

BEST PRACTICES for Developing a District System to Consistently Support School Stability

STEP 1

Gather Baseline Data on Home and School Instability

The Network recommends school districts work with their local child welfare agency to gather baseline data on how many youth in foster care moved in and out of the district each year for the past two years,¹⁵ as well as which type of home placements these youth were living in. Comparing the instability rates of youth living in foster homes versus relative homes versus Short Term Residential Therapeutic Programs (STRTP) can help a district target interventions where most needed to improve stability rates. # Further, **+** special consideration should be made around school stability for youth living in STRTPs since these placements are designed to be short term (i.e., six months or less). For example, considering the long-term placement plan for a youth (e.g., will be returning back to a relative caregiver after an STRTP placement) can guide the education rights holder in making decisions about a long-term education stability plan. Further, under California regulations, the transportation for these youth to their school of origin is the responsibility of the STRTP (unless other arrangements have been made in the youth's Needs and Services Plan or Transitional Independent Living Plan), not the district.¹⁶ This will be helpful in determining the level of need the district must meet in Step 3: Budget Personnel and Fiscal Resources to Meet School Stability Needs.

If you are unable to collect this data from your child welfare agency, or in addition to that data, the Network recommends that districts also collect and analyze their own local data. Within your student information system, once all youth in foster care have been designated, identify how many youth stay stable in one school for the entire school year and how many youth move in and out of a school in the district each year. Ideally, this data will match that provided by the child welfare agency and will also be helpful for allocating resources in Step 3. The Network recommends

that districts gather this data each year to monitor efforts to improve school stability over time. *

+ TRAUMA AND EQUITY CONSIDERATION

Youth who have experienced high levels of trauma are often caught in a negative cycle where their trauma leads to struggles in school and at home, often causing placement changes and less stability. This lack of stability leads to further traumatization with each school and home move. The Network recommends considering the equity needs of these youth, including what additional supports they need to stabilize in a school setting and what additional interventions are needed to support their school stability when they experience a home placement change.




- * **DISTRICT HIGHLIGHT |** Bonita Unified School District has closely monitored their data on school stability for the last several years, using the data to monitor the implementation of several new procedures designed to improve school stability. While a district alone cannot control all the factors related to school stability (e.g., whether youth in foster care experience home placement changes), this data has allowed them to see positive changes as a result of their new practices. For example, after ensuring that all youth were informed of their school of origin rights at enrollment and disenrollment, Bonita saw a 10% improvement in the stability of their youth in foster care.

15 See [School Stability for California's Youth in Foster Care](#) for more information on counties who are successfully gathering this data.

16 STRTP Interim Licensing Standards, Version 3 (Released 1/11/19) Section 87074(c).

STEP 2

Develop Every Student Succeeds Act (ESSA) Transportation Plan

Federal law requires that districts work with their local child welfare agency to develop an ESSA transportation plan. The Network recommends districts include their county office of education and/or other nearby districts in developing joint plans to account for transporting youth in foster care between districts that are geographically close together and/or within the same county. This plan should contemplate how: (1) the district will be notified  by the child welfare agency when a youth has moved home placements (including what the mode of notification will be and who specifically will be responsible for sending and receiving this notice) and ensuring that the plan includes notice to the sending district and receiving SELPA at least 10 days in advance for youth in foster care with IEPs in accordance with the law, as well as clear timelines for when notice will be provided for general education youth ; (2) the district and child welfare agency will communicate during the process; (3) transportation for the youth will be initiated and funded in the short-term, while information is being gathered and a meeting is planned (since school of origin is the default placement, the youth will need a transportation plan in place immediately, while a longer-term plan is contemplated); (4) the best interest determination meeting or conversation will be initiated and facilitated, and by whom ; (5) decision making authority will be divided between the district and child welfare agency over the developmentally appropriate and most cost effective long-term transportation option (after a best interest determination decision has been made by the education rights holder), which staff at each agency will be responsible for decision making, and what factors will be considered by the agency staff in making this decision; and (6) disputes will be resolved.

Several Network districts have participated in the creation of an ESSA transportation plan with the Los Angeles County Office of Education and Department of Children and Family Services. For more information about how counties across California have addressed these issues in their ESSA transportation plans, including legal requirements, agency highlights, and sample

ESSA transportation plans, see [School Stability for California's Youth in Foster Care](#).

● **PRACTICE TIP** | The Network has found that this notification, while seemingly simple, is one of the most important steps of this entire process. Districts should ensure that they work closely with the child welfare agency to determine exactly how and when this notification will happen, otherwise the other steps of the process cannot move forward.

■ **PRACTICE TIP** | Although districts are not specifically included in the Rule of Court specifying who must receive notice within one day of a decision to change a general education youth's home placement, the court must receive a recommendation from the AB 490 Foster Youth Liaison prior to a youth changing schools. The Network recommends creating a plan that includes notification to districts at the same time as other parties are provided notice for general education youth.

