

Learning Continuity and Attendance Plan Actions to Support Students With Unique Needs

It is critical that school districts maintain continuity of instruction, keep students and staff safe and healthy, ensure access and equity, flexibly meet the needs of individual students, and engage with external stakeholders in order to support students' education goals during the COVID-19 pandemic.

Districts must particularly support **foster youth, youth in the juvenile justice system, and youth experiencing homelessness** (collectively, "youth impacted by public systems"). These students are living with the impacts of trauma they experienced prior to our current health and economic crises. They have experienced significant education gaps in comparison to their peers.

Youth impacted by public systems are an intersectional group. For example, youth who are in foster care are more likely to also experience the juvenile justice system, and youth experiencing homelessness may at some point find themselves living in congregate care. Additionally, youth impacted by systems, no matter the system, are more likely to be youth of color or living in a low-income family. These youth also frequently identify as students with disabilities.

Recommendations for the Learning Continuity and Attendance Plan

A Learning Continuity and Attendance Plan ("Learning Continuity Plan") must be adopted by school districts on or before September 30, 2020. Specifically, the Learning Continuity Plan must describe the following supports, services and actions for youth impacted by public systems, who all fall within the definition of "pupils with unique needs":

- Additional supports for pupils with unique needs, including pupils in foster care¹ and pupils who are experiencing homelessness during distance learning [Ed. Code § 43509(f)(1)(B)(vi)];
- Actions and strategies to address learning loss and accelerate learning progress for pupils who are foster youth, pupils in foster care² and pupils experiencing homelessness, and how the effectiveness of those services will be measured [Ed. Code § 43509(f)(1)(C)(ii), (iii)]; and
- How the district will increase or improve services in proportion to supplemental and concentration funds for unduplicated pupils, which includes foster youth [Ed. Code § 43509(f)(2)].

The following recommendations are intended to support Local Education Agencies (LEAs) in completing and implementing their Learning Continuity Plans. The categories below reflect the Learning Continuity Plan template categories (see California Department of Education template, available [here](#)). Recommendations may appear in multiple categories because of their relevance to multiple issues.

¹ This section of statute does not define pupils in foster care. "Pupils in foster care" is described elsewhere in the California Education Code as including youth in foster care *and* youth in the juvenile justice system, regardless of whether they are placed out of home. See Cal. Ed. Code §§ 49069.5(j)(3); 51225.1; 51225.2(a)(1).

² This section of statute lists both "foster youth" and "pupils in foster care". The statute specifically defines "foster youth" with reference to Cal. Ed. Code § 42238.01, which provides a limited definition of foster youth that includes students in foster care, students in the juvenile justice system who are in suitable placements, transition age youth, and dependent children under the jurisdiction of Indian courts. However, "pupils in foster care" is not defined in this section of statute. The inclusion of "foster youth" and "pupils in foster care" indicates the Legislature intended a broader group of students to be included. See footnote 1 for the definition of pupils in foster care, which includes all youth in the juvenile justice system.

In-Person Instructional Offerings (Template, p. 2)

- Develop and implement policies to ensure priority enrollment of foster youth in district-run early education programs and that no child is asked to leave their early education program due to behavioral concerns.
- Develop and offer school-based interventions and supports to promote healing, and prevent suspension and expulsion, including but not limited to priority access to restorative justice, Positive Behavior Interventions and Supports initiatives, extracurricular and after school/enrichment programs (regardless of missed enrollment dates).
- Establish and support community resource centers as spaces to support learning, structured to accommodate social distancing requirements, including school sites, parks and recreation sites, libraries and other community spaces.
- Create new or restructure existing space to ensure there is a physical location for all youth in juvenile detention to participate in in-person instruction while also abiding by social distancing guidelines.
- Create new or restructure existing space for the provision of special education related services or other programming that require a quiet space or confidentiality (such as counseling) to youth in juvenile detention.
- Develop and implement an Every Student Succeeds Act (ESSA) transportation plan for youth in foster care to their school of origin, including child welfare and probation agencies, other school districts as appropriate, and the County Office of Education Foster Youth Services Coordinating Program, and address the health and safety needs of the transportation options covered in the plan. The plan should be immediately implemented when youth begin to physically attend school, including if students with disabilities or other student cohorts attend school prior to a complete physical school reopening.
- Develop and implement a McKinney-Vento transportation plan for students who are experiencing homelessness to their school of origin, or school of best interest, and address the health and safety needs of the transportation options covered in the plan. The plan should be immediately implemented when youth begin to physically attend school, or participate in person school activities, including if students with disabilities or other student cohorts attend school prior to a complete physical school reopening.

