
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No:	AB 854		
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Urgency:	No	Fiscal:	Yes
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Subject: Educational services: pupils in foster care

SUMMARY

This bill restructures the existing Foster Youth Services program by shifting the primary function from direct services provided by county offices of education and six school districts, to a program of coordination to assist school districts in meeting their statutory obligation to improve the educational outcomes of foster youth pursuant to the Local Control Funding Formula.

BACKGROUND

Existing law:

- 1) Provides funding for the instruction, counseling, tutoring and related services for foster youth to the following unified school districts and consortia that have successfully operated foster youth services program sites: Elk Grove, Mount Diablo, Sacramento City, San Juan, and Paramount, and the Placer-Nevada consortium. (Education Code § 42920)
- 2) Authorizes any county office of education, or consortium of county offices of education, (in addition to the six program sites listed above) to apply to the Superintendent of Public Instruction for grant funding to operate an education-based foster youth services (FYS) program to provide educational and support services for foster youth who reside in a licensed foster home or county-operated juvenile detention facility. A FYS program is authorized to prescribe the methodology for determining which youth may be served, including serving specific age groups, serving youth in specific geographic areas with the highest concentration of foster youth, or serving the youth with the greatest academic need. (EC § 42921)
- 3) Requires each FYS program to have at least one person identified as the foster youth educational services coordinator, who is to facilitate the provision of educational services to any foster child in the county who is under the jurisdiction of the juvenile court who is placed in a licensed foster home or county-operated juvenile detention facility. Existing law requires the responsibilities of the foster youth educational services coordinator to include all of the following:
 - a) Working with the child welfare agency to minimize changes in school placement.

- b) Facilitating the prompt transfer of educational records between educational institutions when placement changes are necessary.
 - c) Providing education-related information to the child welfare agency to assist the child welfare agency to deliver services to foster children, including educational status and progress information required for inclusion in court reports.
 - d) Responding to requests from the juvenile court for information and working with the court to ensure the delivery or coordination of necessary educational services.
 - e) Working to obtain and identify, and link children to, mentoring, tutoring, vocational training, and other services designed to enhance the educational prospects of foster youth.
 - f) Facilitating communication between the foster care provider, the teacher, and any other school staff or education service providers for the youth.
 - g) Sharing information with the foster care provider regarding available training programs that address education issues for children in foster care.
 - h) Referring caregivers of foster youth who have special education needs to special education programs and services. (EC § 42921)
- 4) Requires each school district operating a foster youth services (FYS) program to report, by January 1 of even-numbered years, to the Superintendent of Public Instruction (SPI) any information required by the SPI. Existing law requires the SPI to report, by February 15 of even-numbered years, to the Legislature and Governor on the FYS program, including:
- a) Recommendations regarding the continuation of services.
 - b) Recommendations regarding the effectiveness of the services.
 - c) Recommendations regarding the broadening of the application of those services.
 - d) Information which shall be sufficient to determine, at a minimum, whether these services have resulted in a major quantitative improvement or deterioration in any of the following indicators:
 - i) Student academic achievement.
 - ii) The incidence of student discipline problems or juvenile delinquency.
 - iii) Student dropout rates or truancy rates.
 - e) A discussion of the meaning and implications of the indicators listed above. (EC § 42923)

- 5) Requires the Superintendent of Public Instruction (SPI) to form an advisory committee to make recommendations regarding the allocation of available funds to applicant school districts. (EC § 42925)

SB 97 (Committee on Budget and Fiscal Review, Ch. 11, 2015) among other things, appropriates \$25,379,000 to fund foster youth services pursuant to legislation enacted in 2015 that aligns program requirements to reflect the establishment of the Local Control Funding Formula.

