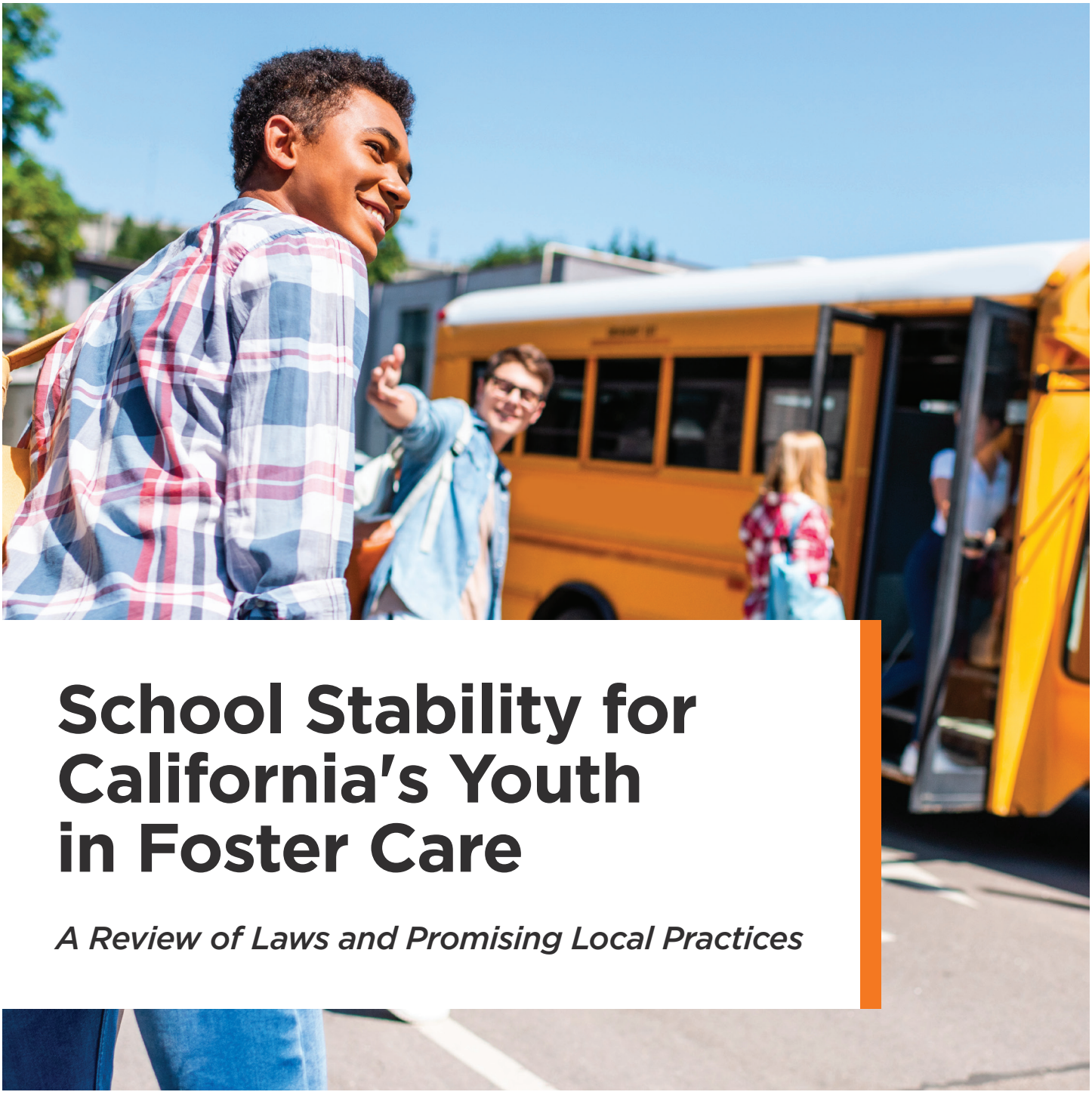

School Stability for California's Youth in Foster Care

A Review of Laws and Promising Local Practices

ALLIANCE *for* CHILDREN'S RIGHTS

DECEMBER 2020

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Contents

INTRODUCTION

MARY'S STORY[1]

Mary walked down the hall of her high school with her best friend, discussing soccer practice that afternoon and an upcoming English test. Mary looked like every other student at school and felt at home there, a feeling that was very important to her. Like most youth in foster care, Mary's home placement was unstable; she had recently moved for the 4th time since entering 9th grade. In the past, each placement change had meant a change of where she lived and where she went to school. However, she recently learned about her right to attend her school of origin. She spoke with the adults in her life and her education rights holder and they determined together that staying in her school of origin was important to her academic success and emotional well-being—she had friends, was participating in sports, had adults who she felt cared for her, and was doing well in her classes. Mary committed to spending two hours, each way, commuting from her new home to her school of origin—this meant her caregiver driving her to a bus, then a metro ride, and then walking a few miles. Although the commute was difficult, Mary credits her successful high school graduation to her school stability. She is now in college and thriving.

EDUCATION OUTCOMES OF YOUTH IN FOSTER CARE IN CALIFORNIA

Youth in foster care have the poorest education outcomes of any students in the state, due in large part to their school instability. Youth in foster care change schools an average of 8 times while in care, losing 4-6 months of learning with each move. Youth in foster care graduate at a rate of only 56% (compared to 85% of all students), 15% are suspended at least once per year (compared to 4% of all students), 28% are chronically absent (compared to 12% of all students), and math and English language test scores are consistently far below their peers.[2] California led the country by acknowledging that school stability matters and creating a legal right for youth in foster care to remain in their school of origin after a home placement change. However, this right, without the transportation attached to it, is difficult to implement. Federal law created the right to transportation to school of origin in the Every Student Succeeds Act ("ESSA").

[1] *Mary's name has been changed to protect her privacy.*
[2] *California Department of Education data Dataquest scores for the 2018-19 school year, available at* ***https://dq.cde.ca.gov/dataquest/.***

PUBLIC RECORDS ACT REQUEST

In January 2019, the Alliance for Children's Rights sent a California Public Records Act ("PRA") request[1] to the 58 county child welfare agencies and the 58 county probation departments[2], along with the 10 local education agencies that serve the highest count of youth in foster care.[3] We hope to improve California's implementation of school of origin rights for youth in foster care by collecting county-by-county local information about the status of school stability for youth in foster care from the past three years, including: (1) compliance with the transportation plan requirements of the ESSA[4]; (2) the process of accomplishing school stability from notice when a youth moves, to the Best Interest Determination process, to the selection of the most cost-effective transportation option; and (3) identifying what data are currently available to track school stability.

[1] Pursuant to California Government Code § 6250 et seq.

[2] The Every Student Succeeds Act defines 'foster youth' as all foster youth living in out-of-home care (i.e., not with their biological parents) and probation youth living in a suitable placement (e.g., foster care or group home setting) for purposes of who has a right to funded school stability transportation. California further defines the right to school stability to include all foster and probation youth, regardless of what type of home setting they live in (i.e., including for all youth living in their biological home), but does not mandate publicly funded transportation for youth living in their biological home. For these reasons, we included probation departments in our records request. 20 U.S.C. Section 1111(g)(1)(E); 34 C.F.R. Section 200.103(a)(1); 45 C.F.R. Section 1355.20(a).

*[3] Find a list of child welfare agencies by count of youth in foster care and the top 10 local education agencies by count of youth in foster care **here**. These 10 local education agencies serve 29% of all youth in foster care in the state.*

[4] 20 U.S.C. Sections 6311-6312.

We utilize the following acronyms throughout this report:

BID: Best Interest Determination

CG: Caregiver

CDE: California Department of Education

CDSS: California Department of Social Services

COE: County Office of Education

CW: Child Welfare Agency

CWDA: County Welfare Directors Association of California

ESSA: Every Student Succeeds Act

ERH: Education Rights Holder

FFA: Foster Family Agency

FYSCP: Foster Youth Services Coordinating Program

LEA: Local Education Agency

PD: Probation Department

PO: Probation Officer

SOO: School of Origin

STRTP: Short Term Residential Therapeutic Program

SW: Social Worker

Research supports the benefits of maintaining student connections to their communities and schools.[1] Federal and state school stability policies are intended to support youth in foster care in completing their education on time and with their peers and to strengthen and support existing connections to communities and schools.

Child welfare, probation, and local education agencies were responsive to the information request. We received more than 8,500 pages of responsive documents. Of the 58 county child welfare agencies, 51 provided responsive documents. This is an 88% response rate. Of the 58 county probation agencies, 48 provided responsive documents. This is an 83% response rate. Of the 977 school districts in the state, we requested documents from only **the top 10 by foster youth enrollment**, representing only 4 of the 58 counties.[2] 8 of the 10 requested school districts responded providing an 80% response rate but representing less than 1% of school districts statewide. These 10 school districts serve 29% of youth in foster care in the state. The information provided in this report only tells the story of the responding agencies, as well as the school districts that were included in each of their plans. When collating the results, we assumed the responding agencies understood what records were requested; where the responses indicate there may have been confusion, we indicate that. We also assume agencies provided all existing responsive records unless they indicated otherwise, which we also report. A lack of response or unclear responses may have been caused by a lack of clarity in the PRA request itself or it may indicate that the agency does not have an ESSA transportation plan or other requested records.

All documents were reviewed and analyzed with the assistance of **Children Now**. For each topic reviewed, this report provides: (1) minimum legal requirements that county child welfare, probation agencies, and local education agencies must meet; (2) questions we asked in the Public Records Act request; (3) major findings of the report, including links to further agency-specific details, and/or agency highlights; and (4) recommendations for further statewide and local actions and/or activities to improve school stability in California.

This review of available plans, policies, and data is undertaken to highlight agencies that are creating brightspot policies and practices to improve school stability and transportation for youth in foster care to their school of origin, and support those counties still striving to come into compliance with the federal and state requirements around school stability. Given the findings reviewed below, while strides have been taken to support school of origin rights for youth in foster care, California has much additional work to do to ensure meaningful school stability for youth in foster care.

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[1] One third of California youth in foster care change schools each year, losing an average of four to six months of learning with each move. Wiegmann, W., Putnam-Hornstein, E., Barrat, V. X., Magruder, J. & Needell, B. (2014). The Invisible Achievement Gap Part 2: How the Foster Care Experiences of California Public School Students Are Associated with Their Education Outcomes; Mehana M, Reynolds AJ. School mobility and achievement: A meta-analysis. Children and Youth Services Review. 2004;26:93–119. doi:10.1016/j.childyouth.2003.11.004.

[2] 14 county offices of education are represented in the Topic 1 findings re ESSA plans because their joint ESSA plan was provided by the child welfare or probation agency. A PRA request was not sent to county offices of education directly because they have no legal responsibilities under ESSA around school of origin transportation.

DEFINING SCHOOL STABILITY

Throughout this report, we attempt to intentionally use the terms school of origin and school stability. School of origin has multiple definitions. The federal definition of school of origin, as found in the ESSA transportation requirements, refers to school of origin as solely the school most recently attended prior to a home placement change.[1] California's definition of school of origin includes the last school attended, but more broadly, also includes the school attended when the youth was first removed from their parents/entered the system and any school attended in the last 15 months where the youth feels a connection, including matriculation/feeder pattern rights.[2] Because there are multiple schools of origin for a youth at each home placement change and at different moments during their time in foster care, we can further define a specific youth's school of origin to be that school, among the legal possibilities, that a youth and their education rights holder determine is in the youth's best interest to attend. Which school of origin definition should be utilized may depend on the activity (e.g., utilizing the California definition of school of origin when choosing a school since it offers more options and utilizing the federal definition of school of origin when identifying which transportation options are available for which schools). It would be beneficial to youth in foster care to conform our school of origin definitions at the state level by expanding the federal right to transportation to the larger list of potential schools of origin under California law.

School stability is thus far undefined in federal or California law, and it may not be appropriate to use school stability as a proxy for school of origin. For example, some school changes are necessary (e.g., moving from elementary to middle school or middle to high school) and other school changes are in a youth's best interests as determined by their education rights holder (e.g., IEP team decision, youth moves a long distance and/or is permanently placed with a relative or reunified with their parents, to a higher performing school, for credit recovery purposes). We utilize the term school stability to reference the idea that decreasing the number of school changes, in general, will lead to improved education outcomes and less trauma for youth in foster care while allowing for the possibility that some school moves are in a youth's best interest. We intend this report to highlight areas where further clarity could be created through meaningful cross-agency collaboration and/or updated legislation, including creating statewide agreed upon definitions of school stability and conforming state and federal definitions of school of origin. A consistent and well understood definition of school stability would also make implementation and data collection easier and more consistent across agencies.

IMPLEMENTING SCHOOL STABILITY

Having policies on paper is a first essential step that all agencies must take. Importantly, the work does not end there as policies alone do not guarantee implementation. Meaningful data is one tool state and local agencies can use to ensure policies are implemented with fidelity and ultimately, that school stability rates improve. To that end, we spent particular effort reviewing whether agencies are collecting meaningful data to demonstrate that their practices are successfully helping youth in foster care remain in their school of origin.

ADDITIONAL SUBMISSIONS

We appreciate the responsiveness of the agencies contacted and endeavored to ensure that the information contained in this report accurately reflects the information submitted. Agencies that did not respond to the Public Records Act request or that have since updated their policies or practices, created or updated their ESSA plan, or updated their data gathering, that would like to submit additional records for review and inclusion in this report, are welcome to do so at **jrowland@alliancecr.org.** We aim to review new submissions and complete periodic updates to this report until our state is in 100% compliance with federal and state requirements to ensure school stability for youth in foster care.

[1] *20 U.S.C. Section 6311(g)(1)(E)(i); Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care, U.S. Department of Education and U.S. Department of Health and Human Services, Pg. 11, 2016.*

[2] *Cal. Educ. Code Section 48853.5(f)(4).*

EXECUTIVE SUMMARY

Youth in foster care have the poorest education outcomes of any students in California: only 56% of them graduate (compared to 85% of all students), 15% are suspended (compared to 4% of all students), 28% are chronically absent (compared to 12% of all students), and math and English language test scores are consistently far below their peers.[1] These poor outcomes are due in part to their school instability: youth in foster care change schools an average of 8 times while in care, losing up to 6 months of learning with each move. To address this issue, progressive California laws ensure youth in foster care the right to remain stable in school, despite a home placement change, and Federal law created a corresponding right to transportation. The Alliance for Children's Rights sent a Public Records Act request to all 58 county child welfare agencies, 58 county probation departments, and the 10 local education agencies that serve the highest number of youth in foster care to monitor compliance with these laws, to track the status of school stability in California, and to collect and share agency highlights. As the full report demonstrates, California has a long way to go to fully implement school stability. We also include innovative practices that agencies can learn from to improve stability and education outcomes for youth in foster care.

EVERY STUDENT SUCCEEDS ACT ("ESSA") SCHOOL STABILITY TRANSPORTATION PLANS

Only 34% of California counties reported an ESSA transportation plan to keep youth in foster care in their school of origin, despite the federal requirement that these plans be in place by December 2016.

Recommendations: Sample or model ESSA plans, technical assistance, and guidance from the California Department of Social Services ("CDSS"), County Welfare Directors Association of California ("CWDA"), and California Department of Education ("CDE") Foster Youth Services Coordinating Program ("FYSCP") would support the goal of every county having an ESSA transportation plan and ensure all youth in foster care can access transportation to their school of origin. Legislators should also consider expanding the right to transportation to the expansive California definition of youth in foster care and on probation and schools of origin.

DATA ON TRANSPORTATION MODES AND COSTS

No agency reported complete data[2] on how many youth in foster care were being transported to their school of origin including the mode and cost of that transportation, making it difficult for agencies to meaningfully budget for these expenses.