★ **PRACTICE TIP** | Consider the number of youth in foster care transferring in and out of your district each year for the past two years. Use this number to identify how many best interest determination meetings would be required, as well as the personnel resources and workload required to facilitate these meetings.

STEP 3

Budget Personnel and Fiscal Resources to Meet School Stability Needs

Based on the data collected in Step 1 and procedures developed in Step 2, meet with transportation experts and chief financial officer and/or assistant superintendent for business in your district to discuss the costs and liability of different forms of transportation. Consider estimates based on transportation modes currently used for any youth in foster care accessing school of origin transportation, as well as potential economies of scale if more youth were to utilize these options. Using all this information, determine: (1) personnel and staffing required for the district to adequately participate in the agreed upon best interest determination process from the ESSA transportation plan; (2) allocate funding in the district's Local Control Accountability Plan (LCAP) for the anticipated personnel needs; (3) appropriately hire and train anticipated personnel needed; and (4) allocate funding in the district's LCAP for the anticipated transportation costs. ♦

STEP 4

Determine Whether the District Will Conduct Best Interest Determination Meetings for Incoming¹⁷ and Outgoing¹⁸ Youth

Most ESSA transportation plans address transportation needs to school of origin for outgoing youth, which is in line with school of origin being the legal default. The law requires that the outgoing school AB 490 Foster Youth Liaison give a written recommendation to the youth and their education rights holder if they are recommending that the youth not remain in their school of origin.¹⁹ Accordingly, it makes sense for the outgoing school/district of origin to hold the best interest determination meeting prior to making any specific recommendation.

The Network recommends districts also address school of origin as a part of the intake/enrollment procedure. The Network recommends informing all incoming youth, their education

rights holders, and their caregivers about the right of the youth to return to their school of origin. The Network has found that many youth and their education rights holders did not know about their school of origin rights and had not been informed of this right on their exit from their previous school. Informing youth and their education rights holder of this right at enrollment will likely increase your school stability rates as more youth and their education rights holders may choose to utilize this option once they know about it. The Network has also found that it is helpful to inform youth of this right because even if they do not choose to exercise it when coming into the district, they will move forward in their education empowered with this knowledge and can better advocate for themselves if they are required to move home placements in the future. The Network recommends that the incoming process focus on informing the youth of their rights, as well as reaching out to the outgoing district as necessary to hold a best interest meeting, rather than attempting to complete the entire best interest process yourself. However, there is nothing barring an incoming district from leading the process.

♦ **PRACTICE TIP** | Districts are thinking creatively around transportation options. For example, Pomona Unified School District is considering a program where employees who live near the home placement of a youth in foster care can receive travel reimbursement for providing the youth with transportation to their school. These district employees could also act as mentors to the youth, helping them build additional positive connections to their school. The Network encourages districts to think creatively about possible transportation options.

¹⁷ Incoming refers to youth in foster care who are moving into your school and/or district.

¹⁸ Outgoing refers to youth in foster care who are moving home placements out of your school's catchment area.

¹⁹ Although the AB 490 Foster Youth Liaison has an independent obligation to provide a written recommendation, the ERH remains the ultimate decisionmaker. 20 U.S.C. Section 6311(g)(1)(e)(i); Cal. Educ. Code Section 48853.5(f)(6).

STEP 5

Determine How to Identify When Youth in Foster Care Have Left the District

The Network recommends creating a system utilizing multiple methods of identifying when a youth in foster care leaves the district. Some examples of these methods include:

ESSA Plan Notification Process | The Network recommends that the ESSA transportation plan that the district developed with their local child welfare agency clearly indicates the ways that notification will occur, including the timeline and responsible parties.

Disenrollment | If the district is not notified about the youth changing homes (and thus the need to hold a best interest determination meeting) prior to disenrollment, the Network recommends developing a disenrollment trigger that initiates a best interest determination process. This can be done by setting up a system for the front desk staff to notify the AB 490 Foster Youth Liaison upon disenrollment or through setting up an automatic notification through your student information system. ▲ Unfortunately, this will not catch all (or even most) youth in foster care since many youth are not formally disenrolled from school but rather just stop attending.

Automatic Trigger After 3 Consecutive Days of Absence | In many districts and counties, the above methods for identifying when a youth has left a school are not being consistently implemented. The Network recommends that districts create a system that automatically triggers a search for a youth in foster care after they have been absent from school for 3 days in a row. An automatic notification or email to an attendance clerk/counselor or AB 490 Foster Youth Liaison allows them to work to confirm whether the youth remains in the current home placement or the youth's new home placement by: (1) searching CALPADS for enrollment in a new school; and/or (2) contacting the attorney for the youth, the child welfare and/or probation agency, and/or the education rights holder to inquire about the status of the youth's current/new home placement. + District personnel can then coordinate with the new district to conduct

the best interest determination process. The Network recommends that if the district is unable to confirm that the youth remains in the current placement, has experienced a change of home placement, or identify the youth's new school within 2 days, the district initiates the best interest determination process, based on the available information. The best interest determination process cannot be completed until the education rights holder has made a decision in writing.

