



COUNTY OF LOS ANGELES OFFICE OF CHILD PROTECTION

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July 7, 2017

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

SECOND 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.

The Office of Child Protection submitted its first progress report on this issue to the Board of Supervisors on April 7, 2017. This report outlines our progress since that date.

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 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 those youth. These plans must include clear procedures governing how transportation will be provided and detailing 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.

Efforts Since the First Interim Report

ESSA Transportation Workgroup

Working closely with the OCP, LACOE has continued to convene an ESSA Transportation Workgroup that includes representatives from LACOE, OCP, DCFS, ECC, Probation, 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. A number of meetings were additionally held on this issue outside of the Workgroup—including those involving County Counsel, philanthropy, and the CDE—to develop the programs and documents referred to below.

In June 2017, LACOE hosted two CDE local ESSA stakeholder meetings, providing an opportunity for Workgroup members to ask questions and provide feedback to CDE on the ESSA California state plan. Additionally, the National Center for Youth Law's initiative, FosterEd: California, provided funding to hire a consultant from the San Diego County Office of Education—who has successfully implemented foster-youth school-of-origin transportation—to provide technical assistance in the development of a Memorandum of Understanding between school districts, DCFS, and LACOE to support a pilot for transporting youth to their schools of origin under ESSA.

Joint Protocol for School-of-Origin Best-Interest Determination

In California, if a foster youth is removed from home or experiences a change of placement, the presumption is that it is in the best interest of the youth to remain in his or her school of origin. Youth continue to attend their schools of origin unless a youth's Education Rights Holder (with input from the student and the district-of-origin's AB 490 Foster Youth Liaison) decides that it is in the youth's best interest to be enrolled in a public school that pupils living in the attendance area in which the foster child will reside are eligible to attend.^{1, 2}

¹ If the youth, the Foster Youth Liaison, and/or the Education Rights Holder disagree as to whether the youth should remain in the school of origin or change schools, a hearing can be requested (using the JV-539 form) for the Court to determine whether the student will attend his or her school of origin or change schools. The court must consider the views of the youth, the youth's attorney, the parent, guardian, or other Education Rights Holder, and the youth's CASA, if any, in making this decision (CA Rules of Court, Rule 5.561(e)).

² A student or Education Rights Holder may also use the Uniform Complaint Procedures to resolve any dispute with a school district regarding school-of-origin rights, and the student must be allowed to continue to attend his or her school of origin pending the resolution of the dispute (CA Ed. Code, Section 48853.5).

The ESSA Transportation Workgroup has developed a joint protocol for best-interest determination (Appendix A) that is intended as a tool for DCFS and school districts to engage Education Rights Holders in conversations about school stability. The Workgroup is also exploring the possibility of the Court's appointing an additional or co-Education Rights Holder in the event that a primary Education Rights Holder is not available to participate in the best-interest determination process. We anticipate that the best-interest determination document will be finalized by August 2017. The Workgroup is also developing processes to streamline communications regarding best-interest determinations.

ESSA Transportation Pilot

Our first interim Board report on school stability for youth in foster care indicated that DCFS and LACOE were exploring the idea of jointly funding (with some school-district financial participation) a transportation pilot to keep students in foster care in their schools of origin. This pilot is intended to be a "bridge solution" while long-term transportation agreements between DCFS and the 80 local education agencies (LEAs) are drafted and finalized. A pilot will give the 80 LEAs and DCFS the opportunity to work out details of their long-term ESSA transportation plans in a more informed, thoughtful manner, as pilot data will be available to help them project transportation and other costs.

On May 2, 2017, the Board passed a motion 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, mode of transportation used, and average distances traveled.

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 likewise agreed to contribute \$100,000 in the form of in-kind services.³ DCFS is ready to transfer \$300,000 to LACOE as directed by the Board. This pilot is anticipated to run through December 2017 but may extend through June 2018.

The pilot will include transportation methods such as:

- Caregiver transportation reimbursements
- Bus passes or transportation vouchers for public transportation
- Modifying school bus routes within districts

³ This money will be used for transportation services within LAUSD boundaries only, not for the entire County.