Recommendations: CDE/CDSS could help counties and local education agencies consistently track how youth receive transportation to school of origin and the average cost/miles traveled. This data should be included in the Continuum of Care Reform ("CCR") Data Dashboard.

TAKING SCHOOL STABILITY INTO ACCOUNT IN HOME PLACEMENT DECISIONS

Despite the legal requirement to take school stability into account when making home placement decisions[3], only 20% of child welfare agencies and 2% of probation departments reported a policy, practice, or technology to do this.

Recommendations: CDSS/CWDA guidance and technical assistance would help counties develop technologies and/or practices to ensure school stability is considered at all placement changes.

DATA ON HOME PLACEMENT CHANGES

61% of child welfare agencies and 42% of probation departments reported data on placement changes.

Recommendations: CDSS support counties to utilize the Child Welfare Services/Case Management

[1] *California Department of Education data Dataquest scores for the 2018-19 school year, available at* ***https://dq.cde.ca.gov/dataquest/***.
[2] *63% of child welfare agencies, 21% of probation departments, and 25% of local education agencies report some/incomplete data.*
[3] *42 U.S.C. Section 675(1)(G)(i).*

System ("CWS/CMS") to track (and improve) data on home placement changes and share it with local education agencies to better budget for financial and personnel costs of transportation and participating in best interest determination meetings.

CHILD WELFARE AGENCY/PROBATION DEPARTMENT WRITTEN PROCEDURES FOR PROVIDING NOTICE WHEN YOUTH IN FOSTER CARE CHANGE PLACEMENTS

Despite legal requirements, and the need for notice to allow a youth's team to make thoughtful school of origin decisions, only 19% of child welfare agencies and 4% of probation departments reported a written policy to provide notice when youth in foster care change home placements.

Recommendations: CDSS support counties with guidelines and/or a sample tool to appropriately implement the 10-day special education and 1-day general education notification timelines.

EDUCATION RIGHTS HOLDERS

Despite the need to have an education rights holder ("ERH") when a youth moves homes to determine whether they will remain in their school of origin, only 35% of child welfare agencies and 8% of probation departments reported a policy or practice to ensure each youth has a willing and able ERH at all times.

Recommendations: CDSS/CWDA guidance to assist counties in updating their policies to ensure ERH appropriateness is addressed in every court report and a JV-535 is submitted at every court hearing.

DATA ON YOUTH WITH ERHS

35% of child welfare agencies, 27% of probation departments, and 25% of local education agencies reported data on the number of youth with ERHs.

Recommendations: CDSS/CDE help agencies collect data on the number of youth with ERHs to ensure all youth have ERHs to participate in their best interest determinations. This data should be included on the CCR Data Dashboard and DataQuest.

BEST INTEREST DETERMINATION PROCEDURES

55% of child welfare agencies, 4% of probation departments, and 38% of local education agencies reported a best interest determination process.

Recommendations: CDE/CDSS guidance on best practices, including a sample tool, for implementing best interest determinations meetings would help child welfare and local education agencies comply with legal requirements.

DATA ON EDUCATION RIGHTS HOLDERS DETERMINING REMAINING IN SCHOOL OF ORIGIN IS IN A YOUTH'S BEST INTERESTS

18% of child welfare agencies, 15% of probation departments, and 13% of local education agencies reported data on the number of ERHs who determined it was in the youth's best interest to stay in their school of origin.

Recommendations: CDE/CDSS support to track ERH best interest decisions would help local education and child welfare agencies track and budget for the number of youth requiring transportation to their school of origin.

DATA ON YOUTH REMAINING IN SCHOOL OF ORIGIN

Only 20% of agencies provided data on how many youth in foster care stayed in their school of origin[1]; 32% of that 20% also reported home placement change data.

Recommendations: A true school stability measure (i.e., number of youth remaining in their school of origin after experiencing a home placement change) requires cross-agency data sharing and analysis. CDSS/CDE support is essential to create accountability for improving school stability by including a statewide measure of school stability on the Education and CCR Dashboards and DataQuest and providing assistance to those counties struggling to demonstrate improvements.

[1] *31% of child welfare agencies, 19% of probation departments, and 0% of local education agencies reported school stability data.*

TOPIC 1

ESSA SCHOOL STABILITY TRANSPORTATION PLANS

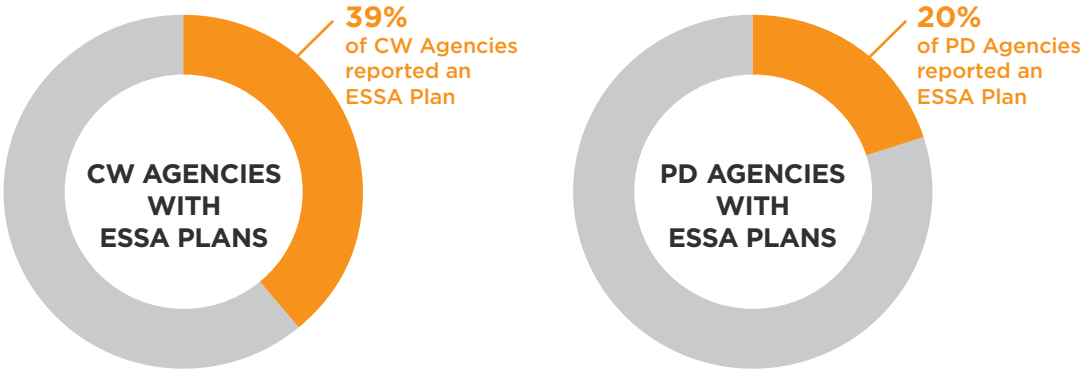
Legal Requirement: Through ESSA, federal law requires local education agencies to work with child welfare agencies, by December 10, 2016, to develop and implement clear written procedures governing how transportation to maintain youth in foster care in their school of origin when in their best interest will be promptly provided, arranged, and funded in a cost-effective manner[1].

Agencies Were Asked To Provide

1. Any and all written procedures used by your county regarding transportation to school of origin pursuant to the ESSA *et seq*, including but not limited to any ESSA transportation plans or agreements made with local education agencies.

2. Any and all written procedures used by your county to assist social workers in developing transportation plans to the school of origin, including but not limited to interim and long-term transportation plans.

Findings[2]



39%[3] of responding child welfare agencies had an ESSA school of origin transportation plan.

20%[4] of responding probation departments had an ESSA school of origin transportation plan.[5]

For the remainder of Topic 1, we take a closer look at the details of the 20 California ESSA plans to identify trends and agency highlights. Take a deeper dive into our ESSA review here.

Of the 20 ESSA plans reported by child welfare agencies, county offices of education participated in 14, or 70%. County office of education participation made it more likely that the probation department in the county also participated. The child welfare agency, probation department, and county office of education all participated in the ESSA transportation plan together in 8 of the 20 provided plans, or 40%.

[1] *20 U.S.C. Section 6312(c)(5)(B).*
[2] *All 'Findings' address what information was found in the written policy and/or data provided. Findings do not address whether the policies or practices are being implemented as written with the exception of where data demonstrates that to be the case.*
[3] *Of the 51 responding child welfare agencies, 20 reported an ESSA transportation plan. Of the 58 total child weflare agencies in the state, 20 reporting ESSA plans is 34%.*
[4] *Of the 48 responding probation departments, 10 reported an ESSA transportation plan. Of the 58 total probation departments in the state, 10 reporting ESSA plans is 17%.*
[5] *Of the 10 requested LEAs (defined by highest foster youth enrollment numbers), 1 (or 10%) reported an ESSA SOO transportation plan. This is 1 of the 8 responding LEAs, or 13%.*

ESSA TRANSPORTATION PLAN

AGENCY HIGHLIGHT

Solano County's child welfare, probation department, and county office of education ESSA plan also includes their juvenile court system and community partners including Short Term Residential Therapeutic Programs ("STRTP"), Foster Family Agencies ("FFA"), foster parent association, Court Appointed Special Advocate ("CASA"), County Department of Mental Health, Special Education Local Plan Area ("SELPA"), and local Community College.

AGENCIES WITH ESSA SOO TRANSPORTATION PLANS INCLUDE:

Los Angeles CW and COE
Riverside CW and PD
San Diego CW and Superintendent of Schools
Santa Clara CW and COE
Ventura CW, COE, and PD
Sonoma CW
Imperial CW and COE
Monterey CW, COE, and PD (same interagency agreement)
Solano CW, COE, and PD (same interagency agreement)
Santa Barbara CW, COE, and PD (same interagency agreement)
Placer CW and COE
Lake CW, COE, and PD
Marin CW
Calaveras CW and COE
Siskiyou CW and COE
Glenn CW, COE, and PD
Tuolumne CW and PD
Colusa CW, COE, and PD
Trinity CW
Mono CW, COE, and PD

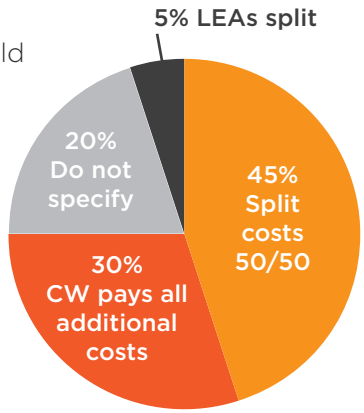
COST SPLITTING TRENDS

Of the 20 reported plans, 9 (or 45%) split additional costs[1] 50/50 between the child welfare agency or probation department and local education agency.

30% (6/20)[2] of plans have the child welfare agency either reimburse the local education agency for additional costs or pay for private transportation directly.

20% (4/20) of plans do not specify how additional costs will be split.

5% (1/20) of plans have the local education agency for the school of origin and the local education agency of the school of residence split additional costs 50/50.



COST SPLITTING

AGENCY HIGHLIGHT

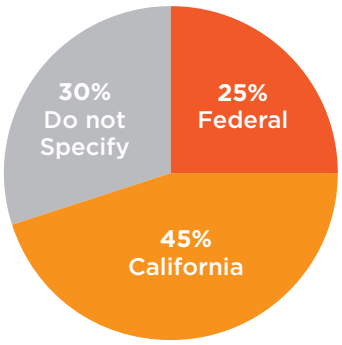
Siskiyou County requires the child welfare agency to pay all additional costs if (and Glenn County does not require the child welfare agency to pay their 50% of costs unless) they are not able to move the youth to a placement close to their home. We highlight this practice as it places the responsibility to pay for the distance of travel on the child welfare agency who has sole responsibility to take school of origin into account when making placement decisions and sole discretion and control over where to place youth.

Type of Transportation Available

- STRTP required to do transportation themselves
- Public transportation
- CG reimbursement
- CG reimbursement to existing district bus route
- CG reimbursement that they pay to someone else
- Reimbursement for parents of other students driving
- Reimbursement for students driving themselves
- Neighbors providing transportation
- Carpooling
- LEA pays for IEP transportation
- LEA bussing on existing bus routes
- LEA rerouting bus routes
- SOO LEA and LEA of residence each pay one way
- Private transportation contractor
- MediCab for medically fragile students
- Specialized transportation agents with appropriate licensing for working with young children
- FFA transportation services
- WRAP transportation services

DEFINITION OF FOSTER YOUTH

Legal Requirement: ESSA requires transportation to school of origin for youth in foster care, defined as those living in out-of-home care.[3] California defines youth in foster care as any youth with an open foster care case under Welfare and Institutions Code Section 300, regardless of where they live, which could include in the home of their biological parent.[4]



Findings

25% (5/20) of plans use the narrower Federal definition of a youth in foster care.

45% (9/20) of plans use the broader California definition of a youth in foster care.

30% (6/20) of plans do not specify a youth in foster care definition.

[1] Given that ESSA requires a plan to split 'additional costs', most plans outline that LEAs will pay for the costs of bussing within the LEA including rerouting existing routes or sharing costs with a neighboring LEA if the child is crossing LEA boundaries and CW reimbursing caregivers for the costs of transporting youth.
[2] For the remainder of Topic 1, unless otherwise indicated, all information will be reported based on the 20 total plans received. The number of ESSA plans reported with any specific finding will be indicated as (X/20).
[3] 20 U.S.C. Section 1111(g)(1)(E); 34 C.F.R. Section 200.103(a)(1); 45 C.F.R. Section 1355.20(a).
[4] Cal. Educ. Code Section 48853.5(a).

INCLUSION OF YOUTH ON PROBATION

Legal Requirement: ESSA includes youth on probation living in a "suitable placement" within the definition of youth in foster care.[1] The Local Control Funding Formula ("LCFF") definition of youth in foster care in California also includes youth on probation living in a "suitable placement."[2] California further extends the right to school of origin to all youth on probation, regardless of where they live.[3]

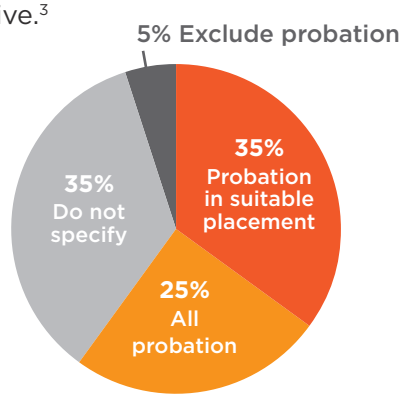
Findings

35% (7/20) of plans include youth on probation living in suitable placements/ out-of-home care.

25% (5/20) of plans include all youth on probation, no matter where they live

35% (7/20) of plans do not specify.

5% (1/20) of plans specifically exclude youth on probation.



SCHOOL OF ORIGIN DEFINITION

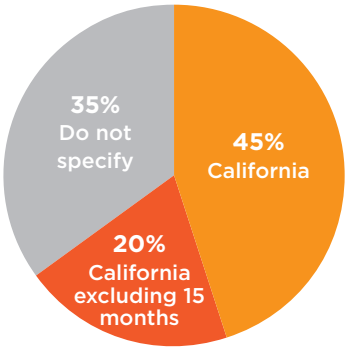
Legal Requirement: The federal definition of school of origin, as found in the ESSA transportation requirements, refers to school of origin as solely the school most recently attended prior to a home placement change.[4] California's definition includes the last school attended, but more broadly, also includes the school attended when the youth was first removed from parents/entered system and any school attended in the last 15 months where the youth feels a connection. This includes matriculation/feeder pattern rights (e.g., if youth first removed from home in elementary school but wants to return to school of origin in middle school, can attend the middle school that the school of origin elementary school feeds into).[5]

Findings

45% (9/20) of plans use the broader California definition of school of origin.

20% (4/20) of plans are broader than the federal definition, including both the last school attended and the school attended when a youth first entered care, but excluding the additional California definition of any school where the youth feels a connection attended in the last 15 months.

35% (7/20) of plans do not specify a school of origin definition.



SCHOOL OF ORIGIN DEFINITION
AGENCY HIGHLIGHT

Solano County expands their school of origin definition beyond 15 months and allows a youth to return to any school they have attended (with no time limit) where the youth feels a connection.

