



April 21, 2021

The Honorable Gavin Newsom
Governor
State Capitol

Linda Darling-Hammond
President
California State Board of Education

The Honorable Tony Thurmond
State Superintendent of Public Instruction
California Department of Education

The Honorable Nancy Skinner
Chair, Senate Committee on Budget and Fiscal Review
California State Senate

The Honorable Toni Atkins
President pro Tempore
California State Senate

The Honorable Phil Ting
Chair, Assembly Committee on Budget
California State Assembly

The Honorable Anthony Rendon
Speaker
California State Assembly

Via email only

Re: Supporting Foster Youth Education as part of post-pandemic recovery

Dear Governor Newsom, Superintendent Thurmond, and President Darling-Hammond:

Thank you for your commitment and prioritization of education during this incredibly trying time for students, families, and school staff. Our students in foster care are in dire need of bold action by state leadership to make critical investments in targeted and equitable strategies to improve learning and engagement in education post-pandemic. **To this end, we urge the state to set aside \$30 million of the funding made available to California through either the Elementary and Secondary School Emergency Relief Coronavirus Response Relief (ESSER II CRRSA) Act or the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) funds to support the education of students in foster care and direct these funds to activities and interventions that will improve their educational engagement, mitigate learning loss, and improve their social and emotional wellbeing.**

Tragically, for students in foster care, the COVID-19 pandemic and move to distance learning is exacerbating strained school engagement and learning disparities for students in foster care. While there isn't comprehensive data available to analyze the overall disengagement and learning loss due to the suspension of reporting requirements, we know that students in care are suffering due to the absence of suitable learning environments, lack of support from adults to navigate online learning, trauma, social isolation, and family stressors contribute to the burdens students are carrying. For example, a report out of LAUSD (the state's largest school district) showed that student engagement in distance learning for students that identified as foster youth or homeless youth peaked at 56% (of students who logged on at least once) from school closure in March 2020 until the end of the school

year compared to the general student population, which peaked at 84%¹. California has to act immediately and act boldly to ensure that the COVID-19 pandemic doesn't diminish the incremental progress we have made to support improved educational outcomes for the children that are under the care of California.

Prior to the pandemic, students in foster care lagged behind their non-foster care peers in all areas of academic outcomes. Students in care represented 46,810 of all students enrolled in K-12 California schools, and 90% of those students attended school across 13 counties in California.² According to the CDE Foster Youth Services Coordinating Program report published in July 2020, of the 2018-19 academic year educational outcomes³:

- 53.2% of students in foster care did not meet the ELA standards and 62.8% didn't meet the Mathematics standards,
- 15.1% of students in foster care experienced a school suspension compared to only 3.4% of their non-foster care peers,
- And 27.7% of students in foster care were chronically absent compared to only 12.1% of their non-foster care peers

Recognizing the lack of academic achievement among foster youth, the State made an important commitment to provide them the opportunities they need to succeed in school by including them as one of three subgroups of students in the local control funding formula. Students in foster care are included in the State's education accountability framework and LEA's are required to report in their Local Control Accountability Plans on their planning and expenditures that were principally directed and were effective in improving educational outcomes for students in foster care. And the State recognized the importance of the Foster Youth Services Coordinating Program by supplementing its funding. Though these interventions have begun moving the needle towards improved outcomes, these investments overall have not made much progress in closing the achievement gap.

To date, the State has *opted not to* target any specific amount of emergency funding to address the needs of students in foster care. ***Furthermore, there is also no evidence that LEA's have targeted any specific relief funding towards principally directed activities to students in foster care.*** Several organizations conducted a review of 48 Learning Continuity Plans ("LCP's" replaced the usual annual LCAP update for the 2020-21 academic year) adopted by school boards in September 2020 and found that many LEAs failed to adequately plan for and invest their CARES Act funding in targeted, effective interventions and supports for students in foster care. For example, only 36% of LCPs included any mention of students in care. Furthermore, the following concerning issues emerged from the review:

- Many LEAs failed to identify how students would be prioritized for in-person instruction based on significant learning loss, nor did they include specific plans for targeting students in foster care or other students with unique needs in plans for priority small cohort instruction (which was immediately allowable as per guidance from the CDE).
- At least 23% of plans reviewed included no mention of how supports would be targeted to specific student groups for social and emotional interventions, despite the existing knowledge of the exacerbated impact of the pandemic on high needs students, like those in foster care.
- Many LEA plans failed to mention how strategies for measuring and effectively addressing learning loss would differ for students in foster care, despite historic evidence of educational achievement gaps.

