County Department of Children and Family Services</p>	<hr/> <p>Signature</p>	<hr/> <p>Date</p>
---	------------------------	-------------------

<hr/> <p>Debra Duardo M.S.W., Ed.D. Superintendent Los Angeles County Office of Education</p>	<hr/> <p>Signature</p>	<hr/> <p>Date</p>
---	------------------------	-------------------

<hr/> <p><i>Erika F. Torres</i></p>	<hr/> <p><i>Erika F. Torres</i></p>	<hr/> <p><i>9/8/17</i></p>
<p>Erika F. Torres Executive Director, Student Health and Human Services Los Angeles Unified School District</p>	<p>Signature</p>	<p>Date</p>

LACOE Report of Contracts : 9/11/17

ESSA Transportation Memorandum of Understanding

Signatures by authorized department heads or designees:

Brandon L. Nichols
Acting Director
Los Angeles County Department of
Children and Family Services

Signature

Date

13
Poo

Debra Duardo M.S.W., Ed.D.
Superintendent
Los Angeles County Office of
Education

Debra Duardo

Signature

9-6-17

Date

Michelle King
Superintendent
Los Angeles Unified School District

Signature

Date

LACOE Report of Contracts : 8/11/17

Appendix A: Definitions

Additional costs Costs incurred in providing transportation to the school of origin reflect the difference between what a local education agency (LEA) otherwise would spend to transport a student to his/her assigned school and the cost of transporting a child in foster care to his/her school of origin. For example, if the LEA provides transportation through an established bus route, there is no additional cost. If the LEA provides special transportation only for the child in foster care (e.g., through a private vehicle or transportation company), the difference between the special transportation costs and the usual transportation costs can be considered additional. If the LEA must re-route buses to transport a child in foster care to one of its schools, the cost of this re-routing can be considered additional cost.

AB 490 Liaison Every school district must appoint an educational liaison to serve foster children. EC § 48853.5(b).

Best-Interest determination Under federal and California law, a child in foster care shall remain or enroll in his/her school of origin unless a determination is made that it is not in the child's best interest to attend the school of origin. Factors to consider when determining if maintaining school of origin enrollment is in the foster student's best interest include, but are not limited to preferences of the child; preferences of the child's parent(s) or education decision-maker(s); the child's attachment to the school, including meaningful relationships with staff and peers; the placement of the child's sibling(s); influence of the school climate on the child, including safety; the availability and quality of services in the school to meet the child's educational and socio-emotional needs; the history of school transfers and how they have affected the child; and how the length of the commute would affect the child, based on the child's developmental stage.

Student in foster care ESSA provides for transportation for a foster student placed in out-of-home care to the student's school of origin. A "student in foster care" under the LCFF definition, who are living at home with either parent, are not entitled to the ESSA transportation mandates and provisions.

School of origin Per California Education Code Section 48853.5 (g), the school of origin is the school that the foster child attended when permanently housed or the school in which the foster child was last enrolled. If the school the foster child attended when permanently housed is different from the school in which the foster child was last enrolled, or if the foster child attended some other school where he/she is connected and that he/she attended within the immediately preceding 15 months, the educational liaison, in consultation with and with the agreement of the foster child and the person holding the right to make educational decisions for the foster child, shall determine, in the best interests of the foster child, the school to be deemed the school of origin.

School district of origin The district that operates the school of origin.

Appendix B: Joint Protocol—Roles and Responsibilities of DCFS and School Districts in Implementing School of Origin Rights

Best-Interest Checklist

The Education Rights Holder, with input from the social worker/probation officer, the school district's AB 490 Foster Youth Liaison, and the student should consider the following factors to assess whether it is in the student's best interest to remain in his or her school of origin. Identify school options, select school choice, and identify reason(s) for selection.

