

Blueprint for Change

Education Success for
Children in Foster Care

SECOND EDITION



This is a product of the Legal Center for Foster Care and Education, a collaboration between Casey Family Programs and the ABA Center on Children and the Law, in conjunction with the Education Law Center-PA and the Juvenile Law Center.

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Blueprint for Change

Education Success for Children in Foster Care

Who We Are

The Legal Center for Foster Care and Education (Legal Center FCE) seeks to enhance educational opportunities and student achievement for children in foster care. The Legal Center FCE serves as a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in out-of-home care. The Legal Center FCE provides expertise to states and constituents, facilitates networking to advance promising practices and reforms, and provides technical assistance and training to respond to the ever-growing demands for legal support and guidance.

The Legal Center FCE supports both *direct education advocacy efforts* as well as *system reform initiatives* for children in foster care, by promoting federal, state, and local law, policies, and programs that address the education needs of this population.

About This Publication

The Legal Center for Foster Care and Education published the first edition of the *Blueprint for Change: Education Success for Children in Foster Care* in December 2007. Since that time, the Legal Center FCE has built on the existing framework, and has developed products and provided training and technical assistance to promote these issues and assist advocates and system reformers.

The idea for the *Blueprint for Change* originated among members of the National Working Group for Foster Care and Education, a group comprised of national organizations that represent various stakeholders (foster parents, judges, caseworkers, etc.), who can have an impact on a child's education success while in out-of-home care. These organizations wanted to create a common agenda for all stakeholders which could then be tailored to a specific group's needs. The Legal Center FCE spent a year creating this framework. In putting it together, the Legal Center FCE gathered input from advocates and professionals from around the country, including the members of the National Working Group.

The *Blueprint for Change* sets forth 8 **Goals**, as well as specific, correlating **Benchmarks** for each **Goal** that would indicate progress toward achieving education success for children in out-of-home care. The **Goals** address the global issues that challenge the education success for

children in out-of-home care. The **Benchmarks** are the more specific and concrete elements of the broader goal.

Following each **Goal** are **National, State, and Local Examples** of policies, practices, programs, and resources that exist to improve educational outcomes for children in foster care. Each example is coded to reflect which of the Goals and Benchmarks are addressed. Since the publica-

tion of the first edition of the *Blueprint*, the Legal Center FCE has continued to collect **National, State, and Local Examples**. This Second Edition of the *Blueprint* contains these additional **Examples** following each **Goal**.

This Second Edition of the *Blueprint* contains a new feature; an "All Goals" section following the Introduction (See page iii). This is a collection of **National, State, and Local Examples** that pertain to every (or almost every) goal. Specifically, each of these **Examples** is a policy, practice, or program that supports the overarching themes and message of the *Blueprint for Change* as a whole.

Since the first edition of the *Blueprint*, the Legal Center FCE has developed a series of tools to support the framework of the *Blueprint*. For example, the Legal Center FCE has released a series of factsheets and articles about special education decision making for children in out-of-home care. Also, the Legal Center FCE developed a series of factsheets related to education stability and continuity (**Goals 1 and 2**). These factsheets are targeted for specific stakeholders:

children's attorneys, judges, educators, and caseworkers. Each of these series, as well as all other publications developed by the Legal Center FCE, are included as **State, Local, and National Examples** in this Second Edition of the *Blueprint* under the appropriate **Goals** and are available on the Legal Center FCE website at www.abanet.org/child/education.

How To Use This Publication

The *Blueprint for Change* is a tool for change. The **Goals** and **Benchmarks** are a framework for both direct case advocacy and system reform efforts.

Direct case advocacy. The *Blueprint* can be used as a checklist or guide by advocates for children and youth to ensure that all education issues are being addressed. The *Blueprint Examples* contain ideas for legal arguments and strategies to use to achieve the best education outcomes for a particular child or youth.

“
Change is about
focusing all of
your energy
not on fighting
the old, but
on building
the new.
”

S O C R A T E S

System reform. The **Goals** and **Benchmarks** can be used in numerous ways to spur broader system reform. The *Blueprint* can be used to accomplish the following:

- Begin conversations among various stakeholder groups;
- Assess a state or jurisdiction's attention to the issue of education needs for children in out-of-home care;
- Create a template for an action plan for change;
- Identify what data needs to be collected to measure outcomes;
- Begin or enhance existing conversations about cross-system collaboration and information sharing;
- Structure components of curriculum development or training modules; and
- Inform a legislative agenda.

