

Every Student Succeeds Act: Effective Implementation to Support Students in Foster Care

California Foster Youth Education Task Force Summit

Sacramento, California

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Panelists

- Martha Matthews, Public Counsel
- Danielle Tenner, Alliance for Children's Rights
- Debra Sanders, Sonoma County Office of Education
- Rachel Velcoff Hults, National Center for Youth Law
- Jennifer Kottke, Los Angeles County Office of Education
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Agenda Overview

- Introduction to school stability
- Overview of ESSA foster care provisions
- Deeper dive into ESSA transportation requirement
- Local advocacy using ESSA
- County perspectives on transportation planning
- Group discussion and Q&A
- Resource-sharing
- Closing



ESSA Background

- Signed into law by President Obama in December 2015
- Reauthorized ESEA, replacing NCLB
- First time federal education law has included key educational stability protections for students in foster care
- ESSA and Fostering Connections work together to create joint agency responsibility for foster youth educational stability
- Timeline: Foster youth educational stability provisions took effect December 10, 2016



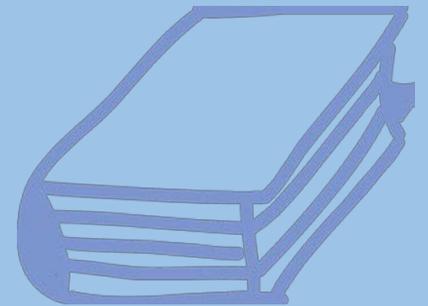
Overview of foster care provisions in ESSA

- School of origin / best interest determination
- Immediate enrollment
- Records transfer
- Points of contact
 - State level
 - Local level
- Transportation
- Data disaggregation
 - Graduation rates
 - Student achievement



ESSA and California Law

- ESSA points and contact and AB 490 liaisons
- Data collection requirements and LCFF
- Charter schools and enrollment
- School of origin definitions
- Education rights holders



ESSA Transportation Requirement

LEAs must collaborate with the State or local child welfare agency to, within one year of the enactment of the ESSA, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be ***provided, arranged, and funded*** for the duration of the time in foster care.

The procedures shall:

- i. Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with the Social Security Act;
- ii. Ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local education agency will provide transportation to the school of origin if: (I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation; (II) the local educational agency agrees to pay for the cost of such transportation; or (III) the local educational agency and the local child welfare agency agree to share the cost of such transportation.

See ESEA § 1112(c)(5)(B)

Highlights from HHS-ED Guidance (June 2016)

- State education agencies should work with state child welfare agencies to provide uniform guidance on transportation procedures and establish a dispute resolution policy, and provide monitoring and oversight
- Emphasis on collaboration and shared responsibility between child welfare and education agencies
- LEA transportation procedures must address how requirement will be met even if agencies do not agree on funding additional costs (i.e. dispute resolution process)
- LEAs and child welfare agencies encouraged to use all allowable funding sources, including federal funds, for additional transportation costs, e.g. Title IV-E funds, Title I funds
- LEA must provide or arrange for transportation while any disputes are being resolved

Local Advocacy Using ESSA

- Work with County Board of Supervisors, school boards, superintendents, COE leadership to ensure that child welfare agencies and LEAs develop the required transportation plans/MOUs
- Plans should clearly define roles, responsibilities, default rules
- Planning should be based on and responsive to data
- Key role of caregiver transportation
- Need for flexibility to ensure access to afterschool programs, sports, extracurricular activities

Sample advocacy documents – School Board Advocacy

Foster Youth & Los Angeles Unified School District: 2017-2018

Despite LAUSD's dedicated efforts, **foster youth continue to face unique educational challenges** that the Coalition for Educational Equity for Foster Youth (CEEFY) urges LAUSD's Board to address.¹



In addition to the challenges faced by other high need student populations, foster youth experience:

- ✓ High rates of **school mobility** and **absenteeism**, making academic progress nearly impossible.
- ✓ High rates of **complex trauma** due to the abuse or neglect that brought them into foster care and re-traumatization within the system itself, which trauma negatively impacts educational development.