[1] *20 U.S.C. Section 1111(g)(1)(E); 34 C.F.R. Section 200.103(a)(1); 45 C.F.R. Section 1355.20(a).*
[2] *Cal. Educ. Code Section 42238.01(b).*
[3] *Cal. Educ. Code Section 48853.5(f)(4).*
[4] *20 U.S.C. Section 6311(g)(1)(E)(i); Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care, U.S. Department of Education and U.S. Department of Health and Human Services, Pg. 11, 2016.*
[5] *Cal. Educ. Code Section 48853.5(f)(4).*

DURATION OF SCHOOL OF ORIGIN RIGHT

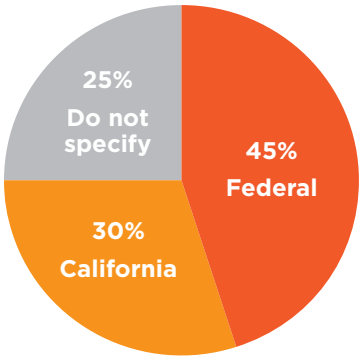
Legal Requirement: ESSA requires transportation until a foster youth's case closes, although non-regulatory federal guidance suggests attempting to keep youth in their school of origin until the end of the school year in which the case closes. California again goes beyond the federal minimum and provides a clear right for elementary and middle school youth to remain in their school of origin until the end of the school year after their case closes. California high school youth are allowed to complete their education and graduate from their school of origin, regardless of when their foster care case closes, assuming they at least started high school with an open case in their school of origin.[1]

Findings

45% (9/20) of plans follow the federal definition, stating that the right to transportation ends when a youth's foster care case closes. Of these 9 plans utilizing the federal definition, 4 (44%) recommend maintaining transportation after the case closes 'when possible'.

30% (6/20) of plans extend the right to transportation to the broader California timeline beyond when the case closes.

25% (5/20) of plans do not specify when the right ends.



TRANSPORTATION OPTIONS PRIOR TO THE BEST INTEREST DETERMINATION

Legal Requirement: Federal law requires ESSA school of origin transportation plans to ensure that youth in foster care receive immediate transportation following a move.[2]

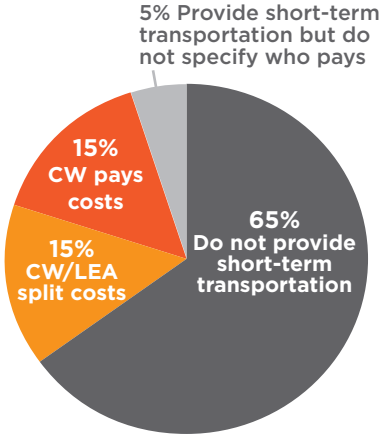
Findings

65% (13/20) of plans do not specify any short-term transportation options prior to the best interested determination decision.

15% (3/20) of plans have the child welfare agency and local education agency share costs of transportation prior to the best interest determination.

15% (3/20) of plans have the child welfare agency pay for costs of transportation prior to the best interest determination.

5% (1/20) of plans do not specify who pays for short-term transportation between the child welfare agency, local education agency, and/or caregiver transporting.



[1] *Cal. Educ. Code Section 48853.5(f)(2)-(3).*
[2] *20 U.S.C. Section 6312(c)(5)(B)(i).*

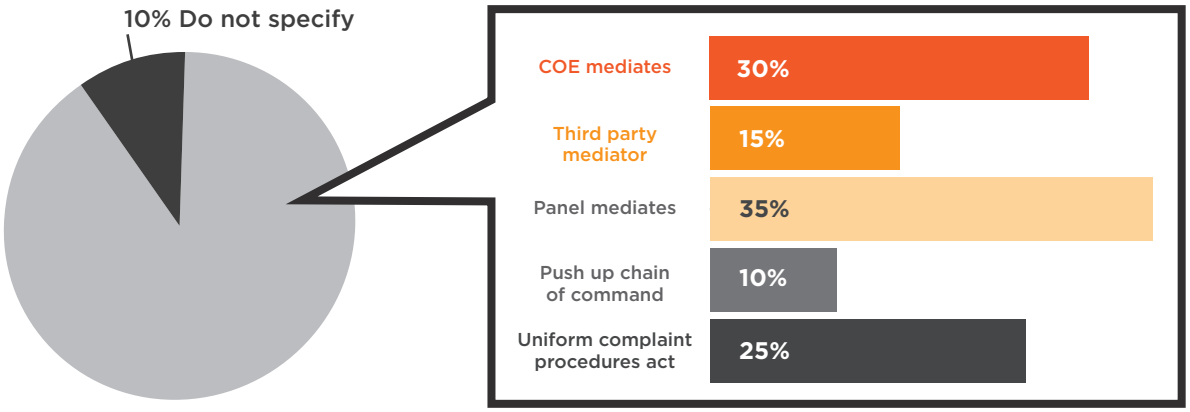
DISPUTE RESOLUTION PROCESS

Findings

10% (2/20) of plans do not specify a dispute resolution process.

18/20 use some combination of[1]:

- 30% (6/20) of plans have the county office of education mediate disputes;
- 15% (3/20) of plans use a third party mediator to resolve disputes;
- 35% (7/20) of plans use a panel (often with county office of education, child welfare, and local education agency participants) to mediate disputes;
- 10% (2/20) of plans push disputes up their respective chains of command; and
- 25% (5/20) of plans use the Uniform Complaint Procedures Act complaint process to resolve disputes between Education Rights Holders, caregivers, parents, youth in foster care, or foster youth representatives/attorneys.



DISPUTE RESOLUTION PROCESS
AGENCY HIGHLIGHT

40% (8/20) have a clear timeline for resolving disputes, including the aggrieved party giving written notice of the dispute, with 10 days to respond, and a final decision provided between 30-60 days after that.

PAYING FOR TRANSPORTATION DURING DISPUTE

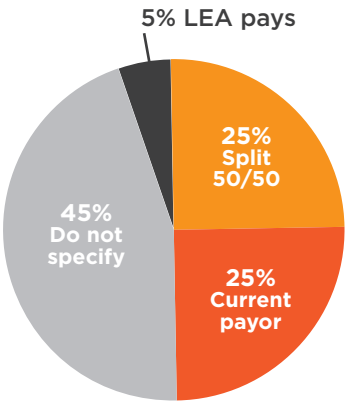
Findings

45% (9/20) of plans do not specify who pays for transportation during dispute.

25% (5/20) of plans have the current payor continuing to pay and if there is no current payor, 2 have the local education agency pay and 3 have the child welfare agency pay.

25% (5/20) of plans split costs 50/50 during dispute.

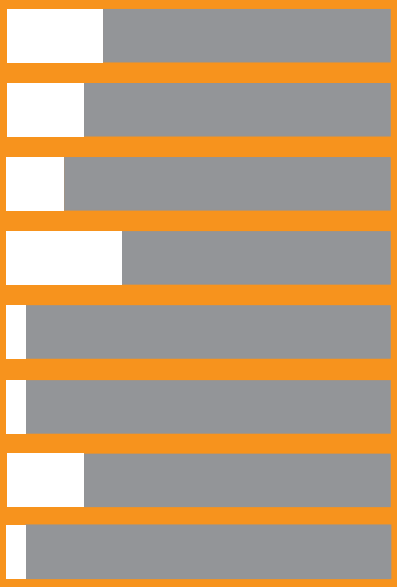
5% (1/20) of plans have the local education agency pay for costs during dispute.



[1] *Agencies often used more than one dispute resolution option so these add up to more than 100%.*

TRANSPORTATION PLAN

ADDITIONAL HIGHLIGHTS



25% (5/20) of plans include preschool aged youth.

20% (4/20) of plans include Non-Minor Dependents.

15% (3/20) of plans account for out-of-county youth.

30% (6/20) of plans have automatic renewal or are good for 3 years.

5% (1/20) of plans require the parties to meet and confer within 6 months to ensure they are meeting the terms of the agreement.

5% (1/20) of plans require BIDs at the end of every school year to re-evaluate best interests.

20% (4/20) of plans require the COE to track and report data.

5% (1/20) of plans include charter schools within the county.

RECOMMENDATIONS AND NEXT STEPS

Based on the responses received from our Public Records Act request, only 39% of responding counties (and possibly 34% of all counties in the state) have an ESSA transportation plan to keep youth in foster care in their school of origin, despite the federal requirement that these plans be in place as of December 10, 2016, and clear evidence of the importance of school stability in supporting the education needs of youth in foster care. We recommend working from both the state and local level to utilize the information collected to support counties that have yet to develop a plan, to bring existing plans into legal compliance, and to improve existing compliant plans to better meet the needs of youth in foster care and the agencies responsible for supporting their school stability. Counties should also consider the interplay and possible interrelationship between an ESSA Transportation Plan Memorandum of Understanding ("MOU") and the AB 2083 Trauma Informed MOUs that are supposed to be in place by July 2020.

Support from the California Department of Education ("CDE") Foster Youth Services Coordinating Program ("FYSCP") to local education agencies and county offices of education would provide additional avenues for sharing county highlights and creating meaningful local implementation. In November 2019, the CDE completed a voluntary statewide local education agency foster youth survey which asked, among other things, whether the: (1) AB 490 LEA Foster Youth Liaison and the child welfare agency have developed a best interest determination process; and (2) local education agency's Foster Youth Placement Policy addresses school stability and includes a transportation plan. We applaud these efforts and encourage the CDE FYSCP to take an active role with their county office of education counterparts to work with those counties who are not yet reporting that they have an ESSA transportation plan, as well as the 4 counties who have an ESSA plan that do not specify a cost-splitting plan. We hope the findings in this report can assist in that process.

Similarly, we also encourage CDE to consider providing support to county probation departments so they can actively support school of origin rights for youth on probation who are suitably placed.

Support from the California Department of Social Services ("CDSS") and the County Welfare Directors

Association of California ("CWDA") to child welfare agencies would be meaningful to assist child welfare agencies that have not yet reported that they have an ESSA plan signed by each of the local education agencies in their county to work towards that goal. These agencies might consider sending out a similar survey to their member agencies as that described above completed by the California Department of Education.

CDE, CDSS, CWDA, and Probation could then (ideally in collaboration with each other):

- Develop model or sample plans based on the agency highlights identified here and results they are seeing throughout the state;
- Offer technical assistance to those agencies struggling to come into compliance with federal and state requirements;
- Request and/or collect their own data on school stability to determine which agencies need additional support (see data sections below for more specific school stability data recommendations); and
- Survey agencies to determine where they are struggling to address the school stability needs of youth in foster care and on probation and to identify where additional state intervention would be helpful.

We recommend developing policies and practices, either in statute or regulatory guidance, pulling from the agency highlights identified throughout this report as already being used by agencies, as well as expanding the right to local education agency/child welfare funded school of origin transportation to encompass all California school of origin rights, including to: (1) all youth in foster care, regardless of whether they live in out-of-home placement; (2) all youth on probation, regardless of where they live; (3) all California identified schools of origin (i.e., the school the youth attended when they were first removed from their parents/ entered the system, including matriculation/feeder rights, and any school attended in the last 15 months where the youth feels a connection); and (4) extend the right to transportation to remain in school of origin after a youth's foster care case closes (i.e., for elementary and middle school youth, to the end of the school year after the case closes; for high school youth, until graduation).

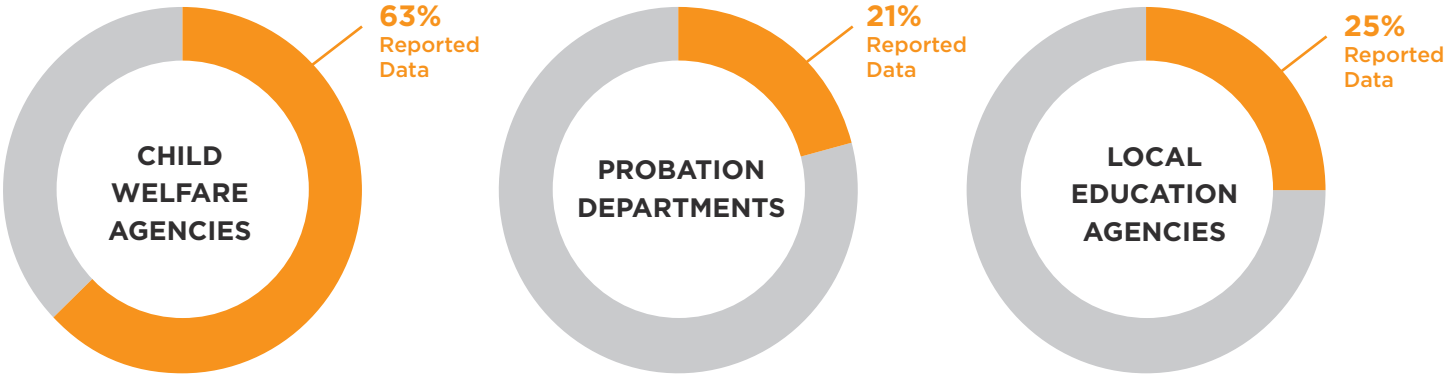
DATA ON TRANSPORTATION MODES AND COSTS

Legal Requirements: There are currently no legal requirements to collect data related to school of origin. However, data collection is helpful in order to demonstrate that an agency is complying with the legal requirements around school stability and to help agencies plan and budget to provide the required transportation.

Agencies Were Asked To Provide: The number of youth each year for the past three years being transported with any funding provided through the child welfare agency (as opposed to funded solely through a school district) including but not limited to: (1) caregivers receiving funding to provide reasonable travel for the youth to remain or return to their school of origin pursuant to Cal. Welf. and Inst. Code 11460(b) and CDSS **All County Letter 11-51**; (2) youth receiving metro cards or bus passes; (3) youth being transported using county vehicles; and (4) any other method of transportation funded by the county child welfare agency and/or local education agency (e.g., HopSkipDrive) including the average cost per child for each transportation method for each year.

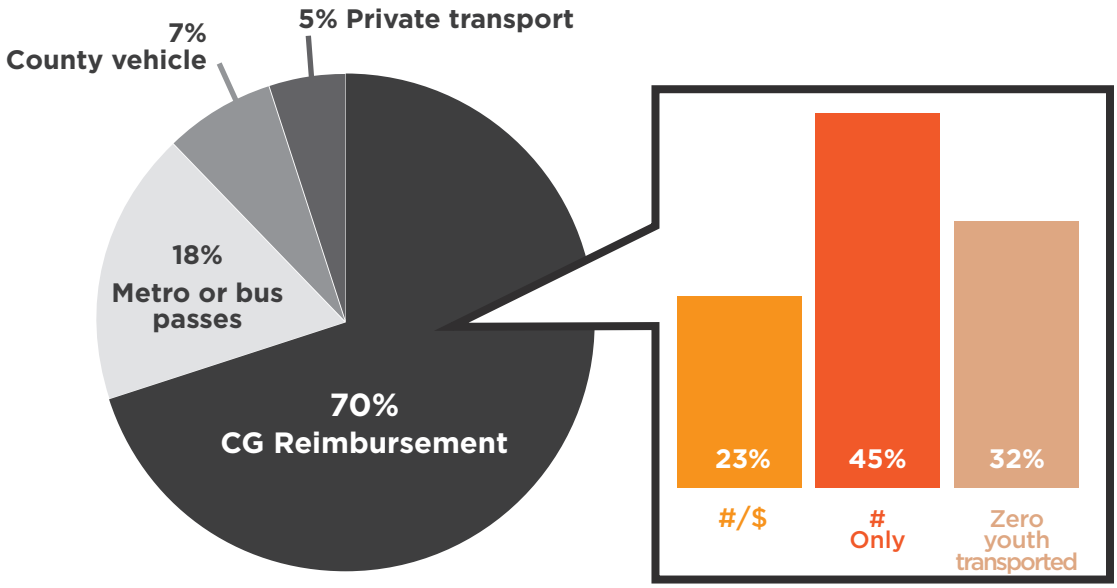
Findings

63%[1] of reporting child welfare agencies provided varying amounts of data on the number of youth in foster care transported to their school of origin for 2016, 2017, and 2018, the mode of transportation, and the average cost of that transportation mode. 21%[2] of probation departments also reported data. 25%[3] of requested and responding local education agencies also provided data.



For the remainder of Topic 1: Transportation Data, unless otherwise indicated, all information will be reported based on the 44 total agencies reporting data. The number of agencies reporting any specific type of data will be indicated as (X/44). Take a deeper dive into the collected data here.