The *Blueprint for Change* is designed to be a tool for all stakeholders (including youth, parents, foster parents and other caregivers, lawyers, judges, caseworkers, teachers and other school staff, child welfare and education system administrators, state agencies, and policymakers). Stakeholders can use the framework of this *Blueprint for Change* to identify what they can do to promote educational success for youth in foster care in their jurisdictions.

General Information About The 8 Goals

The 8 **Goals** identified are written from a youth's perspective, as a constant reminder that the work we do always remains focused on the children and youth we serve.

We have chosen not to identify youth with disabilities in a separate goal, but instead have addressed unique issues for children with disabilities in **Benchmarks** under each of the 8 **Goals**. While all **Goals** and **Benchmarks** are relevant to children in out-of-home care with disabilities, the **Benchmarks** identified at the end of each **Goal** specifically addressing disability issues apply only to youth in out-of-home care with disabilities.

Specific Information About The 8 Goals

- GOAL 1** addresses the efforts needed to keep children in out-of-home care from having to change schools.
- GOAL 2** addresses the efforts needed to make school changes, when they do happen, as least disruptive as possible, including additional supports needed to successfully complete the transition.
- GOAL 3** focuses on young children, who we define as children from birth through age five.

GOAL 4 is not about mobility issues for children in foster care, but about all other education issues they face, even if they are maintained in a consistent, stable placement. The goal encompasses both issues of discrimination (youth in out-of-home care not being treated equally to other students) and the need for additional supports.

GOAL 5 combines school discipline, dropout, and truancy -- three distinct issues -- under one goal. While there is overlap across these issues, they are combined in one to simplify the document, not to imply that they are the same issue.

GOAL 6 addresses youth involvement and engagement, and includes the issue of participation in court proceedings. While the reason for youth participation in court is for purposes beyond education, the presence of youth in court can bring education issues to the forefront of court proceedings.

GOAL 7 addresses both education advocates (one person or several people who can stand up for the child, speak on their behalf, and mentor and guide them in their education goals and pursuits) and legal education decision makers (individual or individuals who have the legal authority to make education decisions).

GOAL 8 addresses postsecondary education pursuits, and includes the important issue of continuing child welfare and court involvement for youth over 18. While extending jurisdiction for youth over 18 is important for many reasons, education pursuits are a critical part of this bigger issue.

EDUCATION GOALS FOR YOUTH IN OUT-OF-HOME CARE

- 1 Youth Are Entitled to Remain in Their Same School When Feasible
- 2 Youth Are Guaranteed Seamless Transitions Between Schools and School Districts When School Moves Occur
- 3 Young Children Enter School Ready to Learn
- 4 Youth Have the Opportunity and Support to Fully Participate in All Aspects of the School Experience
- 5 Youth Have Supports to Prevent School Dropout, Truancy, and Disciplinary Actions
- 6 Youth Are Involved and Engaged in All Aspects of Their Education and Educational Planning and Are Empowered to Be Advocates for Their Education Needs and Pursuits
- 7 Youth Have An Adult Who Is Invested in His or Her Education During and After His or Her Time in Out-Of-Home Care
- 8 Youth Have Supports to Enter into, and Complete, Postsecondary Education

All Goals

National Examples

To ensure successful educational outcomes for children and youth in foster care across the country, under the leadership of Casey Family Programs, 12 organizations have joined together as the **National Working Group on Foster Care and Education**. The working group heightens national awareness of the educational needs of children and youth in care, and promotes best and promising practices and reforms across educational, child welfare, and juvenile and family court systems. For more information about the National Working Group, including a list of the partner organizations, visit <http://www.casey.org/FriendsAndFamilies/Partners/NWGFCE/>. The working group has developed a brochure, **Foster Care and Education**, that outlines the mission of the working group and the educational advocacy resources from each organization. The brochure can be found at <http://www.abanet.org/child/education/NationalEducationBrochure.pdf>. Finally, the working group has developed a data sheet, **Educational Outcomes for Children and Youth in Foster and Out-of-Home Care**, that compiles all current research related to the education needs of children in foster care. As this research summary reveals, young people in foster care are in educational crisis. Although data are limited, particularly national data, research makes it clear that serious issues must be addressed to ensure the educational success of children and youth in foster care. To access the data sheet, go to <http://www.abanet.org/child/education/National%5fEdFactSheet%5f2008.pdf>.