- Using a safe, child-friendly transportation vendor when other transportation options are not accessible to and/or feasible for a foster youth. This option may be used for district-to-district transportation as well as during any dispute resolution or best-interest determination process, and/or while transportation options for the youth are being determined.

Steps to implement some of these options began rolling out in May 2017 (Appendix B), with the training of children's social workers regarding caregiver reimbursements, the distribution of bus passes and transportation vouchers, and modifications of bus routes within school districts.

An MOU outlining funding and roles and responsibilities for the pilot has been developed and is under review by DCFS, LACOE, and LAUSD. The MOU includes processes for best-interest determinations, training personnel, communicating placement changes and transportation needs between districts and DCFS, implementing transportation to schools of origin, and other issues that will inform the long-term joint ESSA transportation plans. Concurrently, data is being collected by all three parties to ensure that lessons learned are integrated into long-term transportation planning.

LACOE has crafted a request for proposals (RFP) and will conduct an open competitive procurement process to identify a vendor who can provide safe transportation services. Once the RFP has been finalized and approved, the process to hire a contractor will take approximately six to eight weeks, with the aim of having this service available near the start of the 2017–2018 school year. In anticipation of this contract, LACOE has hired two full-time transportation coordinators and has begun training its staff on processes and procedures regarding transporting foster youth to their schools of origin.

LACOE has also developed an electronic notification feature within its Education Passport System (EPS) that can alert school districts when children are removed or change placement and may need transportation to their schools of origin. Processes for DCFS staff to use these electronic notifications are under development.

Sample Transportation Plan

The Workgroup continues to develop a sample ESSA transportation plan as a template for long-term 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 provide descriptions of those positions' roles and responsibilities. The sample plan will contain enough detail that LEAs and DCFS can sign it as is, or simply use the plan as a template or guide to finalize written joint transportation plans of their own. Revisions from the Workgroup on the draft sample plan are currently being incorporated by The Alliance for Children's Rights. We anticipate that the Sample Transportation Plan will be completed by August 2017.

Guidance

LACOE, the OCP, and DCFS prefer that most, if not all, of the county's 80 school districts sign onto the sample ESSA transportation plan by the end of the pilot, as DCFS does not have the capacity to collaborate on and agree to that many separate and different district transportation plans. The Workgroup is, however, creating a guidance document intended to support DCFS and school districts under Title 1 to 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. The Alliance for Children's Rights is taking the lead on completing this document as well. We anticipate that the Guidance Document will be completed by August 2017.

Communication to Los Angeles County Superintendents

Los Angeles County Superintendent of Schools Dr. Debra Duardo has sent communications to all 80 Los Angeles County school-district superintendents regarding details about the transportation services pilot that will be coordinated through the LACOE Foster Youth Services Unit.

Next Steps

Over the next few months, the MOU for the ESSA transportation pilot will be finalized and signed by LACOE, LAUSD, and DCFS. They will then move quickly to train staff, execute a contract with a transportation provider, and ensure that all forms of transportation offered in the pilot are available. Concurrently, DCFS, LACOE, and LAUSD will continue to collect data during the pilot to be used by the Workgroup—along with any lessons learned—to finalize an informed sample transportation plan and guidance for school districts and DCFS to jointly use for long-term plans. An outreach plan will be developed and implemented to introduce all districts to the long-term transportation plan. They will then either sign on to the sample plan or use the separate guidance document to create, in conjunction with DCFS, a separate, district-specific transportation plan for foster youth to attend their schools of origin.

LACOE and the OCP will report back to the Board on their progress in October 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:CDM: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

Each Supervisor

July 7, 2017

Page 6

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

**Appendix A. Joint Protocol: Roles and Responsibilities of
DCFS, Probation, 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.**

Option 1 Remain at Current School (School of Origin)		Option 2 Transfer to New School Near Placement		Option 3 Transfer to Other School Attended in Prior 15 Months (School of Origin)	
<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)⁴ 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).
	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.

⁴ 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.

Appendix B. Continued: Los Angeles Unified School District
Request for Transportation to School of Origin Process

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-hlUhyN7_IVXEhFHgcYaZPTuzzZUOU5NQkIVTDJEQU5WRlUwUTJLTUdOWTc0Ti4u