[1] *Of the 51 responding child welfare agencies, 32 reported data. Of the 58 total child welfare agencies in the state, 32 reporting data is 55%.*
[2] *Of the 48 responding probation departments, 10 reported data. Of the 58 total probation departments in the state, 10 reporting data is 17%. Of the 10 probation departments reporting data, 7 of them reported that they transported zero youth.*
[3] *Of the 8 responding local education agencies, 2 reported data. Of the 10 requested LEAs (**defined by highest number of youth in foster care enrolled**), 2 (or 20%) reported data.*



TYPES OF DATA PROVIDED

70% (31/44) of the responses from all agencies combined included data on caregiver reimbursement for transportation to school of origin. Of the 31 agencies reporting caregiver data:

- 7 (or 23%) of responses included both the number of youth transported per year plus the average cost of transportation.[1]
- 14 (or 45%) of responses provided the number of youth transported each year without the average cost of transportation. The total number of youth transported ranged from zero (in a single year of the three reported) to 51.
- 10 (or 32%) of agencies reported zero youth transported during the entire 3-year period.

18% (8/44) of agencies reported data on local transit cards and/or bus passes.[2] Two of these agencies provided a very large number of passes (e.g., 4,000), which implies they were for all purposes, not just transportation to school of origin; the other agencies reported providing passes for less than 40 youth per year. Only one agency provided the average cost per youth for the passes. It appears this data is not collected routinely.

7% (3/44) of agencies reported data on county vehicle transportation. None provided average cost per youth. The maximum number of youth transported by county vehicles was 160 youth per year.

5% (2/44) of agencies reported the number of youth transported via a private transportation agency. One agency provided the average cost per youth utilizing a private transportation agency.

Three agencies reported total youth transported but no costs. Two agencies reported total transportation costs but not the number of youth transported.

[1] *Agencies included Sacramento, Stanislaus, and Sonoma CW.*
[2] *Agencies included Long Beach Unified School District, Orange CW, Stanislaus PD, Ventura CW, Sonoma CW, Butte CW, Humboldt CW, Madera CW.*

TRANSPORTATION PLAN

AGENCY HIGHLIGHTS

Fresno County transported the largest number of youth (476 in 2016, 422 in 2017, and 431 in 2018) at the lowest cost ($178 per youth in 2016, $185 in 2017, and $167 in 2018).

Shasta County's data allowed us to calculate that they utilized caregiver reimbursement to transport 56% of their youth remaining in school of origin in 2016, 34% in 2017, and 38% in 2018.

Los Angeles County child welfare reported transporting 456 youth over a longer than 1-year period.

Los Angeles County child welfare policy states that caregiver reimbursement goes back to the time of placement, although the money is not disbursed to the caregiver until after home approval occurs.[1]

Lancaster Unified School District reported transporting between 20-40 youth per year at an average of $4,000 per youth per year.

Orange County child welfare utilizes an expansive definition of education-related transportation, which includes extracurricular activities, sports activities, dances, after school activities, parent-teacher conferences, and the caregiver needing to travel to school to pick up a youth for illness or appointments.[2]

RECOMMENDATIONS AND NEXT STEPS

From the responses received, it appears that few agencies collect and utilize meaningful data around transportation modes or costs. Knowing what methods are utilized and their average costs could help agencies to plan, budget, and implement cost effective options. It could also help in assessment of where local education agencies may need monetary support from the state-level, or where existing resources, such as caregiver reimbursement, may be underutilized, or need adjustment so that they can be better utilized.

Policies and practices developed through CDSS could support agencies to consistently track how youth are receiving transportation to School of Origin (including the use of caregiver reimbursement) and the average cost/miles traveled. We recommend this be included in the CCR Data Dashboard.

CDSS could also continue to update their policies to meet the needs that agencies are facing locally. For example, CDSS is currently updating their caregiver reimbursement policy. Examining how local agencies are currently using caregiver reimbursement funds, how STRTP transportation to school of origin is being funded (e.g., through caregiver reimbursement or other funding streams), and how they are utilizing other sources of funding for school of origin transportation, could help to inform this work and ensure that local agencies are maximizing the resources available to them.

Agencies should also separately track which youth are using local transit/bus passes for school of origin purposes. Any agency utilizing a private transportation service should also track how many youth they transport, the length of the transportation, and the average cost per youth. This information will help agencies budget appropriately as they expand their school of origin efforts.

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[1] *Policy 900-520.*
[2] *School Placement and Transfer I0102(020613).*

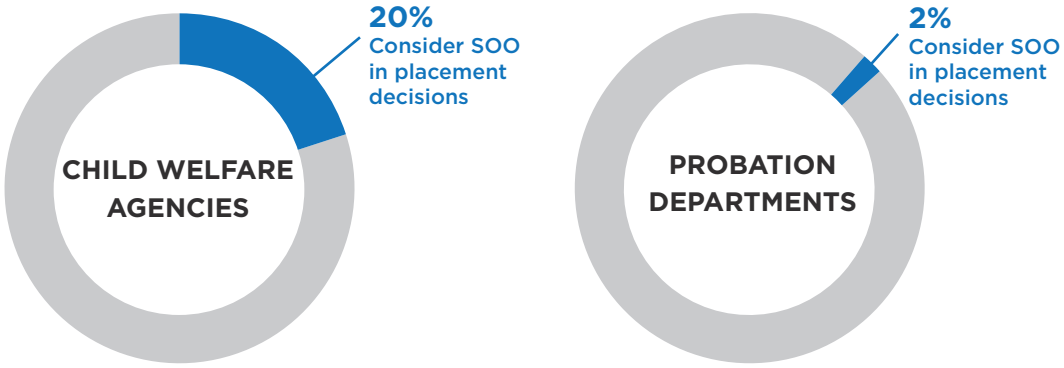
TOPIC 2

TAKING SCHOOL STABILITY INTO ACCOUNT IN HOME PLACEMENT DECISIONS

Legal Requirement: The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires the placing agency to take school stability into account when making home placement decisions for children.[1]

Agencies Were Asked To Provide: Any and all written procedures used by your county to assist social workers in making home placement decisions taking into account school stability pursuant to Cal. Welf. and Inst. Code 16501.1.

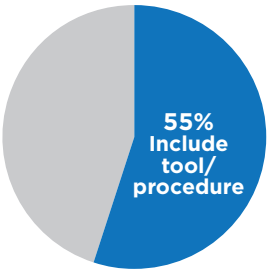
Findings



20%[2] of responding child welfare agencies have a policy, practice, or technology that helps them take school of origin into account when making home placement decisions. 2%[3] of probation departments also have a policy, practice, or technology. Our analysis of this question focused on whether an agency's policy included more than a restatement of the legal requirement verbatim or responding that there were 'assurances in the case plan'.

For the remainder of Topic 2, we take a closer look at the policies, practices, and technologies of these 11 agencies to identify trends and agency highlights. Unless otherwise indicated, all information will be reported based on the 11 total responses received. The number of policies, practices, and technologies will be indicated as (X/11).

Of those with a policy, practice, or technology, 55% (6/11) of the agencies[4] go beyond restating the law to provide a tool or procedure that assists child welfare workers in locating placements within geographic proximity to the youth's school of origin including 4 counties that have a specific zip code or other location search. Smaller counties tended to do better on this measure than larger counties.



Of those with a policy, practice, or technology, 45% (5/11) of child welfare agencies[5] go further than restating the law but do not have as robust policies as the prior mentioned counties.

PLACEMENT DECISIONS
AGENCY HIGHLIGHTS

Ventura, Solano, Shasta, and Glenn County child welfare agencies all offer different versions of a similar tool to take school of origin into account when making home placement decisions. Further, by requiring a justification for a placement that includes school of origin, these counties are making a major difference in the ability of youth to access this right.

[1] *42 U.S.C., Section 475(1)(G).*
[2] *Of the 51 responding child welfare agencies, 10 reported responsive information. Of the 58 total child welfare agencies in the state, 10 reporting is 17%.*
[3] *Of the 48 responding probation departments, only 1 reported responsive documents. Of the 58 total probation departments in the state, 1 reporting is 2%.*
[4] *Stanislaus, Ventura, Solano, Shasta, Sutter, and Glenn Counties' CW agencies.*
5 *Fresno, Tulare, Kern, Humboldt, and San Luis Obispo Counties' CW agencies.*

PLACEMENT DECISIONS

AGENCY HIGHLIGHTS

Fresno County looks for placements where the youth's caregiver (or parent with unsupervised visits, a community volunteer, or school of origin personnel) can transport the youth to their school of origin.

Humboldt County child welfare and Humboldt County probation department, in their Interagency Education Guide, have an **Educational Stability Plan** form with a checklist of considerations when changing placements.

RECOMMENDATIONS AND NEXT STEPS

California has included school stability as one of only a few factors to consider when making home placement decisions for youth in foster care because of its positive impact on education outcomes. State-level and local agencies who are making home placement decisions should continue to emphasize the importance of education to their personnel.

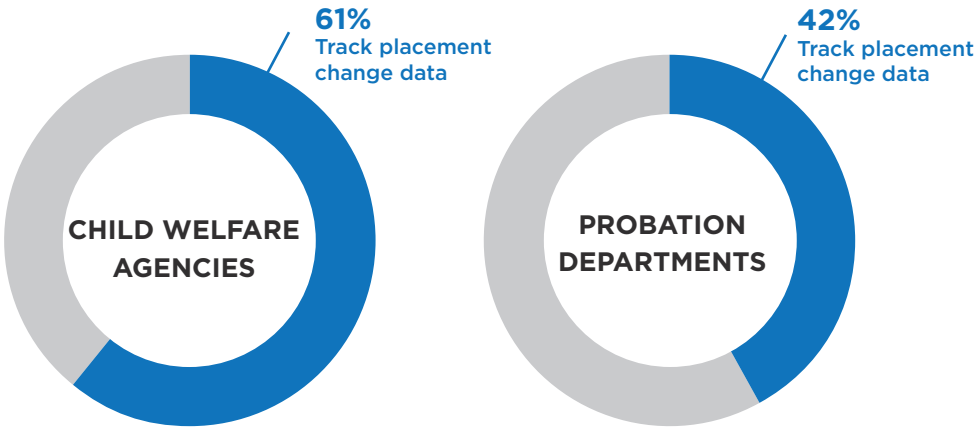
Additional guidance and technical assistance from CDSS and CWDA to assist counties in developing technologies and/or practices to take school stability into account when making home placement changes, such as an All County Letter or All County Information Notice would be helpful to ensure school stability is considered at initial placement and at any home placement change. Including education rights holders ("ERH") in decision-making and conducting effective and timely Child and Family Team ("CFT") meetings are one avenue to provide increased communication and focus on school stability.

Many counties currently use Foster Focus, a system which allows for searching for placements overlaid with a school district map. Larger counties can learn from how smaller counties have implemented such systems, although modifications may need to be made to account for larger youth populations and/or larger geographical areas.

DATA ON HOME PLACEMENT CHANGES

Agencies Were Asked To Provide: The number of youth experiencing placement changes occurring each year for the past three years of school-aged foster youth.

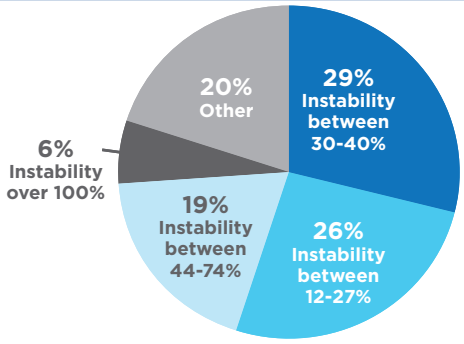
Findings[1]



61%[2] of responding child welfare agencies collected and reported this data. 42%[3] of reporting probation departments collected and reported this data. Smaller counties were more likely to collect data than larger counties. There were also 10 counties where both the child welfare agency and probation department reported data.

For the remainder of Topic 2 Data on Home Placement Changes, we take a closer look at the details of the 31 child welfare agencies reporting data to identify trends and best agency highlights. We are unable to report the percentage of probation department home placement changes by total number of foster youth served as the later number is not publicly available. All information will be reported based on the 31 child welfare agencies reporting data and will be indicated as (X/31). Take a deeper dive into the collected data here.

Of those child welfare agencies that reported data, 29% (9/31) of agencies had a placement instability rate between 30-40%, making this the median home placement instability rate for the state of California as founded in the reported data.[4]



26% (8/31) of child welfare agencies are considered standout counties as they experienced much lower instability rates, as low as 12%. These include Fresno (ranging from 18-19%), Merced (12% all three years), Shasta (21-22%), San Mateo (21-25%), Del Norte (13-14%), Glenn (16-27%), Mono (14%), and Alpine (14%).

19% (6/31) of child welfare agencies had much higher instability rates ranging from 44-74%.

6% (2/31) of child welfare agencies reported more placement changes than youth so their percentage would be over 100%. These agencies are likely reporting multiple placement changes for a majority of their youth.

6% (2/31) of child welfare agencies had more than 20 percentage-point differences in their data between the three reporting years so reporting on their trends was difficult.

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[1] *Percentages (unless otherwise specified as reported by the agency itself) were calculated using child welfare and local education agency total numbers reported in DataQuest. See **here** for those numbers. Probation percentages were unable to be reported as the total number of foster/out-of-home youth served by probation departments is not publicly available.*

[2] *Of the 51 responding child welfare agencies, 31 reported data on home placement changes. Of the 58 total child welfare agencies in the state, 31 reporting is 53%.*

[3] *Of the 48 responding probation departments, 20 reported data on home placement changes. Of the 58 total probation departments in the state, 20 reporting is 34%.*

[4] *This includes Sacramento (ranging from 38-40%), San Diego (29-39%), San Joaquin (36-38%), Humboldt (37-39%), San Luis Obispo (32-35%), Santa Cruz (35%, reporting only for 2018), Yuba (31-38%), Marin (27-40%), and Nevada (30-42%).*

Agencies that reported data include:

Riverside PD
San Diego CW
Sacramento CW
Fresno CW
Kern CW
Alameda PD
San Joaquin CW
San Joaquin PD
Santa Clara CW
Tulare CW
Tulare PD
Stanislaus CW
Stanislaus PD
Ventura PD
Merced CW
Butte CW
Yolo CW
Kings PD
Humboldt CW
Monterey PD
Solano PD
San Luis Obispo CW
Santa Barbara PD
Madera CW
Shasta CW
Shasta PD
San Mateo CW
San Mateo PD
El Dorado CW
Mendocino CW
Mendocino PD
Santa Cruz CW
Santa Cruz PD
Yuba CW
Tehama PD
Napa CW
Marin CW
Del Norte CW
Glenn CW
Tuolumne CW
Tuolumne PD
Plumas PD
Nevada CW
Lassen PD
Trinity CW
Mariposa CW
Mariposa County PD
Mono CW
Mono PD
Alpine CW
Sierra CW

HOME PLACEMENT DATA

AGENCY HIGHLIGHTS

Some agencies analyzed their own data to make it more meaningful. For example, Madera County child welfare looked at what percentage of youth had two or more placements in a year. San Diego County child welfare reported both raw numbers and percentages, which suggests they are interpreting and using these data in a meaningful way.

Many agencies who did not report data in response to this question stated that they could create the data at extensive cost by pulling from multiple sources and/or analyzing individual youth files. We declined this offer. This suggests that these agencies are not regularly utilizing these data to analyze home placement and school stability needs within their county.

RECOMMENDATIONS AND NEXT STEPS

We strongly encourage counties to develop technologies or other methods to regularly track the number of youth experiencing placement changes. Any support that can be provided by CDSS at the state level to allow this to occur within CWS/CMS or other statewide systems would be beneficial. These data can be utilized by child welfare agencies and probation departments to monitor and attempt to improve their home placement instability rates and by child welfare agencies, probation departments, and local education agencies to appropriately staff the number of required best interest determination meetings and budget for potential transportation costs.