▲ **DISTRICT HIGHLIGHT** | West Covina Unified School District and Long Beach Unified School Districts have their data expert send a list of disenrolled youth in foster care to their AB 490 Foster Youth Liaison on a weekly basis so they can also catch disenrolled youth quickly for school stability purposes.

+ **EQUITY CONSIDERATION** | When developing your absence investigation and best interest determination process, consider how a youth's school stability may be negatively impacted if social workers, probation officers, and/or education rights holders do not respond in a timely manner to a district's attempt to set up a best interest determination discussion quickly. Take steps to ensure that your absence investigation and best interest determination process comes from a trauma-informed lens and does not unfairly penalize youth if one of the adults responsible for their education is not quickly responsive. For example, utilize multiple methods of attempting to discover a youth's reason for not attending, and/or potential new home placement such as contacting the youth's education rights holder, their attorney, and their social worker at the same time to gather that information. If you develop an "automatic trigger" after a certain number of days of absence, ensure that there is some flexibility in implementation of the policy so that youth who are going through a complex home placement situation, or a temporary event that prevents their attendance for a few days, are not negatively impacted by having the best interest determination process initiated and their education disrupted unnecessarily.

Receiving a Records Request from a New School | Additionally, assuming districts in your county are regularly and timely (within 2 days of enrollment) sending records requests to the prior school when a new youth enrolls, this is another way to quickly identify when youth have left your district.

STEP 6

Implement Short Term Transportation per ESSA Plan

Youth in foster care have the right to remain in their school of origin as a default, until a best interest determination is made by their education rights holder. The Network recommends creating a protocol that provides for youth to receive immediate, short-term transportation to their school of origin. This protocol should identify which agency (i.e., district or child welfare agency) will immediately take action to consider and implement a transportation plan. The Network recommends placing this responsibility on either the district or child welfare agency (but not both), with clear rules about how reimbursement will happen by the other party for whatever division of cost is agreed upon in the ESSA plan. Having a single agency responsible for arranging short-term transportation is necessitated by the speed with which this must be put into place. Ensure there are clear timelines in place for holding the best interest determination meeting as a part of this process, so that the short-term transportation does not become a long-term solution without thoughtful consideration by both agencies during a best interest discussion. This includes making sure necessary education rights holder contact information is provided to the district by the child welfare agency so that the best interest determination meeting can be quickly scheduled. The Network recommends that this education rights holder information is provided within 5 days of the school move.

STEP 7

Determine Your Best Interest Determination Process

The Network recommends creating a protocol that guides the best interest determination team

through the best interest determination process. The law does not provide clarity regarding whether a meeting must take place (compared to a discussion through a phone call or video conference) nor exactly who must attend, other than the education rights holder who must participate as the decision maker and the AB 490 Foster Youth Liaison for the outgoing district who must provide a written recommendation if they recommend that the youth not remain in their school of origin.

The party tasked (in the ESSA plan) with initiating the best interest determination process should start by gathering all the team members. In addition to including the education rights holder and the AB 490 Foster Youth Liaison for the school of origin, the Network recommends team members should include the: (1) youth (districts should develop and utilize strategies to authentically engage youth in this process); (2) social worker/probation officer (who knows important information about the home placement); (3) AB 490 Foster Youth Liaison from the new district and/or other potential school of origin districts (who can provide information about available programs and services to meet the youth's needs); and (4) the caregiver (e.g., foster parent or congregate care facility representative) for the youth's new home placement (to discuss their availability or legal responsibility to provide transportation to the school of origin). Additional team members that could offer helpful insight include members of a youth's special education team and any mental health providers serving the youth.

The Network recommends that the AB 490 Foster Youth Liaison from the school of origin district convenes the best interest determination discussion. This requires the social worker/probation officer to provide the district with accurate education rights holder information and information about the youth's new home placement, caregiver, and potential new district, so that they can all be included in the process quickly after a home placement change.

The best interest protocol should include a form letter, to be sent to all potential team members, inviting them to the best interest determination discussion.

