

March 17, 2004

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina, Chair Pro Tem
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David Sanders, Ph.D.
Director

J. Tyler McCauley
Auditor-Controller

NOVEMBER 25, 2003 BOARD AGENDA ITEM #32B RE: NON-PUBLIC SCHOOLS

On November 25, 2003, after hearing testimony from the Department of Children and Family Services (DCFS), the Children's Law Center, and other stakeholders, your Board directed the development of new policies and procedures for improving educational outcomes for children attending non-public schools (NPS); and directed the following:

- 1. The Director of Department of Children and Family Services and the Children's Law Center will develop performance measures to assure that social workers, group home providers and caregivers better address the educational needs of foster youth.**

The recommended performance measures for Children's Social Workers (CSW), group home providers and caregivers to better address the educational needs of foster youth are as follows:

- To maintain the child in his/her school of origin until the end of the academic year or enroll the child within three days in the local school district, if the person holding the educational rights for the child decides to waive the right to continue in the school of origin;

- To monitor for regular school attendance, academic progress and encourage participation in supplemental education and extra-curricular activities;
 - To provide tutors, volunteers, or staff with the necessary skills to monitor and assist with homework including computers in good operating condition for use by the children.
 - To arrange for tutoring for children whose reading skills are below grade level through the school district or free services in the community; and
 - To maintain the Health and Education Passport.
2. **Los Angeles County Office of Education, Chief Administrative Office, Probation Department and Department of Children and Family Services, in collaboration with the Children's Law Center:**
- a) **shall seek and support legislative reforms to establish monitoring, oversight and performance measures for NPS related to curriculum, quality of teachers in the classroom and fiscal responsibility, and;**
 - b) **shall explore the feasibility of using the Sybil Brand Commission or other oversight entity to conduct monthly inspections of the NPS affiliated with group homes.**

Los Angeles County Office of Education (LACOE) has neither statutory responsibility over non-public schools or over their curriculum or quality of teachers. This is the responsibility of the California State Department of Education (CDE). LACOE is working closely with the Children's Law Center in the implementation of AB 490. Information regarding the requirements of AB 490 has been sent to all school districts and we are now in the process of identifying foster youth liaisons for each school district.

3. **Auditor-Controller, State Attorney General and the District Attorney to investigate the non-public schools featured in the KCBS report for potential misuse of public funds.**

Numbers 3 and 4 are reported together below.

4. **Auditor-controller and the Director to Children and Family Services to evaluate the non-public schools affiliated with group homes and report back quarterly to the Board in regards to any violations of the law, misuse of funds or improper practices.**

The CDE certifies NPS that meet certain minimum requirements. Local Education Agencies (LEAs), such as local school districts, contract with State-certified NPS and refer students. Neither the CDE nor Los Angeles Unified School District (LAUSD), an example of a LEA, conducts fiscal audits of the non-public schools. The CDE performs on-site monitoring reviews of the NPS' education services at least once every four years. In addition, LAUSD performs contract compliance reviews once every four years in conjunction with the CDE reviews. LAUSD also reviews NPS invoicing and billing as it determines necessary.

The Department of Children and Family Services does not contract with the NPS and because of this, neither DCFS nor the County Auditor-Controller has jurisdiction to conduct fiscal audits to identify misuse of public funds. However, DCFS will bring the matter to the newly formed Education Coordinating Council to explore the possibilities with the LEAs in the County of amending their contracts with NPS to give the LEA the right to conduct fiscal audits of the NPS. The purpose of these fiscal audits would be to ensure the NPS is appropriately accounting for and spending funds on allowable and reasonable expenditures in providing education services to children and to ensure compliance with applicable Federal, State and County fiscal guidelines.

Regarding the specific schools cited in the KCBS news report, the District Attorney stated that upon receipt of a prosecution request from a law enforcement agency, the matter would be reviewed for criminal prosecution.

In addition, DCFS believes the above detailed operating procedures and performance measures for the CSWs and the group home providers will provide the necessary educational oversight for the group homes and any affiliated NPS attended by DCFS children.

In lieu of the Auditor-Controller and DCFS reporting quarterly on violations of the law, misuse of funds, or improper practices by the NPS, DCFS will report quarterly on the status of the Education Coordinating Council's efforts toward recommending that the local education agencies conduct fiscal audits on non-public schools with whom they have contractual agreements.

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If you have any questions, please call me or your staff may contact Helen Berberian, Manager, Board Relations Section at (213) 351-5530.

DS:JTM:PVF
PM:pm

c: Chief Administrative Office
County Counsel
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