TOPIC 3

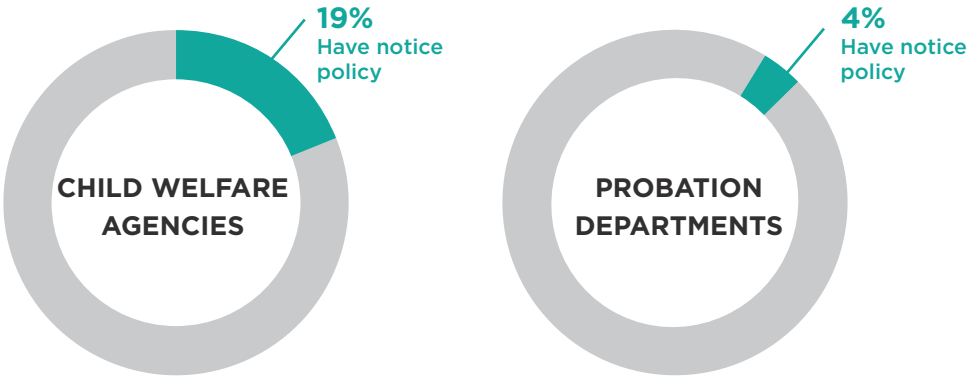
CHILD WELFARE AGENCY AND PROBATION DEPARTMENT WRITTEN PROCEDURES FOR PROVIDING NOTICE WHEN YOUTH IN FOSTER CARE CHANGE HOME PLACEMENTS

Legal Requirements: County placing agencies, including child welfare agencies and probation departments, must:[1]

- Notify the court, the child's attorney, and the education rights holder of the proposed home placement decision within 1 business day of making the placement decision; and
- For students with an Individualized Education Program ("IEP"), provide written notification of the impending change of home placement to the sending school district and receiving Special Education Local Plan Area ("SELPA") at least 10 days before the change in home placement.

Agencies Were Asked To Provide: Any and all written procedures used by your county to assist social workers/probation officers in complying with school of origin/educational stability notice requirements.

Findings



19%[2] of responding child welfare agencies had some type of notice in their policy.
4%[3] of probation departments also had notice in their policy.

For the remainder of Topic 3, we take a closer look at the procedures of these 12 agencies to identify trends and agency highlights. Unless otherwise indicated, all information will be reported as (X/12).

[1] *Cal. Rule of Court Section 5.651.*
[2] *Of the 51 responding child welfare agencies, 10 reported notice procedures. Of the 58 total child welfare agencies in the state, 10 reporting is 17%.*
[3] *Of the 48 responding probation departments, 2 reported notice procedures. Of the 58 total probation departments in the state, 2 reporting is 3%.*

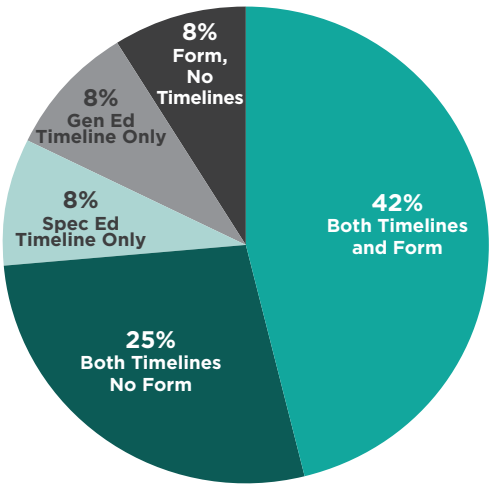
42% (5/12) of agencies with a written notice procedure provided both (general education and special education) correct timelines as well as a form to utilize for home placement change notifications.[1]

25% of (3/12) agencies have both correct timelines but no notification form.

8% (1/12) of agencies include the special education timeline but exclude the education rights holder timeline for general education youth.

8% (1/12) of agencies include the general education timeline but exclude the special education timeline.

8% (1/12) of agencies provide a form but do not include either timeline in their policy.



[4] *Counties include Tulare CW, Solano PD, Stanislaus CW, Butte CW, Madera CW, and San Bernardino CW.*

PLACEMENT CHANGE NOTICE

AGENCY HIGHLIGHTS

- Los Angeles County child welfare has a form (DCFS 5402) to notify the youth's attorney and requires notification to the court ex parte within 1 court day.[1]
- Tulare County child welfare has a **School/Placement Change Notification Form**.
- Solano County child welfare and probation departments have fax notification **forms** for the youth's attorney and county office of education AB 490 Foster Youth Liaison.[2]
- Madera County child welfare provides a clear **policy** on timelines and multiple forms to assist with timely notification including AB 490 Notification Letters to be send within 24 hours to both sending and receiving schools, notice to court served on all parties, and personal service to the ERH.[3]
- **San Bernardino County** child welfare has the social worker email the child's attorney and education rights holder by the next business day to notify them of a placement change and report to the court via a court report, non-appearance packet, or addendum.[4]

RECOMMENDATIONS AND NEXT STEPS

Support from CDSS in the form of an ACL or ACIN with sample policy language ensuring that both the 10-day special education and 1-day general education notification timelines would be helpful. This guidance could also highlight that education rights holders are now required to be invited to Child and Family Team meetings when home placement changes implicating school stability will be discussed.[5] This support could also include a sample form/tool to ensure notification is completed timely to all required parties. Guidance from CWDA to support consistent implementation and accountability around this requirement will ensure improved compliance.

Clarifying legislation with a single timeline to a consistent list of people (e.g., AB 490 Foster Youth Liaison at the youth's school district of origin prior to a home placement change, youth's education rights holder, youth's attorney) for both special education and general education youth would make implementation for child welfare agencies simpler by creating consistency.

[1] *Procedure Guide 0700-500.10: Education of DCFS-Supervised Children, pages 11-12.*
[2] *Interagency Agreement, forms found on pages 31-34.*
[3] *Placement Moves and Changes of Placement Affecting a Foster Child's Right to Attend the SOO, page 11.*
[4] *2018 AV: Assessment/Case Plan Volume, page 92.*
[5] *Welf. and Inst. Code Section 16501(a)(5).*

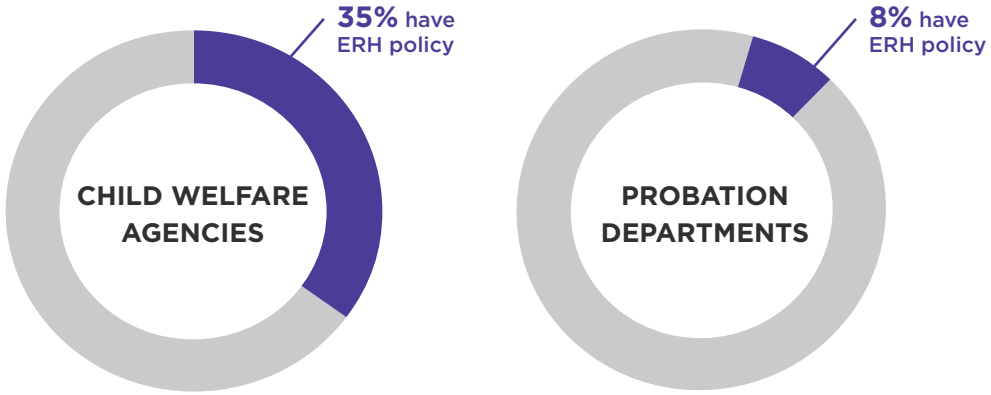
TOPIC 4

EDUCATION RIGHTS HOLDERS

Legal Requirements: Prior to each court hearing, the social worker/probation officer has a duty to determine if a youth's education rights holder is meeting their needs. Social workers/probation officers must address, in every court report, whether the youth has an able and willing education rights holder and if not, make a recommendation to change the education rights holder. The Court is responsible for identifying the education rights holder at each court hearing.[1]

Agencies Were Asked To Provide: Any and all written procedures used by your county to assist social workers in ensuring each youth has a willing and able education rights holder at all times.

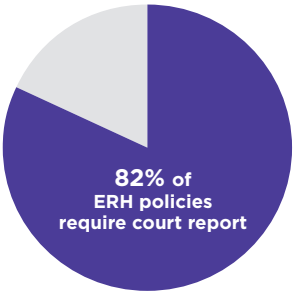
Findings



35%[2] of responding child welfare agencies have a policy or practice to assist social workers in ensuring each youth has a willing and able education rights holder at all times. 8%[3] of responding probation departments also have a policy.[4]

For the remainder of Topic 4, we take a closer look at the details of the 22 agencies who reported ERH procedures to identify trends and agency highlights. Unless otherwise indicated, all information will be reported as (X/22).

Of those with education rights holder policies, 82% (18/22) of agencies comply with the legal requirement for the social worker/probation officer to identify the youth's education rights holder in all court reports.



[1] *Cal. Rule of Court Section 5.649.*
[2] *Of the 51 responding child welfare agencies, 18 reported ERH procedures. Of the 58 total child welfare agencies in the state, 18 reporting is 31%.*
[3] *Of the 48 responding probation departments, 4 reported ERH procedures. Of the 58 total probation departments in the state, 4 reporting is 7%.*
[4] *Agencies Include: San Bernardino CW, Santa Clara CW, Contra Costa CW, San Fransisco CW, Kings CW, Monterey CW, Madera CW, Riverside CW, Orange CW, Stanislaus CW, San Diego CW, Ventura CW, Butte CW, Sacramento CW, Sonoma CW, Kern CW, Glenn CW, Fresno CW, Santa Clara PD, San Luis Obispo PD, Santa Barbara PD, San Joaquin PD.*

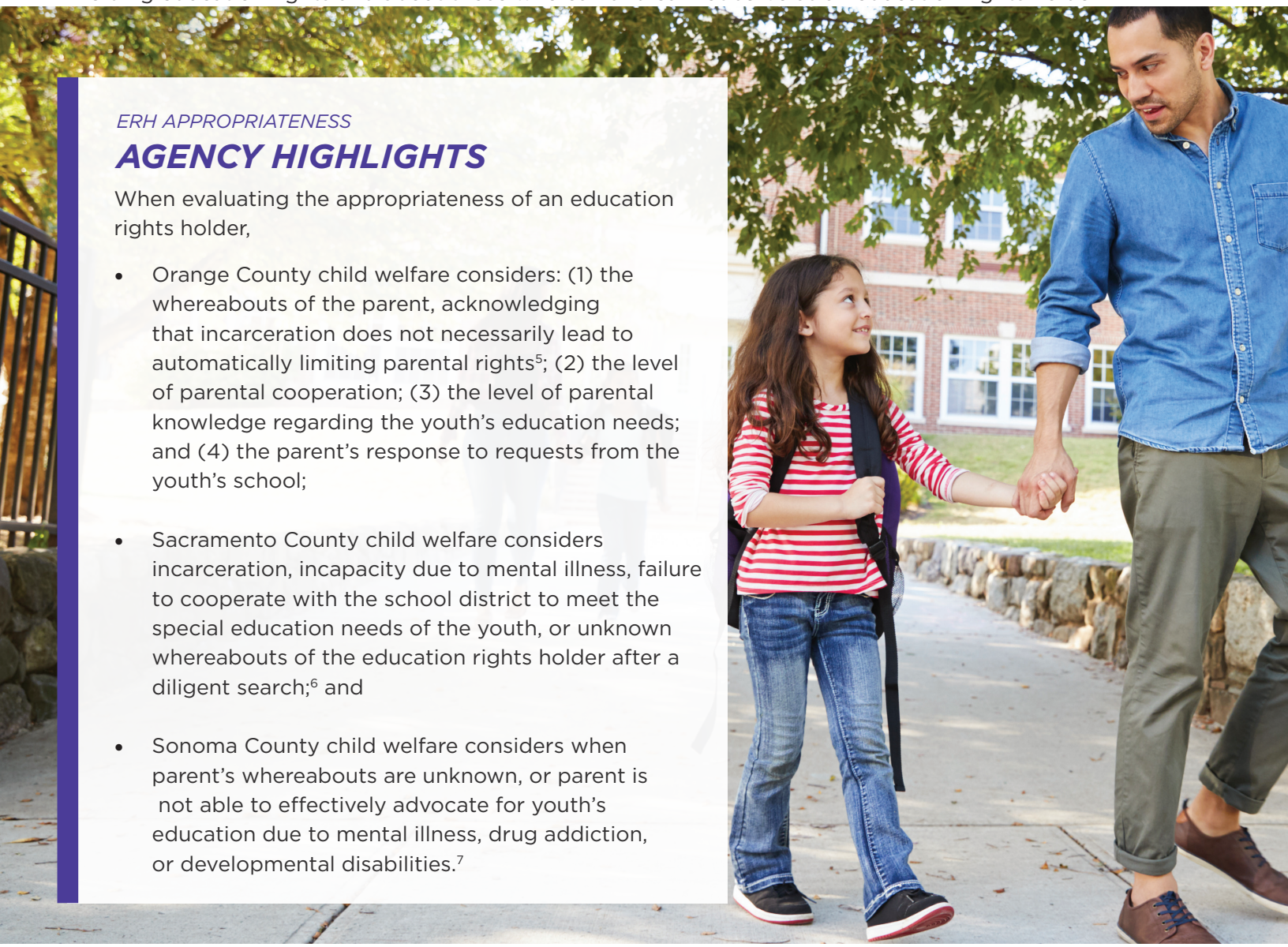
EDUCATION RIGHTS HOLDER

AGENCY HIGHLIGHTS

Orange County child welfare requires their investigation social workers to assess the need to limit parental education rights to ensure there is a responsible party available and involved in making decisions about a youth's education, ensuring that education rights are addressed at the detention (first) court hearing.[1]

San Diego County child welfare requires the social worker to submit a JV-535 at each hearing, even when the education rights holder remains the same. When a new education rights holder is needed, their policy also requires a social worker to not wait until the next court hearing but to submit the request ex parte.[2] Sacramento County child welfare similarly requires a JV-535 to be submitted at each hearing.[3]

Of those with education rights holder policies, 41% (9/22) of agencies[4] provide additional information to assist social workers in evaluating whether an education rights holder is available and willing to continue holding education rights and about those who can and cannot serve as an education rights holder.



ERH APPROPRIATENESS

AGENCY HIGHLIGHTS

When evaluating the appropriateness of an education rights holder,

- Orange County child welfare considers: (1) the whereabouts of the parent, acknowledging that incarceration does not necessarily lead to automatically limiting parental rights[5]; (2) the level of parental cooperation; (3) the level of parental knowledge regarding the youth's education needs; and (4) the parent's response to requests from the youth's school;

- Sacramento County child welfare considers incarceration, incapacity due to mental illness, failure to cooperate with the school district to meet the special education needs of the youth, or unknown whereabouts of the education rights holder after a diligent search;[6] and

- Sonoma County child welfare considers when parent's whereabouts are unknown, or parent is not able to effectively advocate for youth's education due to mental illness, drug addiction, or developmental disabilities.[7]

[1] *Jurisdictional/Dispositional Hearing Report, G0310, 020217, page 14.*
[2] *Education: Special Education, Surrogate Parent 2017, page 2.*
[3] *Educational Rights and Appointment of an Educational Rights Holder, page 3.*
[4] *Agencies Include: Riverside CW, Orange CW, Stanislaus CW, San Diego CW, Ventura CW, Butte CW, Sacramento CW, Sonoma CW, Kern CW.*
[5] *Ventura County child welfare also clarifies that incarcerated parents can maintain education rights. Attachment K: School of Origin Education Travel Reimbursement Policy, pages 2-3.*
[6] *Educational Rights and Appointment of an Educational Rights Holder, pages 3-4.*
[7] *ERH 9a, pages 14-15.*

RECRUITING EDUCATION RIGHTS HOLDERS

AGENCY HIGHLIGHTS

San Luis Obispo County probation department and Solano County child welfare have an agreement with their local CASA organizations to train CASAs to be education rights holders.