ANALYSIS

- 1) Reestablishes the Foster Youth Services (FYS) program as the Foster Youth Services Coordinating (FYSC) program, beginning with the 2015-16 fiscal year, administered by the Superintendent of Public Instruction (SPI), to provide supplemental funding to county offices of education or a consortium of county offices of education. This bill requires the SPI to be responsible for all of the following:
 - a) Monitoring implementation of the FYSC program.
 - b) Facilitating data sharing and reporting necessary to meet the requirements of this bill.
 - c) Ensure a county office of education's local control and accountability plan addresses the needs of foster youth, pursuant to existing law.
- 2) Authorizes the SPI to use up to 5% of funding allocated for the FYSC program to contract with a local educational agency to administer the FYSC program, including providing technical assistance to county offices of education or consortiums of county offices of education in the implementation of the FYSC program.
- 3) Conditions the operation of the FYSC program with the provision of funding for this purpose in the annual Budget Act or another enacted statute.
- 4) Strikes reference to the six "core" school districts that have administered and received funds for the prior FYS program, thereby deleting the existing authority for these school districts to directly receive funding for the FYSC program.
- 5) Expands the revamped FYSC program to extend eligibility to all foster youth, including those placed in kinship care, by aligning the definition of "foster youth" for purposes of the FYSC program with the definition of "foster youth" for purposes of the Local Control Funding Formula.

Role of county offices of education

- 6) Requires, beginning with the 2015-16 fiscal year, a county office of education or consortium of county offices of education that receives FYCS funds to coordinate with school districts within its jurisdiction and ensure those districts are providing

services to foster youth as specified in the county's foster youth services coordinating plan (see comment # 9) with the purpose of ensuring positive educational outcomes.

- 7) Requires a county office of education, or a consortium of county offices of education, receiving FYCS funds and the school districts within the county to coordinate services to ensure that for the 2015-16 and 2016-17 fiscal years, the level of direct services provided to support foster youth is not less than what was provided in the 2014-15 fiscal year through the prior Foster Youth Services (FYS) program. This bill authorizes, to meet this requirement, services to be provided through one or any combination of state funds, including the Local Control Funding Formula, federal, local, or other funds.
- 8) Requires each county office of education with a Foster Youth Services Coordinating (FYSC) program, to the extent possible, to develop and enter into a memorandum of understanding, contract, or formal agreement with the county child welfare agency to leverage federal funds and any other funds that may be used to specifically address the educational needs of students in foster care, or explain annually in writing why a memorandum of understanding is not practical or feasible. This bill encourages each FYCS program to consider leveraging other local funding opportunities to support the educational success of students in foster care.
- 9) Requires, as a condition of receiving FYCS program funds, a county office of education, or a consortium of county offices of education, to develop and implement a *foster youth services coordinating plan* for the purpose of establishing guiding principles and protocols to provide supports for foster youth that are aligned with the established priorities (see #23). The plan must include, to the extent possible, the establishment of on-going collaboration with local education agencies, county child welfare agencies, and county probation departments to determine the proper educational placement of the foster youth. This includes but is not limited to the following:
 - a) Building the capacity of county agencies, school districts and community organizations to better support the educational success of students in foster care.
 - b) Facilitating collaboration between county agencies, school districts and community organizations to ensure coordinated and non-duplicative service delivery and to ensure students in foster care receive the educational supports and services they need to succeed in school.
 - c) Providing services and educational case management in support of individual students in foster care, as necessary.
 - d) A description of how the program will facilitate coordination with local postsecondary educational institutions, including the University of California, California State University and California Community Colleges, to ensure foster youth meet admission requirements and access programs that support their matriculation needs.

- e) Policies and procedures for school districts, county welfare agencies and county probation departments to share all relevant educational information for foster youth to ensure the court has updated and accurate information as it makes decisions regarding foster youth.
- 10) States legislative intent that a county office of education, in the development and adoption of its local control and accountability plan, include information specific to the transition from the prior Foster Youth Services (FYS) program (where six school districts were directly funded), when describing the coordination of services for foster youth as currently required for the local control and accountability plan.

