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SCHOOL STABILITY FOR FOSTER CHILDREN

Adopted in 2013, California’s Local Control Funding Formula (LCFF) fundamentally restructured the way the State funds school districts. LCFF’s overarching goal is to fund school districts according to the cost of educating students in that district. While LCFF increased a school district’s flexibility to make critical decisions on how educational resources are used; it also ensured accountability by requiring districts to annually develop Local Control Accountability Plans (LCAP), that detail how they will improve educational outcomes. Furthermore, in recognition of its special responsibility to improve the historic poor school success of children in foster care, the State issued the following groundbreaking LCFF provisions:

- Added foster youth as a subgroup to the State’s accountability framework;
- Established foster youth as one of three subgroups of at-risk students for which school districts receive supplemental and concentration funding;
- Required that the California Department of Education be responsible for regularly identifying which students enrolled in each school district are in foster care; and
- Required school districts to develop LCAPs, detailing academic goals for foster children and the corresponding expenditures and actions necessary to meet those goals.

On December 18, 2015, the United States Department of Education announced that President Obama had signed the Every Student Succeeds Act (ESSA), prioritizing excellence and equity for students in order to support a strong foundation for every child to graduate from high school, ready for college and careers. ESSA was scheduled to take effect on December 10, 2016 and included simply-stated yet complex requirements, specifying the involvement of Child Welfare and Local Education Agencies in determining whether a foster child’s best interest would be served by remaining in his/her school of origin.

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Prior to ESSA, in California, the decision-making responsibility for a child to remain in his/her school of origin rested solely with the child's Education Rights Holder. ESSA brought Local Education Agencies (or school districts) and Child Welfare Agencies into the decision-making process, requiring that child welfare and school districts jointly determine their respective uses of federal Title IV (e) and Title I funding to cover the costs of transporting a removed or replaced child back to his/her school of origin if doing so is in the child's best interest.

Recently, the United States Departments of Education and Health and Human Services issued Non-Regulatory ESSA Guidance entitled "Ensuring Educational Stability for Children in Foster Care," drawing attention to important new ESSA provisions that promote educational stability for child welfare-involved children and prompting DCFS and the Los Angeles County Office of Education (LACOE) to seek ESSA implementation guidance from the California Department of Education. The California Department of Education designated 2016 and 2017 as the "ESSA implementation planning period," establishing no expectation for ESSA to have been fully-implemented by December 2016.

LACOE is responsible for approving the annual LCAPs for each of Los Angeles County's (County) 81 school districts. ESSA implementation planning involves developing agreements between DCFS and the County's 81 different school districts on the funding and complex operational procedures associated with transporting, back to their schools of origin, DCFS-supervised children placed outside their birth homes anywhere within the County's 4,083 square miles. It is imperative to improve the educational outcomes of the County's foster children so that each foster child ages out of foster care academically prepared to become productive adult members of society.

WE, THEREFORE, MOVE, that the Los Angeles County Board of Supervisors directs the Office of Child Protection and the Los Angeles County Office of Education, in consultation with the Department of Children and Family Services, to report back in 60 days and quarterly thereafter on 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 within the annual Local Control Accountability Plans of every school district located within Los Angeles County. This should be in consultation with 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.

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