Continuity of Instruction (Template, p. 2)

- Provide compensatory educational opportunities, utilizing resources such as tutors and instructional aides, for all students who did not or have not yet received meaningful distance learning due to physical closure of schools.³ Ensure priority access to these resources for foster youth, youth in the juvenile justice system, and youth experiencing homelessness.
- Ensure youth receive timely special education assessments, all the special education programs and services required by their last consent to an Individualized Education Program (IEP), allowing for the convening of distance learning IEPs and modification to services as agreed upon by the district and education rights holder, and plan for the provision of compensatory special education services for any youth who did not receive all of their special education services prior to the adoption of the Learning Continuity Plan.
- Develop an alternative plan for students who might not have access to a learning environment at home.

³ Please note that these compensatory services are in addition to any compensatory educational services students with disabilities should receive.

Access to Devices and Connectivity (Template, p. 2)

- Increase technology funding to ensure that foster youth, youth in the juvenile justice system, and youth experiencing homelessness receive priority access to devices, like Chromebooks or laptops, and Wi-Fi hotspots as gifts (not loans).
- Increase technology funding to support learning in families by providing each student a device, versus one device per household.
- Purchase technology devices for every youth in juvenile detention, purchase multiple wireless hotspots for every juvenile housing unit, and purchase software to support two-way learning through technology and connection with family, service providers, and other social connections.
- Cover costs of liability if technology devices are damaged, stolen or lost through County Office of Education or school discretionary funds.

Pupil Participation and Progress (Template, p. 3)

- Prioritize professional development for distance learning to include strategies to support and build capacity of students and families to access online learning and technology, particularly if pupil progress will be assessed in whole or in part based on engagement with online learning platforms.

Distance Learning Professional Development (Template, p. 3)

- Prioritize professional development for liaisons, counselors/registrars, and other LEA staff about supporting students with complex trauma, youth-centered re-engagement strategies when youth do not participate in distance learning for three days, and school-based interventions and supports to promote healing, and prevent suspension and expulsion, including but not limited to priority access to restorative justice, Positive Behavior Interventions and Supports initiatives, extracurricular and after school/enrichment programs (regardless of missed enrollment dates).
- Prioritize professional development for distance learning to include strategies to support and build capacity of students and families to access online learning and technology
- Prioritize distance learning professional development to ensure school staff reengagement strategies are successful and targeted to those groups who are identified as disproportionately struggling with distance learning engagement, including students with disabilities and foster youth, youth in the juvenile justice system, and youth experiencing homelessness.
- Provide professional development to special education assessors and providers on how to administer assessments through virtual methods with validity and reliability to ensure appropriate and timely provision of services.

Staff Roles and Responsibilities (Template, p. 3)

- Hire or designate specific tutors and instructional aides for all students who did not or have not yet received meaningful distance learning due to physical closure of schools.
- Hire or designate specific re-entry liaisons to assist youth being released from juvenile detention facilities during the COVID-19 pandemic with reenrollment in and reengagement with appropriate schools in their communities, including but not limited to their school of origin or local comprehensive school.
- Hire or designate additional counseling and social work staff to work with existing McKinney-Vento and foster youth education liaisons.
- Hire additional, full-time, on-site academic counselors to ensure youth in juvenile detention have learning experiences that are individualized and that they have the proper support to engage with distance, in-person or hybrid learning.

- Create capacity for foster youth education liaisons, McKinney-Vento Liaisons and other trained staff (including student workers) to contact and attempt to re-engage foster youth, youth in the juvenile justice system, and youth experiencing homelessness after one day's absence from distance learning.