Role of school districts and other local agencies

- 11) Requires a school district, county child welfare agency, or county probation department, if it determines that it is unable to provide services identified by the school district, to annually certify in writing to the Foster Youth Services Coordinating (FYSC) program and to the California Department of Education the reasons why it is unable to provide the services. The certification must include reasons why state, local, federal or private funds are unavailable for support of those services.
- 12) Requires a school district to provide a description (as part of the written certification) of how foster youth will receive services, if the school district, county child welfare agency or county probation department certifies that it is unable to provide services that are established as needed and identified by the school district.
- 13) States legislative intent that school districts include information specific to the transition requirement for the 2015-16 and 2016-17 fiscal years (see #7) in their local control and accountability plan when describing services for foster youth.

Educational placement

- 14) Requires the primary goal of the collaboration to be to minimize changes in school placement and to support the placement of foster youth in regular public schools (rather than in alternative educational settings).
- 15) Requires a school district, if it is in the best interests of a foster youth, to ensure transfers are done at an educationally appropriate time, educational records are quickly transferred, appropriate partial credits are awarded, and the foster youth is quickly enrolled in appropriate classes.
- 16) Requires a county office of education to establish policies and procedures to ensure educational placement for a foster youth is not delayed, including facilitating the establishment of an individualized education program if applicable, and the transfer of records, transcripts and other relevant educational information.
- 17) Requires LEAs, county welfare agencies, and county probation departments, in determining the appropriate educational placement of a foster youth, to consult with the following individuals as appropriate: an educational rights holder, caregiver, social worker, teacher, counselor, court-appointed special advocate, other stakeholders and the student. This bill provides that the purpose of the consultation

is to ensure all educational programmatic options are considered, including English learner programs, special education, advanced placement, and career technical education.

- 18) Authorizes Foster Youth Services Coordinating (FYSC) to pay for the cost of transportation to support the existing requirement that foster youth be allowed to remain in their school of origin.

Coordination and oversight

- 19) Requires each FYSC program to establish a local interagency Executive Advisory Council, and requires the council to include representatives from the county child welfare agency, the county probation department, local educational agencies, local postsecondary educational institutions, and community organizations. The foster youth educational services coordinator is to be a permanent member of the council. This bill authorizes the Executive Advisory Council to include, if possible, foster youth, caregivers, educational rights holders, dependency attorneys, court representatives, court-appointed special advocates, and other interested stakeholders.
- 20) Requires the Executive Advisory Council to regularly review the recommendations of the foster youth services plan, and authorizes a member of the Executive Advisory Council or the foster youth educational services coordinator to request the Superintendent of Public Instruction (SPI) to mediate a solution in the event of a disagreement.
- 21) Encourages a FYSC program to first provide services to students in foster care who reside in a group home, institutional setting, or other placement with students with high academic needs, as determined by the local Executive Advisory Council.
- 22) Deletes the existing requirement that the SPI form an advisory committee to make recommendations regarding the allocation of funding to school districts.

Miscellaneous

- 23) Requires that priority be given to foster youth who are living in and out of home placements.
- 24) Specifies that the report that is currently required to be provided to the Legislature is to be provided to the appropriate policy and fiscal committees of the Legislature, expands recommendations to include those regarding the effectiveness of the program, and modifies outcome data as follows:
 - a) Deletes information which shall be sufficient to determine, at a minimum, whether these services have resulted in a major quantitative improvement or deterioration in student academic achievement, the incidence of student discipline problems or juvenile delinquency, and student dropout or truancy rates.