<p align="center">Option 1 Remain at Current School (School of Origin)</p>	<p align="center">Option 2 Transfer to New School Near Placement</p>	<p align="center">Option 3 Transfer to Other School Attended in Prior 15 Months (School of Origin)</p>
<input type="checkbox"/> Student preference Student wants to remain in the same school.	<input type="checkbox"/> Student preference Student wants to transfer to new local school.	<input type="checkbox"/> Student preference Student wants to attend this school.
<input type="checkbox"/> Length of attendance/strong ties Student attended this school for an extended period of time and developed strong ties (friends, teachers/staff, extracurricular activities).	<input type="checkbox"/> Length of attendance/strong ties Student attended prior school for a brief period of time.	<input type="checkbox"/> Length of attendance/strong ties Student previously attended this school for an extended period of time and developed strong ties; or matriculating into this school would preserve strong ties.
<input type="checkbox"/> Academics School is best able to meet student's needs (sustain strong academic performance or help student if underperforming).	<input type="checkbox"/> Academics New local school is best able to meet student's needs.	<input type="checkbox"/> Academics This school is best able to meet student's academic needs.
<input type="checkbox"/> Special needs School is best able to meet special needs (e.g. IEP, school-based mental health services, English Learner program, child care for parenting students, etc.).	<input type="checkbox"/> Special needs New local school would better meet special needs.	<input type="checkbox"/> Special needs This school would best meet special needs.
<input type="checkbox"/> Timing of transfer Student would have to change schools mid-year, during testing, etc.	<input type="checkbox"/> Timing of transfer School change would occur at end of school year or end of semester.	<input type="checkbox"/> Timing of transfer School change would occur at end of school year or end of semester.
<input type="checkbox"/> Commute time (assuming fastest method of transportation)⁹ Commute is not so long as to negatively affect the student, and student is willing to commute.	<input type="checkbox"/> Commute time (assuming fastest method of transportation) Commute time will negatively affect the student, in light of student's age, needs, and activities.	<input type="checkbox"/> Commute time (assuming fastest method of transportation) Commute to this school is not so long as to negatively affect the student, and student is willing to commute.
<input type="checkbox"/> Length of anticipated stay The student's placement is temporary or uncertain, so staying in prior school will provide continuity.	<input type="checkbox"/> Length of anticipated stay The student's placement appears likely to be permanent or long-term, so the student will benefit from transitioning to new local school.	<input type="checkbox"/> Length of anticipated stay This school is best option in light of anticipated length of placement and student's permanent plan (e.g., school is near parents' home and plan is reunification).
<input type="checkbox"/> Other factors Number of past school changes; siblings' school placement; influence of school climate on student, etc.	<input type="checkbox"/> Other factors Number of past school changes; siblings' school placement; influence of school climate on student, etc.	<input type="checkbox"/> Other factors Number of past school changes; siblings' school placement; influence of school climate on student, etc.

⁹ Cost may not be considered as a factor in the best-interest determination.

Appendix C: References

[ESSA Foster Care Non-Regulatory Guidance](#)

[California Education Code 48853.5](#)

[Public Law 114-95](#)

[Public Law 110-351](#)

[All County Letter 17-24 \(2017\)](#)

[All County Letter 12-70 \(2012\)](#)

[All County Letter 11-51 \(2011\)](#)

[All County Letter 10-12 \(2010\)](#)

Appendix D: Points of Contact

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Attachment II

Best Interest Checklist

The Education Rights Holder, with input from the social worker/probation officer and the School District AB 490 Foster Youth Liaison, and the student, should consider the following factors to assess whether it is in the student's best interest to remain in his or her school of origin.