Supports for Pupils with Unique Needs (Template, p. 3)

- Provide compensatory educational opportunities, utilizing resources such as tutors and instructional aides, for all students who did not or have not yet received meaningful distance learning due to physical closure of schools. Ensure priority access to these resources for foster youth, youth in the juvenile justice system, and youth experiencing homelessness.
- Hire additional counseling and social work staff or specifically designate staff to work with existing McKinney-Vento and foster youth education liaisons to ensure:
 - ongoing coaching and support to students, Education Rights Holders (ERH), and caregivers, including meaningfully including youth's voices in decisions that are made on their behalf;
 - strengthened coordination between probation, child welfare, and school personnel;
 - timely provision of credit recovery, extended school day and weekend programming;
 - efforts to promote school stability by ensuring each foster youth and youth in the juvenile justice system has a best interest determination (BID) meeting including their education rights holder to discuss the youth's right to remain in their school of origin and that each foster youth, youth in the juvenile justice system and youth experiencing homelessness be immediately enrolled in whichever school the youth's ERH decides is in the youth's best interest;
 - immediate transfer of records, including health records to alert school districts of particularly vulnerable students, if they move and do not remain in their school of origin; and
 - intensive specialized academic counseling.
- Establish and support community resource centers as spaces to support learning, structured to accommodate social distancing requirements, including school sites, parks and recreation sites, libraries and other community spaces.
- Hire additional, full-time, on-site academic counselors to ensure detained youths' learning experiences are individualized and that youth have the proper support to engage with distance or hybrid learning.
- Create new or restructure existing space to ensure there is a physical location for all detained youth to participate in in-person instruction while also abiding by social distancing guidelines.
- Create new or restructure existing space for the provision of special education related services or other programming services that require a quiet space or confidentiality (such as counseling) to youth in juvenile detention.
- Designate specific re-entry liaison(s) to assist youth being released from juvenile detention facilities during the COVID-19 pandemic with re-enrollment in appropriate schools in their communities, including but not limited to their school of origin or local comprehensive school.
- Develop and implement policies/practices to reduce disproportionate enrollment of youth in foster care in alternative education settings, including continuation schools, county community schools, community day schools, credit recovery and independent study programs.
 - For example, create clear and consistent criteria for transfer recommendations that do not disproportionately impact foster youth (such as credit deficiencies); ensure that Education Rights Holders are presented with all information and options and consent to

transfer; ensure students are not automatically enrolled in alternative schools after congregate care or detention).

- Create capacity for foster youth education liaisons, McKinney-Vento Liaisons and other trained staff (including student workers) to contact and attempt to re-engage foster youth, youth in the juvenile justice system, and youth experiencing homelessness after one day's absence from distance learning.
- Develop and implement an Every Student Succeeds Act (ESSA) transportation plan for youth in foster care to their school of origin, including child welfare and probation agencies, other school districts as appropriate, and the County Office of Education Foster Youth Services Coordinating Program, and address the health and safety needs of the transportation options covered in the plan. The plan should be immediately implemented when youth begin to physically attend school, including if students with disabilities or other student cohorts attend school prior to a complete physical school reopening.
- Develop and implement an Every Student Succeeds Act (ESSA) school stability plan that ensures that foster youth and youth in the juvenile justice system are aware of their rights to remain in their schools of origin following a placement change, even in the time of virtual learning, and that accounts for technology support and transfers of equipment between districts as needed to facilitate this.
- Increase funding for the roles of the McKinney-Vento District Liaison and County Office of Education (COE) District Liaison. Existing funding for these staff is inadequate, and the recent increase in economic vulnerability of families will only increase this gap as more children and families experience homelessness.⁴
 - Ensure adequate funding for LEAs with small populations of youth experiencing homelessness to have a McKinney-Vento District Liaison. If this is not feasible, COEs with high populations of youth experiencing homelessness should allocate funding to increase capacity of the COE district liaison to support smaller districts located in the region, who may lack capacity.
- Establish flexible, emergency funding to help meet the immediate needs most identified by homeless student liaisons, which include: access to food, hygiene supplies, technology devices and internet access; housing, rental, and eviction prevention assistance, including safe quarantine solutions; support to achieve housing stability; and transportation and make available on a needs basis.

Pupil Learning Loss Strategies (Template, p. 4)

- Develop multiple strategies to address learning loss for all students to encompass distance learning, in-person learning and hybrid models, and specifically include strategies to address learning loss for students with disabilities, foster youth, youth in the juvenile justice system, and youth experiencing homelessness, including credit recovery programs, summer programming, after school programming, and academic intervention programming.
- Hire additional or reassign existing tutors and instructional aides for all foster youth, youth in the juvenile justice system, and youth experiencing homelessness. Ensure priority access to these resources for these students with unique needs.