San Diego County child welfare has a Memorandum of Agreement with the University of San Diego School of Law to utilize student volunteers as short term education rights holders until permanent ones can be found. These volunteers are required to pass a background check and receive training from the county office of education Foster Youth Services Coordinating Program. Volunteers can share education rights with parents or other responsible adults.[1]

Of those agencies with an education rights holder policy, 18% (4/22) provide some guidance around identifying and appointing an education rights holder and/or who can and cannot serve as a youth's education rights holder, but do not provide information on when to identify that information in a court report.

AGENCY HIGHLIGHTS

Kern County child welfare tracks education rights holder participation in Child and Family Team meetings.[2]

Glenn County child welfare identifies that it is critical to education stability that every youth have an education rights holder who is willing to follow them to any placement and provides examples of how to identify stable education rights holders.[3]

RECOMMENDATIONS AND NEXT STEPS

Guidance from CDSS and CWDA in the form of a ACL or ACIN would assist counties in creating or updating their education rights holder policies to ensure every youth has an able and willing education rights holder at all times while they are in care, including addressing education rights holder appropriateness in every court report, requiring a JV-535 be submitted at every court hearing, ensuring ERH information is quickly updated into CWS/CMS, and ensuring updated education rights holder information is quickly communicated to local education agencies, especially during any home placement changes where the education rights holder was the prior caregiver.

Identifying key factors or moments to reassess, and after assessment possibly change, a youth's education rights holder would also be helpful for social workers. Our agency highlights identify critical moments and factors, including at home placement changes, parental incarceration, mental health or substance abuse issues, parents with developmental disabilities who are evaluated to be unable to effectively advocate for the youth's education needs, education rights holder's knowledge about a youth's education needs, education rights holder's responsiveness to requests from the school and ability to effectively advocate to address general education and/or special education needs.

Every youth's education needs differ, requiring that an effective education rights holder be knowledgeable about their youth's education needs and be an effective advocate to meet their youth's needs. Further, ensuring each youth has a stable education rights holder (including biological parents attempting to reunify)

[1] *Education Rights of Foster Youth, pages 4-6.*
[2] *Procedural Guide 600-028: Parent/Guardian Educational and/or Developmental Rights for Children in Out-of-Home Care, pages 109-123.*
[3] *Checklist to Create the Education Stability Plan, page 51.*

is key to creating long-term knowledge of a youth's education needs, the skills to effectively advocate for that youth, and ensuring that even when a home placement changes, there is a knowledgeable education rights holder on hand to address school stability issues, among many other needs. We strongly recommend that counties consider the use of co-education rights holders to create the long-term knowledge, advocacy skills, and stability that youth need related to their education.

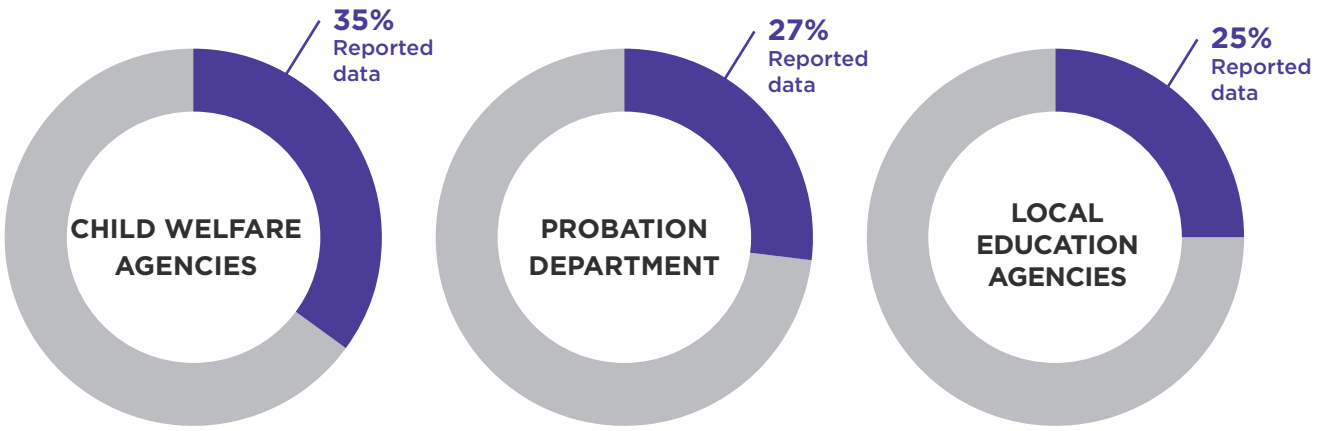
Social worker training on how to identify able, willing, and stable education rights holders would be helpful, including whom to consider from the community (outside a youth's home placement and/or relatives) such as former teachers, church, or other community members. Education rights holder training is also essential (including for parents) to assist them in actively and meaningfully engaging in their youth's education. Judicial Officers could also benefit from support to ensure they are appropriately addressing education needs of youth and education rights holders at every court hearing. One such tool is the **Court Companion to the Foster Youth Education Toolkit**.

DATA ON YOUTH WITH EDUCATION RIGHTS HOLDERS

Agencies Were Asked To Provide: The number of youth with education rights holders each year during the past three years.

Note: When asking for the number of youth with education rights holders, we used that term broadly and meant to include both parents who retained education rights and other court-appointed education rights holders. Given some of the responses reported below, it is possible that some counties interpreted our request differently and did not include parents retaining education rights in their data, leading to lower numbers being reported. We welcome the submission of additional information from counties in the future so that we can update and/or correct this data.

Findings[1]



35%[2] of responding child welfare agencies reported data on the number of youth with education rights holders. 27%[3] of the responding probation departments reported data. 25%[4] of the responding local education agencies also reported data.

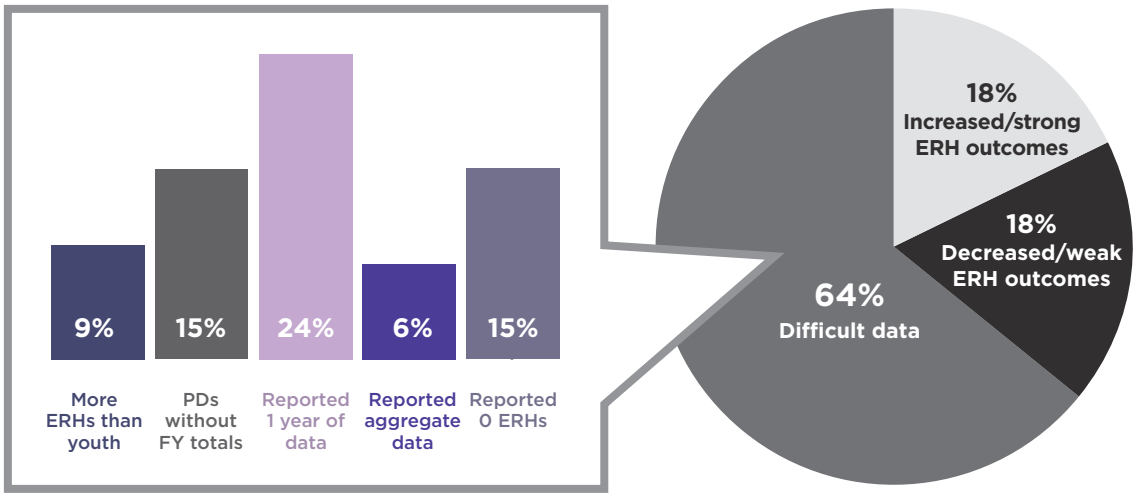
For the remainder of Topic 4 Data on ERHs, we take a closer look at the details of the 33 agencies reporting data to identify trends and agency highlights. Unless otherwise indicated, information will be reported as (X/33). Take a deeper dive into the collected data here.

[1] *Percentages (unless otherwise specified as reported by the agency itself) were calculated using child welfare and local education agency total numbers reported in DataQuest. See **here** for those numbers. Probation percentages were unable to be reported as the total number of foster youth/out-of-home served by probation departments is not publicly available.*

[2] *Of the 51 responding child welfare agencies, 18 reported data on ERHs. Of the 58 total child welfare agencies in the state, 18 reporting is 31%.*

[3] *Of the 48 responding probation departments, 13 reported ERH data. Of the 58 total probation departments in the state, 13 reporting is 22%.*

[4] *Of the 10 requested LEAs (defined by **highest foster youth enrollment numbers**), 2 reported ERH data (20%). Of the 8 responding LEAs, 2 reported data.*



18% (6/33) of agencies reporting data either increased the percentage of youth having education rights holders over the three years of reporting (2016, 2017, 2018) and/or ended in 2018 with a higher percentage of youth having education rights holders.

18% (6/33) of agencies reported data that either decreased over time (e.g., 36% of youth had education rights holders in 2016 but only 15% of youth had education rights holders in 2018) or started and stayed very low (e.g., 1% of youth had education rights holders in 2016 and 4% of youth had education rights holders in 2018). It is possible that these numbers are artificially low if agencies did not count parent education rights holders in their reported data.

64% (21/33) of agencies reporting data did so in a way that did not allow for meaningful interpretation. They are broken into categories as indicated below.

- 9% (3/33) of agencies reporting data reported more education rights holders than the total number of youth, making the percentages more than 100%. This could make sense if they were reporting on the number of JV-535s completed for all youth assuming they were done for every court hearing for every youth and there was more than 1 court hearing per youth per year. This could also make sense if these counties had high rates of instability requiring more than one education rights holder per year per youth.

- 15% (5/33) of agencies reporting data were probation departments who reported data for all three years, but we were unable to calculate percentages due to not having the total number of foster/out-of-home youth they served.

- 24% (8/33) of agencies reporting data only reported 1 year of data. In this group, Los Angeles County child welfare stands out as reporting 75% of their youth have education rights holders as of March 2019. 15% (5/33) of agencies reporting data for only 1 year, only reported data for 2016, suggesting that they are not monitoring this data in more recent years.

- 6% (2/33) of agencies reported the number of education rights holders over the entire course of 3 years and did not differentiate by year.

- 15% (5/33) of agencies reported no education rights holders each year for the past three years (4 of which were probation departments). They were all relatively small counties so it is possible that parental rights were not limited and there was no need for education rights holders.

2 agencies reported that 'all youth' have ERHs as a matter of law. These were not counted in the total reporting agencies as no actual data was provided.

ERH DATA

AGENCY HIGHLIGHTS

- **San Diego County child welfare had 88% of youth with education rights holders in 2016, 92% in 2017, and 91% in 2018. Further, San Diego County is analyzing their data in a unique and meaningful way, reporting that 37% of youth have education rights holders out of the 42% who had parental rights limited.**
- **Fresno County child welfare had 93% of youth with education rights holders in 2016, 88% in 2017, and 88% in 2018.[1]**
- **San Bernardino City Unified School District had 66% of youth with education rights holders in 2016, 72% in 2017, and 78% in 2018.**
- **Trinity County child welfare had 28% of youth with education rights holders in 2016, 36% in 2017, and 60% in 2018.**
- **Kings County child welfare had 31% of youth with education rights holders in 2016, 45% in 2017, and 45% in 2018.**
- **Mendocino County child welfare had 17% of youth with education rights holders in 2016, 28% in 2017, and 41% in 2018.**

RECOMMENDATIONS AND NEXT STEPS

With only 18% of agencies reporting positive data about the number of youth with education rights holders, 18% reporting data that need significant improvement, and 64% of agencies reporting data that cannot be meaningfully interpreted, assistance from CDSS and CDE to support agencies with collecting this data would be extremely helpful. Agencies should regularly gather, analyze, and utilize data around the number of youth with active and willing education rights holders. This is essential to ensuring both increased education outcomes for youth in foster care on the whole as well as ensuring youth in foster care have an active education rights holder to ensure compliance with legal requirements at the crucial moment when a home placement change occurs so that school stability can be immediately addressed.

Although no court action is required when a biological parent retains education rights, there is often confusion by other agencies serving a system-involved youth when they are not given information regarding a youth's education rights holder. We encourage agencies to consider how they are noting biological parents as education rights holders in their court reports and internal information systems and how they are communicating that information to local education agencies and others who need access to that information.

[1] This data is not consistent with what was reported by Fresno Unified School District who reported 14% of youth with ERHs in 2016, 14% in 2017, and 11% in 2018, suggesting that further inter county data reliability checks would be helpful.

TOPIC 5

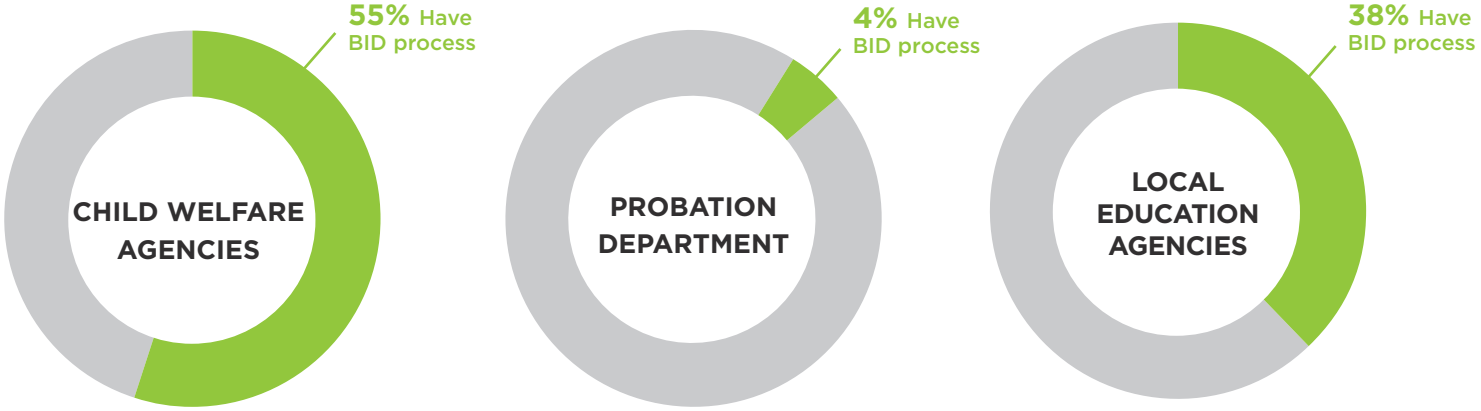
BEST INTEREST DETERMINATION PROCEDURES AND PARTICIPANTS

Legal Requirements: Both federal and state law require that youth in foster care remain in their school of origin unless and until their education rights holder makes a decision that it is in their best interest to transfer schools.[1]

Agencies Were Asked To Provide

- Any and all written procedures used by your county to assist social workers with convening Child and Family Team ("CFT") (or other) meetings, including a youth's education rights holder, to discuss whether it is in the youth's best interest to remain or return to their school of origin.
- Any and all written procedures used by your county to assist social workers in promoting the education rights holder's meaningful participation and final decision-making in the school of origin best interest determination.

Findings



33 agencies[2] have a best interest determination process. 55%[3] of responding child welfare agencies have best interest determination process. 4%[4] of responding probation departments have a best interest determination process. 38%[5] of requested and responding local education agencies have a best interest determination process. Find all the details on our **best interest determination analysis here**.

For the remainder of Topic 5, we take a closer look at the policies and procedures of these 33 agencies to identify trends and agency highlights. Unless otherwise indicated, all information is reported as (X/33).