Historic pupil services investments in have begun to move the needle on pupil engagement indicators, but LAUSD foster youth academic achievement continues to lag:²

- ✓ Foster youth **chronic absenteeism and suspension rates** both trended downward between the 2013-2014 and 2014-2015 school years but remain high, at approximately 25% and 2%, respectively.
- ✓ **Only 20% of foster youth were on Track for A-G Completion** compared with 44% of all LAUSD students.
- ✓ Foster youth had a **43.8% Graduation Rate** compared to 72% for all LAUSD students.³

New achievement data continue to show gaps between foster youth and other LAUSD students. Further, the data are *conservative estimates* of the disparities, only reflecting the 60% of foster youth who were enrolled at a single school for most of a school year. Still, the CDE reports that on 2014-2015 CAASPP tests:⁴

- ✓ Just **17%** of foster youth were **proficient or above in English Language Arts**, compared to 33% of LAUSD students.
- ✓ Only **11%** of foster youth tested were **proficient or above in math**, compared with 25% of all LAUSD students.

Local Control Funding Formula (LCFF) requires that districts to address the particular obstacles faced by foster youth. LAUSD may be required to spend additional dollars to support LCFF subgroups, including foster youth, in the coming years as part of LCFF's mandate. To fully leverage LAUSD's groundbreaking investment in its Foster Youth Achievement Program (FYAP) in the coming year, CEEFY urges LAUSD to:

- Promote school stability through collaborative efforts to secure transportation consistent with new mandates under the Every Student Succeeds Act (ESSA); and**
- Improve foster youth access to academic counseling.**

¹ CEEFY is a stakeholder coalition including advocates, child welfare representatives, and foster youth education experts. CEEFY works to engage school districts in Los Angeles around LCFF implementation to close the achievement gap between foster youth and other students by promoting school stability and other best practices to address the unique needs of foster youth. CEEFY members include Advancement Project, All Saints Church Foster Care Project, Alliance for Children's Rights, Associated Administrators of Los Angeles, California Youth Connection, Children's Law Center of CA, First Star Academies, Hillsides, LA Area Chamber of Commerce/UNITE-LA, LA County Department of Children & Family Services, LA County Office of Education, National Center for Youth Law, Public Counsel, United Friends of the Children.

² Foster Youth Achievement Program LCAP-Program & Goal Update-Annual Update February 2015; LAUSD Student Health and Human Services FYAP Presentation dated 4.14.16; LAUSD Local Control Accountability Plan and Annual Update: 6.21.16

³ California Department of Education, Data Reporting Office

⁴ California Department of Education, Data Reporting Office

1. PROMOTE SCHOOL STABILITY. Estimated Cost: \$4-6 Million¹

Despite the right to stay in the same school (school of origin) after a placement change, foster youth experience many more school changes than other students. School changes disrupt academic gains, estimated at up to six months of academic loss per move.² Even more fundamentally, tearing students out of school re-traumatizes youth who have already experienced significant levels of trauma. To support the trauma-sensitive practice of increasing school stability, LAUSD should:



- Collaborate with the Department of Children of Family Services (DCFS) and LACOE to make transportation to school of origin available** as mandated under the Every Student Succeeds Act (ESSA). LAUSD is in the process of partnering with DCFS and LACOE to develop ESSA's required comprehensive transportation plan. FYAP already has begun to investigate the feasibility of using regular yellow school bus routes to transport foster youth who move within the district and have no reasonable alternative method of transport to their school of origin. These efforts require financial support in the form of:
 - Funding for transportation on pre-existing and/or newly created bus routes** for students who do not have alternative modes of transportation to school of origin (e.g., caregiver provided transportation, public transportation funded by DCFS, transportation as part of special education).
 - A designated transportation division staff member** to develop implementation systems and coordinate the provision of transportation for students to school of origin.
 - **Set an explicit LCAP goal** of improving school stability for foster youth (for example, by monitoring changes in how many youth are transported to school of origin) and **invest in data infrastructure** to track improvements (e.g., to identify how many students transfer schools within LAUSD, transfer into or out of the district, etc.).

