



COUNTY OF LOS ANGELES OFFICE OF CHILD PROTECTION

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 383
LOS ANGELES, CALIFORNIA 90012
(213) 893-2010

MEMBERS OF THE BOARD

HILDA L. SOLIS

MARK RIDLEY-THOMAS

SHEILA KUEHL

JANICE HAHN

KATHYRN BARGER

JUDGE MICHAEL NASH (RET.)
EXECUTIVE DIRECTOR

April 7, 2017

To: Supervisor Mark Ridley-Thomas, Chair
Supervisor Hilda L. Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

From: *For* Judge Michael Nash (Ret.) 
Executive Director, Office of Child Protection

INTERIM REPORT ON SCHOOL STABILITY FOR YOUTH IN FOSTER CARE

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 foster youth community-based organizations, to report back in 60 days, and quarterly thereafter, with a plan for implementing the foster youth school stability provisions of the Every Student Succeeds Act (ESSA), including an explanation of the extent of authority LACOE has over the school districts regarding this issue.

Statement of Problem

Improving school stability for youth living in foster care is key to improving their education outcomes. Youth in foster care change schools far more often than other students, making it harder for them to succeed in school. Just over a year 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 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. Finally, plans must include assurances that youth will enroll or remain in their schools of origin unless a determination is made that attending that school is not in the child's best interest. While the regulations for ESSA have recently

been repealed, this has no significant impact on the key requirements of the law for foster youth, including everything listed above.

Efforts to Date

Determination of LACOE's Role

LACOE's role and authority with respect to ESSA has been 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. LACOE has created six Regional Learning Networks—groups of school districts that gather for training and sharing knowledge on ESSA. The possibility of utilizing these networks as a mechanism for districts to sign consolidated transportation plans is being explored. This would eliminate the need for a plan from each of Los Angeles County's 81 school districts to be negotiated and signed separately with DCFS.

Creation of the ESSA Transportation Workgroup

Working closely with the OCP, LACOE convened an ESSA Transportation Workgroup that 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 the California Youth Connection. Many meetings were additionally held on this issue outside of the workgroup, including those involving County Counsel, philanthropy, and the CDE. LAUSD also convened a meeting that included not only administrators and policy experts, but also front-line transportation staff to inform this work. The workgroup is in the process of drafting a series of documents to facilitate school stability under ESSA (details below).

Exploring a Pilot Agreement

DCFS and LACOE are in discussions about jointly funding (with some school district financial participation) a transportation pilot to keep students in their schools of origin. This pilot would likely begin this May and continue until the end of December 2017. LACOE is considering taking on the role of temporarily contracting for and coordinating foster-youth transportation as a 'bridge solution' while long-term agreements between DCFS and the 81 LEAs are drafted and finalized. DCFS, LACOE, and the school districts are currently compiling and analyzing data to estimate the number of foster youth needing to be transported to their schools of origin and the expected costs of doing so. This has proven difficult. An interim pilot is an opportunity not only to ensure transportation for foster youth to their schools of origin in the near term, but also to

concurrently gather data in this regard that can be used to project future costs. It also would give the 81 school districts and DCFS the opportunity to work out details of their long-term ESSA transportation plans in a more informed, thoughtful manner while at the same time immediately achieving school stability for foster students.

Communicating to Superintendents

Dr. Debra Duardo, Los Angeles County Superintendent of Schools and head of LACOE, is taking the lead on communicating with the superintendents of the 81 school districts to inform them about the transportation pilot currently being explored and to set the stage for turning a pilot or other bridge solution into sustainable district/DCFS ESSA transportation plans for the long term.

Drafting a Best-Interest Determination Document

California law gives foster youth a right to remain in their schools of origin when their placements change, unless the student's parent or other Education Rights Holder decides it is in the child's best interest to change schools. This decision is made with input from the district-of-origin's foster youth liaison, the student, and the student's DCFS social worker. The ESSA Transportation Workgroup is finalizing a joint protocol for best-interest determination and some key factors to consider. We anticipate that the best-interest determination document will be completed by June 2017.

Developing a Sample Transportation Plan

The workgroup is also developing a sample ESSA transportation plan as a template for interagency agreements between DCFS and LEAs. The sample will include clear written procedures to govern 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 descriptions of those positions' roles and responsibilities. The sample will contain enough detail that LEAs and DCFS can sign the plan as is, or simply use it as a template or guide to finalize written transportation plans. We anticipate that the ESSA Transportation Workgroup will finalize a sample transportation plan by June 2017.

Developing Guidance

LACOE, the OCP, and DCFS hope that LEAs will agree to sign ESSA transportation plans in groups based either on region or on size of foster youth population. However, school districts (and DCFS) do have the ability to create and agree to individualized transportation plans. For this reason, the workgroup is creating a guidance document intended to help all parties understand their minimum obligations under the law, as well as some recommended best practices, should they agree to something other than the sample plan drafted by the workgroup. We anticipate that the Guidance Document will be completed by June 2017.

Next Steps

Over the next couple of months, the ESSA Transportation Workgroup will facilitate agreement on a pilot to transport foster students to their schools of origin. The Workgroup will also move forward on completing a best-interest determination document, a sample transportation plan, and an ESSA guidance document by June 2017. Following this, it will develop ESSA implementation instructions and continue to support the signing of long-term transportation plans between school districts and DCFS.

LACOE and the OCP will report back to the Board on their progress in July 2017.

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:CM:SG:bs: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