

LCFF, LCAPs, and You!
How to Ensure that Foster/Probation Youth Benefit from New School District Funding



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Overview of LCFF and its Impact on Students in Foster Care

LCFF and LCAP

- New CA school funding law is called Local Control Funding Formula (LCFF)
- Districts receive “supplemental and concentration grants” based on % of students who are low-income, English Learners, and/or foster youth
- Each district must create a Local Control and Accountability Plan (LCAP) with goals for all students and for each subgroup

Why are LCFF and LCAPs important for foster youth?

- Eliminated most categorical funding, but preserved funding for Foster Youth Services (FYS) programs run by County Offices of Education
- Gave school districts more funding for at-risk students, including foster youth – along with more accountability for education outcomes
- LCAPs must:
 - Identify *goals* for foster youth as a district subgroup
 - Describe *the specific actions* the districts will take each year to achieve these goals
 - Contain the *budget* associated with these actions

Definition of foster youth under LCFF

- **Youth in foster care**
 - Must have an open dependency court case (subject to WIC 300 petition)
 - Does not matter where they live (e.g., foster home, group home, relative home, with biological parent)
- **Youth on probation**
 - Must have an open delinquency case in criminal court (subject to WIC 602 petition) and be removed from their home (subject to suitable placement order)
 - The definition of probation youth for purposes of education laws (e.g., AB 490, 1933, 167/216, etc.) includes all youth subject to a WIC 602 petition, regardless of where they live
- Definition does not include foster youth who is a “voluntary placement” or living with relatives **without** an open court case, although districts can choose to still serve this group

LCFF and foster youth data

- Under LCFF, the California Department of Social Services (CDSS) must share the following with the California Department of Education (CDE):
 - Information necessary to identify students in foster care; and
 - Information helpful to meet the educational needs of these students
 - CDE must share this information with school districts and county offices of education on a weekly basis.
- School site staff need:
 - Education Rights Holder info
 - Child welfare agency and minor’s attorney contact info
 - Help obtaining records from prior schools, IEP information, etc.

AB854 and the Foster Youth Services Coordinating Program

AB854 Overview

- Authored by Assemblymember Shirley Weber from San Diego
- Establishes Foster Youth Services Coordinating Program (FYSCP)
 - Establishes FYSCP as county program that works with Local Education Agencies (LEAs) and other local agencies to ensure positive education outcomes of students in care
 - Releases a \$25.4 million grant administered by the California Department of Education for interested County Offices of Education to run the FYSCP locally
 - \$10.4 million increase over prior years

AB854: Population Served

- FYSCP can serve children living at home and with family members
 - Aligns with LCFF definition
 - FYS formerly limited to serving youth in primarily non-relative placements (group homes, foster family homes, foster family agency homes and court-specified placements)
- Requires that students in out-of-home placements be prioritized for services
- Intends that foster youth with greatest need be prioritized for services

AB854: Emphasis on Collaboration

- Local cross-agency collaboration is key
- Foster Youth Services Coordinator must establish a local interagency Executive Advisory Council
 - This may include the court and court officers
- Each FYSCP must develop and implement a coordinating plan to establish guiding principles and protocols to provide support for students in foster care

AB854: Coordinating Plans

- Components of the FYSCP plan are permissive, and should include the following:
 - A description of how the program will establish ongoing collaboration with LEAs, child welfare agencies, and probation departments to determine the proper educational placement of youth.
 - A description of how the program will facilitate coordination with local postsecondary educational institutions.
 - Policies and procedures for LEAs, county welfare agencies, and probation departments to share all relevant educational info. for foster youth to ensure court has updated and accurate info.
- Primary goal of coordination is to minimize school changes in placement
 - In determining proper educational placement, LEAs, county welfare agencies, and probation departments shall consult with an education rights holder, caregiver, social worker, teacher, counselor, CASA, other stakeholders, and the pupil, as appropriate.

AB854: Services to Students

- Certification requirement for FYSCP to provide tutoring, mentoring, or counseling services
 - School district must establish the services are needed and annually certify in writing to the FYSCP that it is unable to provide the services
- School social work, emancipation, and transition services do not require certification

Child Welfare and Educational Support

How Child Welfare can support the School Districts LCFF efforts

Child Welfare wants to help the school districts improve the educational outcomes of our youth

- Include ERH name, relationship & contact info into CWS/CMS Education Notebook
- Work with school districts directly to learn their challenges working with our youth
- Address the challenges
- Provide local data matches
- Work with the team developing the LCAP

Consider developing an Education Unit to promote/advocate for the educational needs

- Train social workers on the education law specific to foster youth
- Encourage social workers to keep the youth in their school of origin
- Train ERH's how to be responsible and effective/Pair up ERH with a co-holder
- Train caregivers how to support the youth's education
- Have staff easily accessible to the schools

How Attorneys and Judges Can Help Foster Youth Benefit from New School Funding

School districts, courts, and DCFS should work together to improve school stability and attendance

- Not every placement change should cause a school change
- Courts should consider school calendars
- Foster youth should not be pushed out of comprehensive schools
- Placement changes should not cause gaps in attendance

When is the JV-535 form used?

At every hearing! Court must identify child's ERH and consider education needs at detention, disposition, and all review hearings

- Child's attorney should fill out JV-535 form
- If parent retains education rights, only items 1, 2 and 6 are filled out
- If a prior JV-535 is in place and there are no changes, only items 1 and 2 are filled out

Every child needs and deserves an effective education rights holder (ERH)

Court and all parties have responsibility to take action if parent or current ERH is not effective...

- Parents' counsel - help parent understand role in child's education (or consider sharing or giving up education rights);
- Social worker or minor's counsel - help current ERH understand and fulfill their role; or
- Find new ERH!

Rights and duties of education rights holder

- Obtain records, attend court hearings, participate in education portion of hearing
- Investigate educational needs
- Address needs (e.g., meet with teachers; attend IEPs, SSTs, discipline proceedings; obtain tutoring and other supports; enroll child in extracurricular activities)
- Report to court (attend hearing, contact social worker before hearing, *or* submit JV 537 form)

Resources

www.cfyetf.org - California Foster Youth Education Task Force - Education Law Factsheets and Q & A

www.lacdcfs.org/edu/default.html - LA County DCFS, Youth Education Support

www.foster-ed.org - National Center for Youth Law - Foster Youth Education Initiative

www.MyLifeMyRights.org - Public Counsel - easy to read, phone and tablet-friendly website for foster youth on education and ILP rights, by Public Counsel

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