California has access to federal emergency funding to address the impact that COVID-19 continues to have on education. \$671 million is available to the state educational agency (SEA) for discretionary uses through the ESSER II CRRSA funds on permissible activities outlined in ESSER CARES Act funds, and additional uses, including: addressing learning loss, preparing schools for reopening, and testing, repairing, and upgrading projects

¹ Los Angeles Unified School District (2020). Student Engagement Online During School Facilities Closures: Ana Analysis of L.A. Unified Secondary Students' Schoology Activity from March 16 to May 22, 2020. [Accessed online September 2020.](#)

² California Department of Education. (July 2020). Report to the Governor, the Legislature, and the Legislative Analyst's Office: 2020 Foster Youth Services Coordinating Program Report. Student Achievement and Support Division Instruction and Measurement Branch. [Accessed online April 2021.](#)

³ IBID.

to improve air quality in school buildings. Additionally, the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) provides California's SEA \$1.5 billion for state level interventions. The State can fund activities and interventions that respond to the students' academic, social, and emotional needs to address the disproportionate impact of COVID-19 on underrepresented student subgroups, which include: students in foster care, students experiencing homelessness, major racial and ethnic groups, children in low-income families, children with disabilities, English learners, and migrant students. The State can ensure that the educational trajectories of students in foster care return to an upward trend by targeting a portion of the ESSERII CRRSA funds or ARP ESSER funds to activities and interventions that have a proven track record of success for students in care.

Recommendations

- 1. Set aside \$25 million in State ESSER II CRRSA or ARP ESSER funds for FYSCPs to provide direct education interventions to students in foster care through direct services or contracts coordinated by county offices of education (COE's).** The existing Foster Youth Services Coordinating Program (FYSCP) at CDE and within county offices of education have the existing infrastructure and capacity to coordinate direct services in partnership with LEA's or administer these contracts to community-based organizations (CBOs). Currently FYSCPs coordinate services with LEA's Foster Youth Liaisons (AB490 liaisons) and child welfare agencies to ensure effective identification and enrollment of students, but generally do not provide direct educational interventions. Most LEA's and school sites themselves do not have the internal capacity or expertise to close the educational achievement gap students in care face. As mentioned above, 90% of the students in foster care live in 13 counties, however, typically there aren't high concentrations of students in any specific school district or school site. Due to this fact, LEA's often do not concentrate limited funds specifically to students in care. Thus, by allowing COE's to provide direct services or contract with CBOs in collaboration with LEA's that span across school district lines, together they can provide educational interventions to students that will not be interrupted by potential placement or school changes. These interventions will address the acute short term unique needs of K-12 students in foster care, and will focus heavily on engagement, learning, and social and emotional well-being.
- 2. Adopt trailer bill language that provides guidance to FYSCP regarding the distribution of the \$25 million set aside funds.** Currently funding designated to the FYSCP program is mandated for use for coordination activities, and COE's are able to request a waiver to utilize funding for direct services. The trailer bill language should stipulate that ESSER II CRRSA or ARP ESSER II funding does not require a waiver and must only be utilized for direct services in partnership with LEA's or for contracts with CBOs. Interventions funded through this initiative will address the reengagement, learning recovery and the social and emotional needs of K12 students in foster care.
- 3. Set aside an additional \$5 million in state ESSER II CRRSA or ARP ESSER funds designated to FYSCP's to contract out to CBOs for the implementation of evidence based educational counseling and coaching to improve the postsecondary success for students in foster care.** The California Evidence-Based Clearinghouse for Child Welfare identifies educational interventions for children and adolescents in child welfare. According to the database there are at least 11 program models with promising practices or evidence informed practices to improving educational outcomes⁴. California is home to several organizations that are vision and mission aligned on academic engagement and have a proven track record of academic success for middle and high school aged students in foster care and high post-secondary college enrollment. The organizations often work in collaboration with LEA's and have integrated the evidence informed practices highlighted in the database, through high frequency and highly relational educational counseling and decades of experience improving their educational outcomes. For

⁴ The California Evidence-Based Clearinghouse for Child Welfare. [Accessed on April 13, 2021.](#)

example, in reviewing data from several leading organizations, they boast a high school graduation rate of 95% compared to 56% of foster youth statewide and 80% of high school completers enroll in post-secondary education compared to 70% of foster youth statewide.

- 4. Adopt trailer bill language that requires FYCSP's to contract out the \$5 million funding to CBOs that have demonstration experience providing educational counseling and coaching to improve the supporting the post-secondary success of students in care.** The trailer bill language should require that funding made available to FYCSP's through ESSER II CRRSA or ARP ESSER II funding does not require a waiver and must only be utilized for direct services through contracts with CBOs. Supporting a successful recovery from the pandemic for students in foster care requires intensive level interventions that are implemented through highly relational and high frequency touch points, and address education engagement and social and emotional well-being. Funding should be targeted to CBOs that have demonstrated experience implementing activities and interventions geared towards addressing the increased needs middle and high school aged students in foster care, with a demonstration track record of increasing educational outcomes and post-secondary transitions.

It is within the state's authority to direct ESSERII CRRSA or ARP ESSER III funds to students who are under the care of the states' child welfare system, and collaborative efforts are required to address the trauma, social isolation, and learning loss that students in care have faced in the wake of the pandemic. We appreciate your leadership in addressing the educational needs of children during this time, and your consideration of this recommendation. Please contact Jesse Hahnel, at Jhahnel@youthlaw.org, Amy Lemley at Amy@jbay.org or Lyndsey Collins Wilson, at Lyndsey.Wilson@firststar.org to discuss this proposal.

Sincerely,

Jesse Hahnel, Executive Director
National Center for Youth Law

Amy Lemley, Executive Director
John Burton Advocates for Youth

Lyndsey Collins Wilson, Chief Executive Officer
First Star

cc:

Ben Chida, Chief Deputy Cabinet Secretary
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