- b) Adds, to the extent possible, aggregate educational outcome data for each county in which there were at least 15 students in foster care, with information on each of the following indicators:
 - i) The number of students in foster care who attended school in the county.
 - ii) The academic achievement of the students in foster care, as determined by quantitative and qualitative data currently collected by program participants.
 - iii) The number of students in foster care who were suspended or expelled.
 - iv) The number of students in foster care who were placed in a juvenile hall, camp, ranch, or other county-operated juvenile detention facility because of an incident of juvenile delinquency.
 - v) The truancy rates, attendance rates, and dropout rates for students in foster care.
 - vi) The number of students in foster care participating in foster youth services programs who successfully transition to postsecondary education. This bill requires the California Department of Education to collaborate with the Chancellor of the California Community Colleges and the Chancellor of the California State University to identify indicators that can be used to track access to postsecondary education for students in foster care.
 - c) Adds information about how the program has supported the development and implementation of new local educational agency and county agency policies, practices and programs aimed at improving the educational outcomes of students in foster care.
 - d) Adds information about how the program has improved coordination of services between local educational agencies and county agencies, including the types of services provided to foster youth.
- 25) Deletes all specified responsibilities of the local educational agency foster youth educational services coordinator, and instead places the responsibility for meeting the requirements of this bill with county offices of education operating a foster youth services coordinating program.
- 26) States legislative intent to establish criteria to determine the allocation of funds to foster youth services coordinating programs, including criteria that allows for school districts to receive funding for this program.
- 27) States legislative findings and declarations relative to the educational needs of students who are in foster care and the benefits of interagency collaboration.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Because Foster Youth Services (FYS) programs are not authorized or funded to serve foster youth in relative foster care

settings, an estimated 67% of California's foster youth are not eligible to receive FYS support that has been proven to increase the educational success of students in foster care. This bill will refocus foster youth service programs such that county offices of education better support the effective implementation of local control funding formula requirements for foster youth; support school districts in developing and implementing the portion of their local control and accountability plan describing the specific actions and strategies the school district will undertake to increase the academic performance of students in foster care, and facilitate collaboration between school districts and the county agencies collectively responsible for the educational success of students in foster care. Having developed deep expertise in foster youth education issues, the FYS programs are uniquely well positioned to play this role."

- 2) **Consistent with the Budget.** SB 97 (Committee on Budget and Fiscal Review, Ch. 11, 2015) among other things, appropriates \$25,379,000 to fund foster youth services pursuant to legislation enacted in 2015 that aligns program requirements to reflect the establishment of the Local Control Funding Formula. AB 854 is the legislation that modifies foster youth services program requirements to reflect the Local Control Funding Formula and associated responsibilities of school districts to directly provide services to foster youth.

To ensure consistency with the intent of SB 97, and specific language agreed upon by the Administration, **staff recommends the following amendments:**

- a) Modify the entity to whom county child welfare agencies, county probation departments or local educational agencies are to provide certification the reasons why it is unable to provide specified services, from the foster youth services coordinating program to the governing board of the local educational agency in which the foster youth attends school. (On page 15, lines 39-40)
 - b) Strike reference to mediation by the Superintendent of Public Instruction (SPI) in the event of a disagreement within the Executive Advisory Council regarding recommendations in the foster youth services coordinating plan. (On page 17, lines 24-27)
 - c) Add "Services" on page 18, line 30-31, to read "Foster Youth Services Coordinating Program."
 - d) Require, rather than authorize, the Superintendent of Public Instruction to use up to 5% of the allocated funding for administrative costs. This ensures the costs to administer the foster youth services coordinating program are covered, rather than risking the chance of future requests for additional administrative funding. (On page 21, line 28)
- 3) **Local Control Funding Formula and foster youth.** AB 97 (Committee on Budget, Ch. 47, Statutes of 2013) established the local control funding formula and provides local educational agencies with additional funding to serve foster youth. Local educational agencies are required to identify ways in which they will improve the

educational outcomes of foster youth in their local control and accountability plans (LCAPs). Three recent reports have examined the district LCAP goals and strategies to support foster youth:

- a) A 2015 report commissioned by the National Youth Law Center and conducted by SRI, International noted that while the local control funding formula (LCFF) “has begun to shine a bright light on the needs of foster youth,” problems persist in the areas of data sharing, the shortage of educational rights holders, and compliance with the law regarding records transfer and school enrollment, among others. The report found that “on balance, initial LCAPs did not recognize the needs of foster youth.”
 - b) A 2015 report from Public Counsel, which focused on school climate and foster youth as reflected in LCAPs, found that “districts have fallen short of collecting and analyzing baseline data, and incorporating in their LCAPs specific interventions to improve school climate for foster youth” and that “few school districts identified unique attendance-related goals or actions for foster youth.”
 - c) A 2014 report by The Education Trust–West on the first year of LCFF implementation found that “most districts do not directly and distinctly address the needs of foster youth in their first-year LCAPs, apart from saying they will receive the same services as all students.” One section of that report written by FosterEd (an initiative of the National Center for Youth Law,) reports that “the vast majority of district LCAPs [of the 10 districts with the largest enrollment of foster youth] do not include the unique interventions and infrastructure elements critical to help foster youth. However, a few districts — both large and small — have well-developed and promising plans for closing the foster youth achievement gap. Los Angeles Unified School District’s (LAUSD) plan is particularly noteworthy for the large district investment in foster youth. LAUSD has allocated \$9.9 million to hire 75 foster youth counselors and school social workers specifically responsible for identifying the student’s educational strengths and needs in addition to monitoring educational progress.”
- 4) ***Fiscal impact.*** This bill was recently amended; a fiscal analysis is not yet available for the current version of this bill. According to the Assembly Appropriations Committee’s analysis of the prior version of this bill:
- a) Ongoing Proposition 98/General Fund cost pressures of approximately \$20 to \$30 million to expand the Foster Youth Services (FYS) program. For several years, the existing FYS program has received \$15.2 million (Proposition 98/General Fund) to serve approximately one-third of foster youth in California. This bill expands services to the remaining two-thirds (approximately 40,000 foster youth) but does not provide additional funding. It is estimated that the costs to fully fund the program to provide the same level of services for all foster youth is approximately \$35 million to \$45 million.
 - b) Ongoing General Fund administrative costs, in the range of \$300,000, to provide technical assistance to coordinate resources; collect, manage and report data and other program oversight requirements.

5) ***Related and prior legislation.***

RELATED LEGISLATION

AB 379 (Gordon, 2015) expands the Uniform Complaint Procedures to include complaints of non-compliance with certain rights and responsibilities regarding the education of students who are in foster care or who are homeless, including school placement decisions, responsibilities of foster youth liaisons, provisions regarding school transfers, exemption from locally-imposed graduation requirements, and the awarding of partial credit for completed coursework. AB 379 is pending in the Senate Appropriations Committee.

AB 224 (Jones-Sawyer, 2015) requires the California Department of Education to develop a standardized notice of educational rights of foster youth, post the notice on its website, and provide the notice to foster youth liaisons, foster youth, parents or educational rights holders. AB 224 is pending in the Senate Appropriations Committee.

PRIOR LEGISLATION

SB 933 (Thompson, Ch. 311, 1998) expanded the FYS program statewide through county offices of education, and targeted funding to students residing in licensed children's institutions.

AB 1808 (Steinberg, Ch. 75, 2006) expanded the FYS program to serve youth in foster family homes, foster family agencies, and juvenile detention facilities.

AB 2489 (Leno, 2006) expanded the FYS program by establishing the Foster Youth Higher Education Preparation and Support Act. AB 2489 was held in the Senate Appropriations Committee.

SUPPORT

Alliance for Children's Rights
California Peace Alliance
CASA of Santa Cruz County
Equality California
Humboldt County Office of Education
John Burton Foundation for Children Without Homes
Los Angeles Area Chamber of Commerce
Los Angeles County Office of Education
National Center for Youth Law

OPPOSITION

None received.

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