[1] *20 U.S.C. 6311(g)(1)(E)(i). Cal. Educ. Code Section 48853.5(f)(6).*

[2] *Agencies Include: Los Angeles CW, Riverside CW, Orange County CW, San Diego CW, Fresno CW, Santa Clara CW, Tulare CW, Contra Costa CW, Ventura CW, Sonoma CW, Merced CW, Imperial CW, Butte CW, Monterey CW, Solano CW, San Luis Obispo CW, Shasta CW, San Mateo CW, Mendocino CW, Santa Cruz CW, Sutter CW, Napa CW, Marin CW, Siskiyou CW, Glenn CW, Tuolumne CW, Trinity CW, Mono CW, Santa Cruz PD, Lake PD, LAUSD, Long Beach USD, San Bernardino City USD.*

[3] *Of the 51 responding child welfare agencies, 28 reported a BID process. Of the 58 total child welfare agencies in the state, 28 reporting is 48%.*

[4] *Of the 48 responding probation departments, 2 reported a BID process. Of the 58 total probation departments in the state, 2 reporting is 3%.*

[5] *Of the 10 requested LEAs (defined by highest foster youth enrollment numbers, 3 (or 30%) had a BID procedure; this was 3/8 of responding agencies.*

BEST INTEREST DETERMINATION

AGENCY HIGHLIGHTS

Merced County requires the school of origin discussion before determining a youth's new placement to try to find a placement close to the school of origin.

Solano County recommends not moving a youth in the last 60 days of a school year or within the last 90 days during a youth's senior year if they are scheduled to graduate high school.

LOCATION OF BEST INTEREST DETERMINATION MEETINGS

Legal Requirement: Education rights holders must be invited to a Child and Family Team meeting if school stability is being discussed.[1]

Findings

21% (7/33) of best interest determination meetings take place in Child and Family Team meetings.

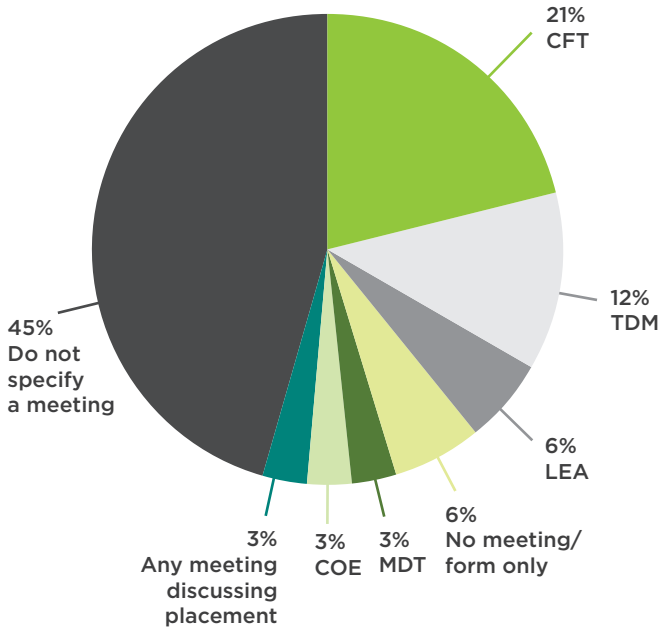
12% (4/33) of best interest determination meetings take place in Team Decision Making ("TDM") meetings.

6% (2/33) have the local education agency coordinate the best interest determination meeting.

6% (2/33) of best interest determination discussions do not require a meeting but have a form to be completed.

3% (1/33) of best interest determination meetings take place in a Multi-Disciplinary Team ("MDT") meeting.

3% (1/33) of best interest determination meetings are coordinated by the COE.



3% (1/33) of best interest determination decisions occur in any meeting to discuss the youth's placement and prior to determining the location of the youth's new placement.

45% (15/33) of best interest determination discussions do not occur in a specified meeting.

[1] *Welf. and Inst. Code Section 16501(a)(5). Please note that this legal requirement is new and was passed after the Public Records Act request was sent and responses were received.*

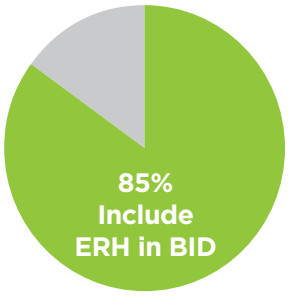
BEST INTEREST DETERMINATION PARTICIPANTS

Legal Requirements

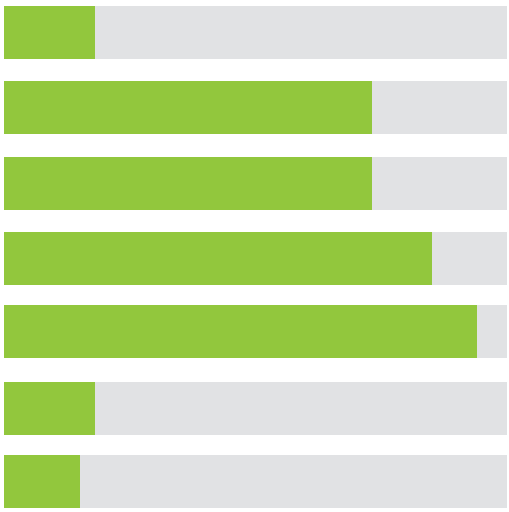
- California law states that youth in foster care cannot be enrolled in a new school unless the education rights holder decides it is in the youth's best interests to leave the school of origin, making them an essential member of any best interest determination discussion or meeting.[1]
- A local education agency's AB 490 Foster Youth Liaison must provide a written recommendation about whether remaining in the school of origin is in the youth's best interests, making it a best practice to include them in any best interest determination discussion or meeting.[2]
- Federal law requires child welfare agencies to coordinate with local education agencies to ensure school stability for youth in foster care, unless it is in the youth's best interest to change schools.[3]

Findings

85% (28/33) of agencies included the education rights holder in the best interest determination process.



Best interest determination meetings/discussions include the following participants:



18% (6/33) have the AB 490 Foster Youth Liaison convene the meeting.[4]

73% (24/33) require the AB 490 Liaison to participate.

73% (24/33) require the youth to participate.

85% (28/33) take youth preference into account.

94% (31/33) require the social worker/probation officer to participate.

18% (6/33) require a youth's caregiver to participate.[5]

15% (5/33) require county office of education participation.[6]

[1] *Cal. Educ. Code Section 48853.5.*
[2] *Cal. Educ. Code Section 48853.5(f)(7).*
[3] *42 U.S.C. Section 675(1)(G)(ii).*
[4] *Agencies Include: Los Angeles CW, Mendocino CW, Mono CW, Santa Cruz PD, LAUSD, San Bernardino City USD.*
[5] *Agencies Include: Los Angeles CW, Riverside CW, San Diego CW, Napa CW, LAUSD, San Bernardino City USD.*
[6] *Agencies Include: Orange, Ventura, Monterey, Shasta, Siskyou.*

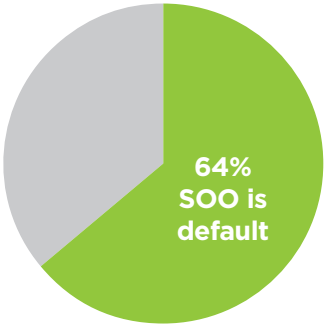
SCHOOL OF ORIGIN AS DEFAULT

Legal Requirements

- ESSA requires that youth in foster care remain in their school of origin unless there is a determination made that it is in the youth's best interests to transfer to another school.[1]
- California law states that youth in foster care cannot be enrolled in a new school unless the education rights holder decides it is in the youth's best interests to leave the school of origin.[2]

Findings

64% (21/33) of agency best interest determination procedures state that school of origin is the default.



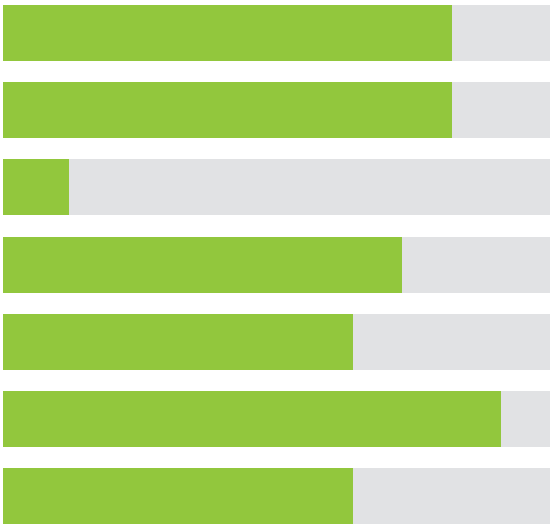
BEST INTEREST DETERMINATION FACTORS

Legal Requirements

- ESSA requires that best interest determination factors include the appropriateness of the current education setting and the proximity of the new placement to the school of origin.[3]
- California law requires that best interest determinations consider: (1) the stability of the youth's school placement and how a change of school might impact their ability to access academic resources, services, and extracurricular and enrichment activities; (2) whether the proposed school placement would allow the youth to be placed in the least restrictive educational program; and (3) whether the youth has the educational and developmental services and supports, including those for special education and related services, necessary to meet state academic achievement standards.[4]
- Transportation is not supposed to be considered before making a best interest determination decision.[5]

Findings

Best interest determination discussions take into account:



82% (27/33) academic factors.

82% (27/33) social, emotional and/or school connection factors.

12% (4/33) school discipline and/or behavioral factors.

73% (4/33) extracurricular activities.

64% (21/33) the time of the school year (e.g., close to school breaks or school testing).

91% (30/33) the distance and length of commute.

64% (21/33) the permanency (or lack thereof) of the new placement.

[1] *20 U.S.C Section 6311(g)(1)(E)(i).*
[2] *Cal. Educ. Code Section 48853.5(f).*
[3] *20 U.S.C. 6311(g)(1)(E)(i).*
[4] *Cal. Rules of Court Section 5.651(f)(2).*
[5] *U.S. Dep't of Health and Human Servs. Admin. For Children and Families,* ***Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008, 20 (July 9, 2010)***

BID FACTORS

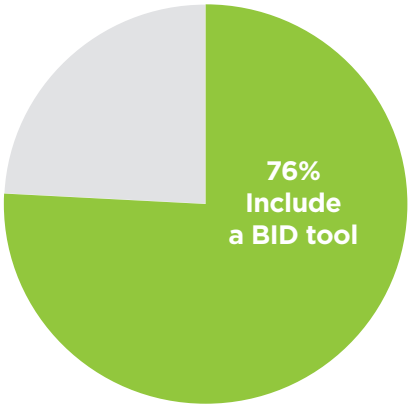
AGENCY HIGHLIGHT

67% (22/33) of agencies with a best interest determination process do not consider transportation before a best interest decision is reached.

BEST INTEREST DETERMINATION TOOLS

76% (25/33) of best interest determination processes include a tool to assist in the process. Of those 25 agencies with a best interest determination tool:

- 28% (7/25) of counties utilize a checklist adapted from a **San Diego/Texas Homeless Education Office tool**.[1]
- 16% (4/25) of counties use some or all of the **Foster Youth Education Toolkit SOO Worksheet**.
- 16% (4/25) of counties include a transportation flow chart in the tool.



BID TOOL

AGENCY HIGHLIGHTS

The **Los Angeles County tool** provides for three school options, including a designated school of origin, a youth's new school of residence, or a school attended in the last 15 months.

The **Riverside County tool** considers unique and thoughtful factors, such as whether moving youth from their school of origin would interrupt the provision of school-based tutoring, mental health services, or access to other community agencies or services that protect the safety of the youth, sibling visitation, a youth's employment, IEP testing, or other academic testing that would require re-evaluation. This tool also thoughtfully explores social development and cultural diversity and asks whether removing a youth from the school of origin would expose them to a perpetrator.

The **Imperial County tool** asks if there are specific people in the school of origin who have been providing support for the youth and what school(s) the sibling(s) attends.

The **San Bernardino City Unified School District tool** provides space to document individual conversations if a meeting cannot be convened.

1 Counties include: Ventura, Sonoma, Solano, Merced, Shasta, Sutter, and Glenn.

BEST INTEREST DETERMINATION DECISION-MAKER

Legal Requirements

- ESSA requires assurances that a youth enrolls in or remains in their school of origin unless it is determined to not be in their best interests.[1] There is no specific role for an education rights holder in this decision-making process.

- California law requires that the education rights holder makes the best interest decision about remaining in the school of origin, although the AB 490 Foster Youth Liaison plays an advisory role in the best interest determination process.[2]

Findings

Although 85% (28/33) of agencies included the education rights holder in the best interest determination process, only 48% (16/33) correctly follow the legal requirement to have the education rights holder be the decision-maker. 28% (7/25) of agencies with best interest determination tools document the education rights holder decision on the tool.

24% (8/33) of agencies do not specify who the best interest determination decision-maker is.

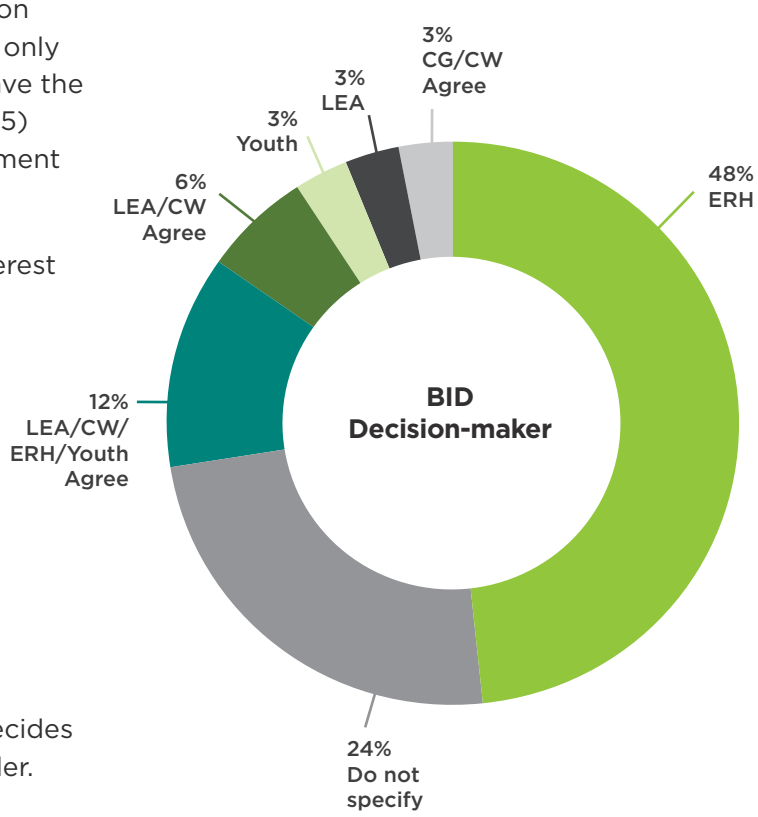
12% (4/33) of agencies require the local education agency, child welfare agency, education rights holder, and youth to all agree on the best interest determination decision.

6% (2/33) of agencies say the local education agency and child welfare agency decide.

3% (1/33) of agencies have the youth decide.

3% (1/33) of agencies say the local education agency decides in consultation with the youth and education rights holder.

3% (1/33) of agencies say the caregiver and child welfare agency decide.



RECOMMENDATIONS AND NEXT STEPS

Joint guidance from CDE and CDSS would be helpful for child welfare agencies and local education agencies to ensure they use legally compliant best interest determination processes, including: (1) that the education rights holder is the final decision-maker; (2) to ensure youth voice is heard and considered in the best interest determination process; (3) to provide guidance on where to hold best interest determination meetings; (4) to ensure the required best interest determination factors are considered; (5) that transportation needs are not taken into account in the best interest determination decision-making process; (6) recommending additional best practice factors to consider such as time of year, special education needs of youth, the number of previous school changes, etc.; and (7) to provide a sample tool. Guidance and support from these state agencies will also ensure each child welfare agency and local education agency is complying with federal and state mandates. Guidance could also clarify which agency should be convening the best interest determination meeting or initiating the conversation to create consistency across the state.