⁴ For more information and detailed recommendations about the need for increased investments in McKinney-Vento District Liaisons, please see the California Homeless Youth Project and ACLU of California's 2019 Report *Serving Students Hidden in Plain Sight*, available at https://www.aclusocal.org/sites/default/files/homelessk12report_aclu_r4_digital.pdf.

- Establish and support community resource centers as spaces to support learning, structured to accommodate social distancing requirements, including school sites, parks and recreation sites, libraries and other community spaces.

Effectiveness of Implemented Pupil Learning Loss Strategies (Template, p. 4)

- Develop and implement a data system that: tracks and analyzes weekly rates of attendance during distance learning for foster youth, youth in the juvenile justice system, and youth experiencing homelessness and in other underserved student subgroups; publishes the data in a publicly available location; and allows school staff to identify and put in place reengagement strategies for students soon after they miss three days of distance learning.
- Create a data policy and infrastructure related to alternative education, including practices to:
 - determine baselines of what percentage of foster youth, youth in the juvenile justice system, and youth experiencing homelessness attend alternative schools in the district compared with their overall total percentage of enrollment in the district;
 - continuously evaluate the number of youth enrolled in alternative schools and from what referring sources, to ensure youth from congregate care/STRTPs and/or reentering from juvenile halls and camps are not disproportionately enrolled there;
 - track the duration of attendance;
 - track credits earned by youth in relationship to enrollment period (e.g., to determine whether youth are progressing within the program and earning all possible credits and ensure such credits are transferred back to their comprehensive schools; and
 - track rates of youth returning to local comprehensive schools.
- Create a data policy and infrastructure focused on foster youth and youth in the juvenile justice system, including practices to:
 - identify and designate each youth in the district’s student information system (SIS) (gain student consent for youth in the juvenile justice system);
 - track the number of youth remaining in their school of origin;
 - ensure all youth receive their partial credits; and
 - compare indicators such as testing scores, A-G completion, CTE participation, and graduation rates under district requirements for these youth to those of youth who are not foster youth or in the juvenile justice system.
- Establish written policy on how to measure and award partial credits, as applicable to foster youth, youth in the juvenile justice system, and youth experiencing homelessness, in alignment with district-wide policies on how to measure and award attendance, participation, grades and credits for all students; train staff on how to implement policies.
- Establish written policy on how to notify foster youth, youth in the juvenile justice system, and youth experiencing homelessness and their Education Rights Holders of the students’ eligibility for AB 216/167 and AB 1806 graduation procedures; train staff on how to implement policies.
- Establish Memoranda of Understanding with the child welfare agency to identify preschool-aged children in foster care living within the district to improve referrals and track successful and unsuccessful enrollment.

Mental Health and Social and Emotional Learning (Template, p. 4)

- Invest additional funding (including redirecting funding previously used for on-campus law enforcement such as police and school resource officers) in mental health assessments, services and partnerships, including:

- Hiring additional health and mental health professionals, including school counselors, social workers, nurses, and psychologists;
- Ensuring students (including infants and toddlers with disabilities) receive screenings and, when appropriate, referrals for individualized mental health services;
- Contracting with behavioral health agencies to provide increased mental health services on school campuses during the 2020-21 academic year; and
- Supporting School Based Mental Health Centers to provide well-child exams and visits, vaccines, and comprehensive screenings and interventions addressing trauma, mental health, substance use, and/or reproductive and sexual health.

Pupil and Family Engagement and Outreach (Template, p. 5)

- Create capacity for foster youth education liaisons, McKinney-Vento Liaisons and other trained staff (including student workers) to contact and attempt to re-engage foster youth, youth in the juvenile justice system, and youth experiencing homelessness after one day's absence from distance learning.

School Nutrition (Template, p. 5)

- Ensure families with students eligible for free and reduced-price meals are able to readily access meals and are effectively informed of opportunities to pick up meals during distance learning and in-person learning. Provide opportunities to pick up meals at times and locations convenient for essential workers.