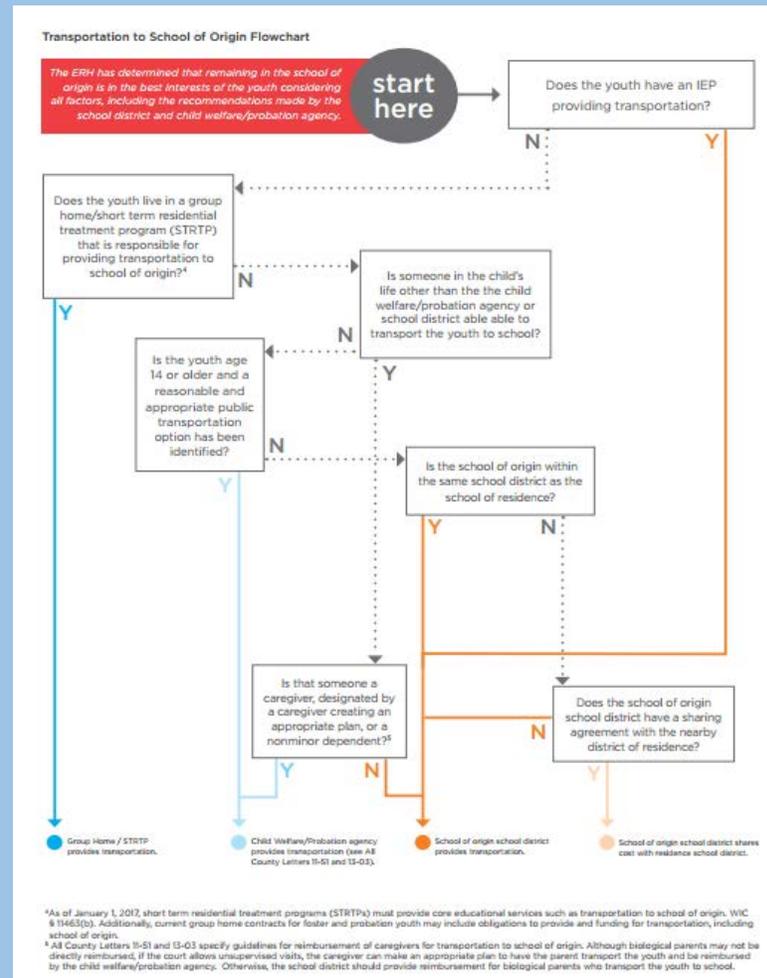
Sample Advocacy Docs – Best Interest Determination

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)⁴ 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.)
<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.

Sample Advocacy Documents-Transportation Flow Chart



County Perspectives on Implementation

- What was the transportation landscape in your county before ESSA?
- What changes have taken place since ESSA's passage?
- Is data being used in transportation planning?
- What role are COE FYSCPs playing in this process?
- Resources or advice to share with other counties?

Group Discussion

- Have you participated in transportation planning in your county / school district?
- What plans or agreements does your county / school district have in place around transportation?
- What challenges have you faced?
- Any lessons learned along the way?

Resources

- HHS-ED Non-Regulatory Guidance: <https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>
- ABA Legal Center for Foster Care and Education ESSA Implementation Toolkit: <http://www.fostercareandeducation.org/AreasofFocus/EducationStability.aspx>
- Alliance for Children's Rights Toolkit: <http://kids-alliance.org/programs/education/edtoolkit/>
- FosterEd Point of Contact Fact Sheets (education and child welfare): <http://foster-ed.org/child-welfare-agency-point-of-contact-fact-sheets/>
- Examples from other state agencies
 - Ohio: <http://education.ohio.gov/Topics/School-Improvement/Foster-Care>
 - Pennsylvania: [Transportation Agreement Memorandum of Understanding \(MOU\)](#) [Local Transportation Plan Template](#) [PA Transportation Plan Guide](#)

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