The best interest protocol should specify who is responsible (e.g., AB 490 Foster Youth Liaison or social worker) for ensuring the youth's education

rights holder is contacted and available to participate in the best interest discussion. The protocol should require that all potential schools of origin under California law are considered during the best interest discussion. As the team is considering the school options, it should utilize a best interest determination tool that ensures a review of all the required considerations under California law including: (1) the stability of a youth's school placement (e.g., how many times has the youth changed school placements in the past; is the youth likely to move home placements again; how long has the youth attended the school placement; what time of the school year is the move taking place?); (2) the youth's ability to access academic resources and services in each potential school (e.g., are the classes that the youth is currently enrolled in available at a new school; is the youth accessing tutoring services that may not be available in a new school?); (3) availability of extracurricular and enrichment activities (e.g., is the youth participating in extracurricular activities; is the youth connected to a community of peers or trusted adults through an activity?); (4) the impact on placement in the least restrictive educational placement (e.g., would the youth be able to access a comprehensive school placement in one district, but need to attend an alternative school in a different one?); (5) ability to access educational and developmental services and supports (including those for special education²⁰) to achieve state standards (e.g., what are the different support options that each school offers?).²¹ ✱ The Network also recommends considering the time of travel on the youth's well-being including transportation time, impact of transportation on the youth's ability to participate in extracurricular activities, and ability of the youth to complete homework after returning home from school.²²

The Network also recommends ensuring that the protocol specifies that any tool utilized for making the best interest determination include a place for the AB 490 Foster Youth Liaison's written recommendation about whether the youth should remain in their school of origin and, if not, the reasons why a youth should not remain in their school of origin (to fulfill that legal obligation). As the youth's education rights holder has final decision-making authority over

whether a youth remains in their school of origin, the document/tool should also include the education rights holder's ultimate decision, in writing, including an education rights holder signature. While it is best practice to hold a meeting with everyone together, this is sometimes not possible, particularly when decisions must be made quickly. The Network recommends including room on the documentation to note the opinions from different best interest determination team members, and when and how that input was gathered. Where possible, the Network recommends including check boxes to note decisions made, while also leaving room for written notes if needed. Districts can review different best interest determination processes and tools used throughout California in the [Foster Youth Education Toolkit](#) and [School Stability for California's Youth in Foster Care](#). Additional Network district best interest determination tools include [Pomona USD BID Form](#) and [Long Beach USD BID Form](#).

✱ **EQUITY CONSIDERATION** | The best interest determination must be made on an individual basis. Each factor may look different for different youth. For example, if a youth is doing well academically in their school of origin, that could mean that they should remain there, or alternatively, it could mean that the student is highly capable and could successfully handle a school change including catching up in a new school program. If the youth is struggling with school discipline, it may mean that a "fresh start" in a new program will better serve them, or it could mean that the school of origin should continue supporting the youth to work through interventions that they are attempting, rather than having the youth continue to start over and struggle with the same discipline challenges in a new school.

20 Special education representatives may need to be present from all potential districts to speak to the availability of special education programs and services.

21 Cal. Rules of Court Section 5.651(f)(2).

22 It is important to note that the cost of transportation cannot be considered at this point in the best interest determination process. 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, June 23, 2016, Pgs. 11-12.

STEP 8

Determine Transportation Process per ESSA Plan

Once the youth's education rights holder has made the final best interest determination, if a youth is remaining/returning to their school of origin, transportation must be arranged according to the ESSA plan. Determining the most cost-effective transportation option must be a separate, and secondary, discussion from the best interest determination. The law does not clearly define the decision-maker for the most cost-effective transportation option. Federal law requires that the mode of transportation chosen be cost-effective and consider the developmental needs of the youth.

When making the decision about which transportation option to utilize, the Network recommends involving the education rights holder, caregiver, youth social worker and/or probation officer, and the district's AB 490 Foster Youth Liaison in the decision-making process, as well as anyone else who may be able to support transportation (e.g., district transportation coordinator, relative or caregiver who may be able to provide transportation). The Network also recommends the development of clear criteria to consider when making decisions between modes of transportation (e.g., if the student is under a certain age, public transportation is likely inappropriate). Ensure your ESSA plan contemplates how to address transportation for youth with IEPs, regardless of whether a youth's IEP requires transportation as a related service.

Following the process set forth in the ESSA plan for determining the mode of transportation, the Network recommends developing a clear process by which each potential method of transportation will be administered and by whom. Consider who will: (1) contact the party providing the transportation to begin the service; (2) monitor and address challenges that may arise including day-to-day issues with cancellations or the need for schedule adjustments (e.g., not regularly scheduled minimum days); and (3) pay for each potential transportation option (e.g., will there be an equal division of cost; will different parties take responsibility for different modes?).

STEP 9

If Best Interest Determination by an Education Rights Holder Decides Youth Will Change Schools, Determine Process to Award Partial Credits and Forward Records to New School

If the youth's education rights holder determines that it is in the youth's best interest not to remain in their school of origin, the sending school should immediately award any partial credits the youth has earned (see page 45, "Guide 4: Issuing Partial Credits to Youth in Foster Care" of the [Best Practices Guide](#)), and prepare and send records to the school that the youth will be enrolling in.