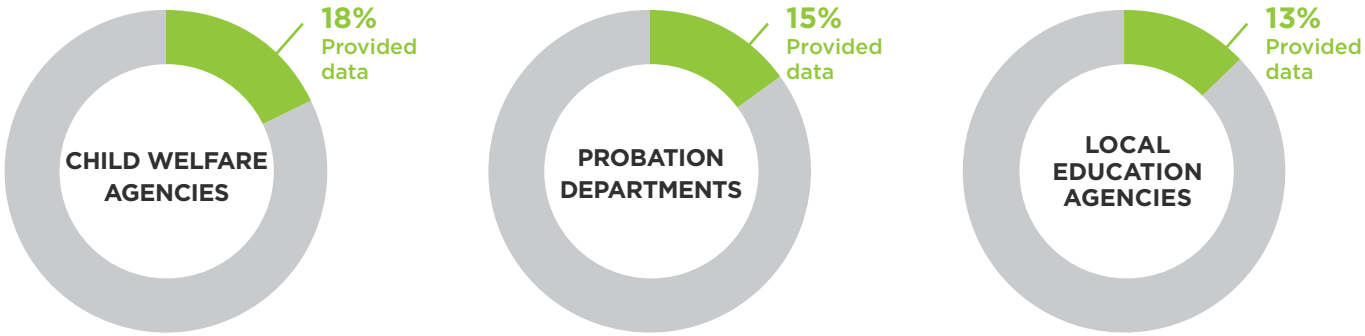
[1] *42 U.S.C. Section 675(1)(G).*
[2] *Cal. Educ. Code Section 48853.5(e)-(f).*

DATA ON EDUCATION RIGHTS HOLDERS DETERMINING REMAINING IN SCHOOL OF ORIGIN IS IN YOUTH'S BEST INTERESTS

Agencies Were Asked To Provide: The number of youth whose education rights holders determined it was in their best interest to remain/return to their school of origin each year for the past three years.

Findings

Note: As discussed at greater length in the introduction, California law provides that multiple schools could be considered a youth's school of origin at any one time. For purposes of Topic 5 and its corresponding data, we define school of origin as that school chosen by the ERH as in the youth's best interests to remain/return to, among the available legal options. Percentages (unless otherwise specified as reported by the agency itself) were calculated using child welfare and local education agency total numbers reported in DataQuest. See **here** for those numbers. Probation percentages cannot be reported as the total number of foster/out-of-home youth served by probation departments is not publicly available.



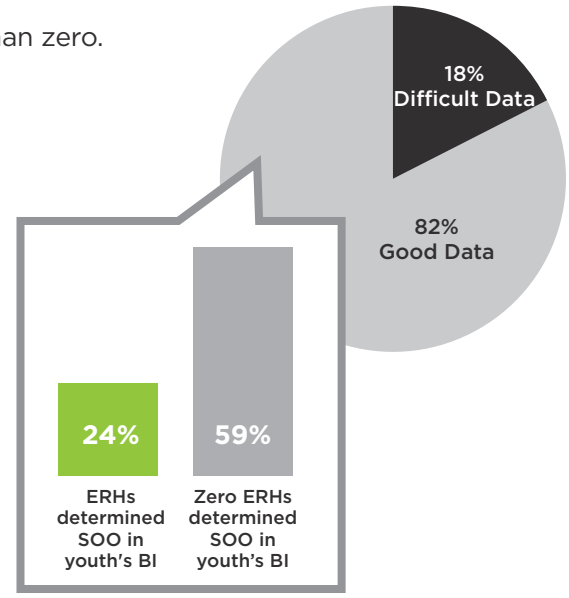
18%[1] of reporting child welfare agencies provided data on the number of education rights holders who determined it was in a youth's best interests to stay in their school of origin. 15%[2] of reporting probation departments provided data. 13%[3] of requested local education agencies reported data. All but one of the reporting agencies served less than 600 youth in foster care per year and much of the data reported was numerically small and should be interpreted with caution due to the small sample size.

For the remainder of the Topic 5 Data on ERH BID decisions, we take a closer look at the details of the 17 agencies reporting data to identify trends and agency highlights. Unless otherwise indicated, data on ERH BID decisions is reported as (X/17). Take a deeper dive into the collected data here.

[1] Of the 51 responding child welfare agencies, 9 reported data on ERH BID decisions. Of the 58 total child welfare agencies in the state, 9 reporting is 16%.
[2] Of the 48 responding probation departments, 7 reported data on ERH BID decisions. Of the 58 total probation departments in the state, 7 reporting is 12%.
*[3] Of the 10 requested LEAs (defined by **highest foster youth enrollment numbers**), 1 (or 10%) reported data on ERH BID decisions.*

82% (14/17) of reporting agencies provided interpretable data on education rights holders determining remaining in school of origin was in the youth's best interests for all three requested years.

- 24% (4/17) of reporting agencies provided numbers higher than zero.
    - Butte County child welfare reported 47% in 2016, 53% in 2017, and 50% in 2018. In the reporting group, Butte County child welfare had the highest number of placement changes, and the strongest education rights holder best interest determination participation percentages. This makes them an agency highlight for their extensive work ensuring so many education rights holders participated in their large number of best interest determination meetings.
    - Trinity County child welfare reported 0% in 2016, 14% in 2017, and 17% in 2018.
    - Monterey County probation department reported 25% in 2016, 33% in 2017, and 0% in 2018.
    - Tulare County probation department reported 25% in 2016, 100% in 2017, and 100% in 2018.



59% (10/17) of agencies reported that zero education rights holders determined it was in a youth's best interests to remain in their school of origin over all three years. Of those that reported zero education rights holder best interest determination decisions, two reported no placement changes occurred, three did not report the number of placement changes, two did not disaggregate the number of placement changes but reported a single number for all three years, and two only reported the number of placement changes for 2016 but not for the following two years.

18% (3/17) of agencies provided data that significantly limited analysis. One agency reported only one year of data, another agency's data could not be interpreted as there was no child welfare data on placement changes with which to compare it, and another agency's data could not be interpreted as the number of placement changes was aggregated over three years and not reported individually.

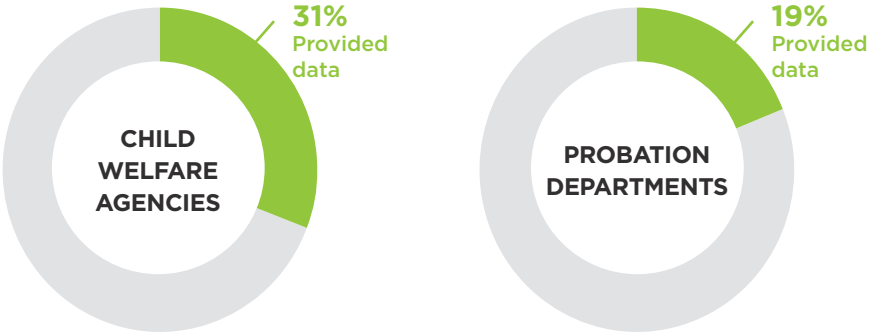
RECOMMENDATIONS AND NEXT STEPS

For some youth, transferring from their school of origin is in their best interest, and the education rights holder has made a thoughtful, and informed decision to that end. However, without data about how many school changes are accompanied by an education rights holder best interest decision, we cannot know what percentage of school changes were determined to be in a youth's best interests compared to school changes for another reason (e.g., without a best interest decision by an education rights holder, due to school push out, for disciplinary reasons). This data would also help determine how big of a gap there is between the number of youth who are being denied their school of origin right, and those for whom the right is not in their best interest. Support from CDE and CDSS on how to track when an education rights holder determines it is in the youth's best interest to remain or return to their school of origin would help local education agencies and child welfare agencies keep track of how many youth require transportation to their school of origin. Other meaningful data points to track include: (1) the number of youth who have a placement change and also have a best interest determination meeting/discussion; and (2) the number of education rights holders who participate in best interest determination meetings or discussions.

DATA ON YOUTH REMAINING IN SCHOOL OF ORIGIN

Agencies Were Asked To Provide: The number of youth remaining/returning to their school of origin each year for the past three years.

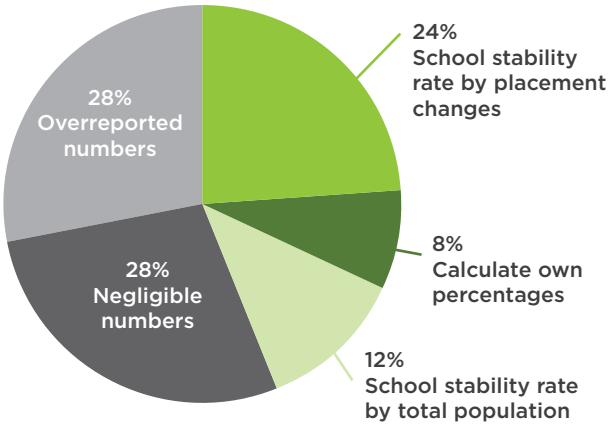
Findings[1]



31%[2] of responding child welfare agencies reported data on the number of youth remaining/returning to their school of origin. 19%[3] of responding probation departments reported data. 0% (0/8) of requested and responding local education agencies reported data.

For the remainder of Topic 5 Data on School Stability, we take a closer look at the details of the 25 agencies reporting data to identify trends and agency highlights. Unless otherwise specified, data is reported as (X/25). Take a deeper dive into our data here.

24% (6/25) of agencies reporting data on the number of youth remaining/returning to their school of origin also provided placement change data, allowing for a true school stability measure to be computed (i.e., the number of youth remaining/returning to school of origin out of the total number of youth with home placement changes).



SCHOOL STABILITY DATA

AGENCY HIGHLIGHTS

Tehama County probation department reported that 64% of their youth experiencing a home placement change remained in their school or origin in 2016, 60% in 2017, and 100% in 2018.

Butte County child welfare reported that 47% of their youth experiencing a home placement change remained in their school of origin in 2016, 53% in 2017, and 50% in 2018.

Trinity County child welfare reported that 0% of their youth remained in their school of origin in 2016, 14% in 2017, and 17% in 2018.

[1] Agencies Include: Orange PD, San Diego CW, Fresno CW, Kern CW, San Joaquin PD, Santa Clara CW, Stanislaus CW, Butte CW, Kings CW, Monterey CW, Monterey PD, San Luis Obispo CW, Shasta CW, Mendocino PD, Yuba CW, Tehama PD, Plumas PD, Lassen PD, Trinity CW, Mariposa CW, Modoc PD, Mono CW, Mono PD, Alpine CW, Sierra CW.

[2] Of the 51 responding child welfare agencies, 16 reported SOO data. Of the 58 total child welfare agencies in the state, 16 reporting is 29%.

[3] Of the 48 responding probation departments, 9 reported SOO data. Of the 58 total probation departments in the state, 9 reporting is16%.

8% (2/25) of agencies reported percentages instead of raw numbers. This implies that they are analyzing and utilizing their own data in a meaningful way. Given that only the percentages are reported, it is unclear if this data was calculated based on the total population of youth or the number of youth experiencing home placement changes.

12% (3/25) of agencies did not report placement change data but their school of origin numbers could be compared to their total youth population. Depending on how the raw data were pulled by the agencies (which is unknown), this could solely include youth who had a placement change and be a true school stability number, or it could include all youth, even those who did not experience a school change or a home placement change.

SCHOOL OF ORIGIN DATA

AGENCY HIGHLIGHTS

Kings County child welfare reported that 27% of their total population remained in their school of origin in 2016, 32% in 2017, and 36% in 2018.

Fresno County child welfare reported that 77% of their total population remained in their school of origin in 2016, 76% in 2017, and 80% in 2018.

Shasta County child welfare reported that 27% of their total population remained in their school of origin in 2016, 24% in 2017, and 32% in 2018.

Butte County child welfare reported that 24% of their total population remained in their school of origin in 2016, 21% in 2017, and 23% in 2018.

Santa Clara County child welfare reported that 12% of their total population remained in their school of origin in 2016, 12% in 2017, and 21% in 2018.

28% (7/25) of agencies reported a negligible amount of youth (0-2) remaining in their school of origin.

28% (7/25) of agencies reported either: (1) more placement changes than total youth served; (2) more youth remaining in their school of origin than total youth served; and/or (3) more youth remaining in their school of origin than youth experiencing placement changes, which makes computing any school stability measure difficult.

When comparing the data reported on youth whose education rights holders determined it was in their best interests to remain in their school of origin with data on youth remaining in their school of origin, only 6 agencies reported the same data for both data points, with 4 of those agencies reporting zeros across the board. 6 additional agencies reported both sets of data but reported different numbers. This data could be collected and compared in the future to create inter-data reliability between the two measures.

RECOMMENDATIONS AND NEXT STEPS

Given that only 32% of reporting agencies were able to provide school stability data in relationship to home placement changes, and that this data point requires cross agency collaboration, guidance and support from CDSS and CDE is essential to help child welfare agencies and local education agencies regularly calculate and utilize true school stability data (i.e., number of youth remaining in their school of origin after experiencing a home placement change) to improve school stability outcomes.

Although there is currently no requirement to report school stability data, we believe data is essential to understanding the scope of the problem of school instability and to allocating adequate resources to address it.

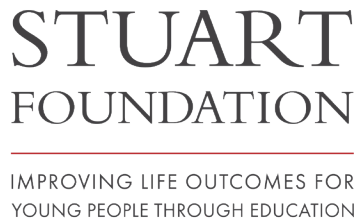
Only 20% of requested agencies were able to produce local data on school stability, suggesting that a statewide measure of school stability is essential to create transparency on the current rates of school stability, as well as accountability for its improvement.

Further, the lack of data also implies that, even if counties have strong ESSA plans and/or high-quality policies/practices—including on: (1) taking school stability into account when making placement decisions; (2) timely notice when youth change homes; (3) ensuring every youth has a willing and involved education rights holder; and (4) meaningful education rights holder involvement in quality best interest determination processes— implementation of these policies is not being closely monitored and accountability measures are not in place to ensure increased rates of school stability. Meaningful data is one tool state and local agencies can use to ensure policies are implemented with fidelity and ultimately, that school stability rates improve.

CDE, through CALPADs, records each time a youth enters or leaves a school, showing how many times youth change schools during a school year. We recommend that CDE report this data, at the county and state level, on DataQuest. This will immediately increase transparency on the status of school stability in California. It will also allow for a 10-year comparison to the rates of school stability for youth in foster care as reported in **The Invisible Achievement Gap** to determine whether school stability has increased or decreased since the 2009/2010 school year. This will also increase accountability and, in turn, encourage local education agencies, child welfare agencies, and probation departments to improve their efforts around school stability.

Finally, there are different ways to measure and define school stability. A consistent and agreed upon definition of school stability would make data collection easier and more consistent in the future. We define a true school stability measure as looking at both the number and timing of school changes in comparison to home placement changes. This would require programming CWS/CMS and CALPADS to identify which school changes are occurring at the same time as a placement change. We believe these systems already 'talk' to each other to accomplish the foster youth match required under the Local Control Funding Formula. We recommend that this data be reported at the county and state level annually. We must also acknowledge that some school changes are appropriate, meaning comparing this data to education rights holder best interest determinations would also be meaningful. While this data might be difficult to gather, it would vastly improve our understanding of school stability for youth in foster care in California and would be an essential tool in improving school stability and ultimately all education outcomes for youth in foster care.

SPECIAL THANKS TO



ALLIANCE *for* CHILDREN'S RIGHTS