
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No:	AB 1962	Hearing Date:	June 6, 2018
Author:	Wood		
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Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Education finance: local control funding formula: unduplicated pupils: foster youth: dependent child of a tribal court.

SUMMARY

This bill changes the definition of “foster youth” for state funding and accountability purposes for local educational agencies (LEAs) under the Local Control Funding Formula (LCFF).

BACKGROUND

In 2013, the LCFF was enacted. The LCFF establishes per-pupil funding targets, with adjustments for different student grade levels, and includes supplemental funding for LEAs serving students who are low-income, English learners, or foster youth. The LCFF replaced almost all sources of state funding for LEAs, including most categorical programs, with general purpose funding including few spending restrictions.

In addition to creating a new funding formula, the 2013 LCFF legislation established new rules relating to school district transparency and accountability. Specifically, under the new rules, districts are required to adopt Local Control and Accountability Plans (LCAPs). Each LCAP must include a school district’s annual goals, including but not limited to, how services for students who are low-income, English learners, or foster youth will be increased in proportion to the additional funding these students generate.

For LCFF and LCAP purposes, “foster youth” is defined as any of the following:

- 1) A child who is the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code, whether or not the child has been removed from his or her home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.
- 2) A child who is the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code, has been removed from his or her home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code, and is in foster care as defined by subdivision (d) of Section 727.4 of the Welfare and Institutions Code.
- 3) A nonminor under the transition jurisdiction of the juvenile court, as described in Section 450 of the Welfare and Institutions Code, who satisfies all of the following criteria:

- a) He or she has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, and not more than 21 years of age, on or after January 1, 2014, and as described in Section 10103.5 of the Welfare and Institutions Code.
- b) He or she is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 of the Welfare and Institutions Code.
- c) He or she is participating in a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403 of the Welfare and Institutions Code.

ANALYSIS

This bill changes the definition of “foster youth” for state funding and accountability purposes by adding the following, effective no later than the 2020-21 fiscal year:

- 1) A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court’s jurisdiction in accordance with the tribe’s law, provided that the child would also meet one of the descriptions in Section 300 of the Welfare and Institutions Code describing when a child may be adjudged a dependent child of the juvenile court.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “some districts enroll students who have been designated as foster youth by a tribal organization pursuant to its sovereign authority under federal law, and not by the county system. Existing law includes within the definition of foster youth non-minors that have been so designated by an Indian tribe, consortium of tribes, or tribal organization, but this excludes students under 18 years of age. Accordingly, these students are not included within the LCFF and do not generate the additional funding that all other foster youth do unless they are also low income.”
- 2) ***Components of the Local Control Funding Formula (LCFF).*** School districts receive the bulk of their funding under the LCFF based on average daily attendance in four grade spans, with each grade span having a unique base rate. Each year, the base rates are increased by a cost-of-living adjustment. The K-3 and high school base rates are further increased to recognize the costs associated with class size reduction in the very early grades and career technical education offerings in high school. The differences among the grade span rates are largely based on historical funding factors, and are intended to recognize the generally higher costs of education at higher grade levels.

The Local Control Funding Formula (LCFF) provides additional funds for particular student groups. Under the formula, each English-learning, low-income, and foster youth student in a district generates an additional 20 percent of the qualifying student's grade span base rate. Districts whose English-learning, low-income, and foster youth student populations exceed 55 percent of their enrollment receive an additional 50 percent of the adjusted base grant for each student above the 55 percent threshold. For the purposes of generating supplemental and concentration funding, a district's student count is based on a three-year rolling average, and students that meet more than one category (e.g. low-income and foster youth) are counted only once.

- 3) ***Accountability and transparency provisions related to foster youth.*** In addition to creating a new funding formula, the 2013 LCFF legislation established new rules relating to school district transparency and accountability. Specifically, under the new rules, districts are required to adopt Local Control and Accountability Plans (LCAPs). Each LCAP must include a school district's annual goals in each of the eight state priority areas, which are intended to encompass the key ingredients of high-quality educational programs. The LCAPs must include both district-wide goals and goals for each numerically significant student subgroup in the district. To be numerically significant, a district must have at least 30 students in a subgroup, with the exception of foster youth, for which districts must have at least 15 students. Further, LCAPs must cover how services for students who are low-income, English learners, or foster youth will be increased in proportion to the additional funding these students generate.
- 4) ***Foster youth designations by tribal organizations.*** As the author states, some districts enroll students who have been designated as foster youth by a tribal organization pursuant to its sovereign authority under federal law. These students are not recognized by state law as foster youth for the purposes of LCFF. Consequently, these students only generate additional funding for districts if they are low-income or English-learners. While the vast majority of tribal foster students are low income, there have been cases in which the paperwork necessary to certify low-income status was not completed. The often shorter-term and transitory nature of foster student placements can make paperwork collection difficult, which was the intent of including all other foster youth designations in the original LCFF legislation.

SUPPORT

California Tribal Business Alliance
Klamath-Trinity Joint Unified School District
Rincon Band of Luiseño Indians
Small School Districts' Association
Yurok Tribe

OPPOSITION

None received

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