Option 1 (school attended before placement change):	School Option 2 (local school for new placement):	Additional School Option(s) (if any):
<input type="checkbox"/> Student preference Student wants to remain in the same school.	<input type="checkbox"/> Student wants to transfer to new local school	<input type="checkbox"/> Student wants to attend this school
<input type="checkbox"/> Length of attendance/strong ties Student attended this school for an extended period of time and developed strong ties (friends, teachers/staff, extracurricular activities).	<input type="checkbox"/> Student attended prior school for a brief period of time.	<input type="checkbox"/> Student previously attended this school for an extended period of time and developed strong ties – or matriculating into this school would preserve strong ties.
<input type="checkbox"/> Academics School is best able to meet student's needs (sustain strong academic performance or help student if underperforming)	<input type="checkbox"/> New local school is best able to meet student's needs	<input type="checkbox"/> This school is best able to meet student's academic needs.
<input type="checkbox"/> Special needs School is best able to meet special needs (e.g. IEP, school-based mental health services, English Learner program, child care for parenting students, etc.)	<input type="checkbox"/> New local school would better meet special needs	<input type="checkbox"/> This school would best meet special needs.
<input type="checkbox"/> Timing of transfer Student would have to change schools mid-year, during testing, etc.	<input type="checkbox"/> School change would occur at end of school year or end of semester.	<input type="checkbox"/> School change would occur at end of school year or end of semester.
<input type="checkbox"/> Commute time (assuming fastest method of transportation)¹ Commute is not so long as to negatively affect the student, and student is willing to commute.	<input type="checkbox"/> Commute time will negatively affect the student, in light of student's age, needs, and activities.	<input type="checkbox"/> Commute to this school is not so long as to negatively affect the student, and student is willing to commute.
<input type="checkbox"/> Length of anticipated stay The student's placement is temporary or uncertain, so staying in prior school will provide continuity.	<input type="checkbox"/> The student's placement appears likely to be permanent or long-term, so the student will benefit from transitioning to new local school.	<input type="checkbox"/> This school is best option in light of anticipated length of placement and student's permanent plan. (E.g. school is near parents' home and plan is reunification.)
Other factors Number of past school changes; siblings' school placement; influence of school climate on student, etc.	Other factors Number of past school changes; siblings' school placement; influence of school climate on student, etc.	Other factors Number of past school changes; siblings' school placement; influence of school climate on student, etc.

¹ Cost may not be considered as a factor in the best interest determination.

Request for Transportation to School of Origin

Process Overview



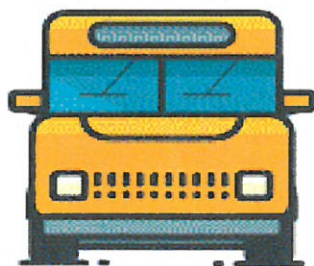
1. Online Request

- Caregiver requests service.
- FYAP Counselor fills out online request.
- Requests are recorded on an excel file.
- PSA Aide checks at 9:00 am and 1:00pm daily for new requests.
- New requests are emailed to Janet Hutchison at LAUSD Transportation Routing Center. Group email includes excel file, FYAP Counselor, FYAP Coordinator, PSA Aide & Transportation Unit Staff.



2. Bus Route Match

- Bus route match is based on school of origin and address of caregiver. If LAUSD can transport on a yellow bus, an email with routing information is sent to FYAP staff.
- FYAP Counselor shares bus route offer to Caregiver and updates or confirms Caregiver's acceptance by email.
- Once the Caregiver agrees to the transportation option, Janet sends a group email with all pertinent information including: Area Bus Supervisor contact, route number, pick-up and drop off time, stop location and effective date.



3. Bus Service

- Area Bus Supervisor or driver will contact the guardian to confirm the times and start date.
- Student routing is complete.
- To cancel services caregiver or FYAP Counselor contacts (213) 241-3552 or fyap@lausd.net. PSA Aide will inform transportation unit to end services.

Attachment III

Transportation Request to School of Origin

1. Student Name (First and Last)

2. Student LAUSD ID

3. Student Grade Level

4. Student School of Origin

5. School of Origin Location Code

6. Caregiver Name (First and Last)

7. Caregiver Address (Ex. 333 S. Beaudry Ave., Los Angeles, CA 90017)

8. Caregiver Phone Number (Ex. (213)241-1000)

9. Caregiver relationship to student

- Biological Parent
- Foster Parent
- Relative
- Other (Please specify in additional notes)

10. Does the student have an open court case?

- Yes
- No

11. Student Placement Type

Select your answer

12. FYAP Counselor Name (First and Last)

13. Additional Notes

Online form: https://forms.office.com/Pages/ResponsePage.aspx?id=oUAqBCixxEqGSAFv-hIUhyN7_IVXEhFHgcYaZPTuzzZUOU5NQkIVTDJEQU5WRIUwUTJLTUdOWTc0Ti4u