A law enacted in October 2008 highlights the responsibility of child welfare agencies to collaborate with schools to provide for the education stability, as well as appropriate attendance and placement, of children in out-of-home care. The education provisions of the **Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)** seek to promote education stability for children in foster care. Child welfare agencies must include “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. The agency must assure that the child’s placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled. If remaining in the school is not in the best interests of the child, the case plan must provide immediate and appropriate enrollment in a new school and provide all of the child’s educational records to the school. In addition to the education stability provisions of the law, there is a new requirement that child welfare agencies make assurances in their state plans that IV-E eligible children are enrolled in and attending school. Additionally, there is a required transition plan for all youth prior to exiting care that must address specific independent living factors, including education plans. Furthermore, the Act extends Education Training Vouchers (ETVs) and Independent Living Services for youth in out-of-home care in certain circumstances and allow states to continue providing payments for youth over 18 who continue in a training or education program. For more information, see **Q & A: Fostering Connections to Success and Increasing Adoptions Act of 2008 – Education Provisions** at http://www.abanet.org/child/education/QA_10_HR_6893_FINAL.pdf.

ALL GOALS

ALL GOALS; GOAL 1;
GOAL 2; GOAL 4;
GOAL 6; GOAL 8

Solving the Data Puzzle: A How-To Guide on Collecting and Sharing Information to Improve Education Outcomes for Children in Out-of-Home Care is a guide created by the Legal Center for Foster Care and Education to provide a roadmap to state or local-level data collection and information sharing efforts. The **Education Agency Self-Assessment Tool** and the **Child Welfare Agency Self-Assessment Tool** provide simple checklists to guide each agency through goal setting and assessing the agency's capacity to collect and share information. These tools are designed for agencies to use on their own or as a first step in a collaborative process. Because the most effective data collection efforts require collaboration between both agencies, the **Child Welfare and Education Collaborative Tool** guides both agencies through the joint process of developing an effective collaboration for data collection and information sharing. The guide also includes a **Technical Manual**, which provides details on relevant laws and policy considerations, as well as examples from the many jurisdictions around the country engaging in this exciting work. To download this document visit www.abanet.org/child/education/publications/dataexchange.

To help address and improve educational outcomes for youth in care, Casey Family Programs developed the **Endless Dreams** video and training curriculum. These practice-oriented tools were designed to support educational advocates, education specialists, education liaisons, CASA volunteers, child welfare professionals, and others that assist youth in care with their educational needs. For more information, see <http://www.casey.org/Resources/Publications/EndlessDreams.htm>.

A Road Map for Learning: Improving Educational Outcomes in Foster Care is a framework from Casey Family Programs that provides eleven key strategies designed to improve education for children and youth in foster care. Examples include achieving placement stability and transfer of accurate records; ensuring youth are both literate and prepared for postsecondary education; and promoting policies that support education. To download a copy, visit http://www.casey.org/nr/rdonlyres/fd072ca4-864b-4ae3-8134-d59841fc4508/669/roadmap_web.pdf.

In School, the Right School, Finish School: A Guide to Improving Educational Opportunities for Court-Involved Youth is an educational advocacy manual developed by the National Children's Law Network (NCLN). It is part of an effort to increase the ability of professionals in the court system—lawyers, social workers, probation officers, judges—to become effective educational advocates for the children they serve. For every child, in every case, at every hearing, the children need us to be asking the right questions—Is the child in school? Is it the right school? And with the services he has can he finish school? —and to be pushing for change if the answers are not satisfactory. To download the manual, visit <http://www.justice4all.org/files/NCLN%20Manual%2006-1-07.pdf>.

The National Council of Juvenile and Family Court Judges created a judicial checklist, **Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed**. This Checklist outlines an array of questions that may be asked in a courtroom regarding the educational needs of children and youth in foster care. It contains specific questions for an initial hearing that could lead to improved school continuity. The checklist can be adapted by individual states and jurisdictions to reflect state law and local practice. It is available at <http://www.abanet.org/child/education/NCJFCJChceklist.pdf>.

ALL GOALS

ALL GOALS; GOAL 4

ALL GOALS

ALL GOALS

ALL GOALS; GOAL 1;
GOAL 2; GOAL 6

The New York State Permanent Judicial Commission on Justice for Children has developed a comprehensive checklist for use by judges, advocates, and child welfare professionals when considering the education of children in foster care. This publication, **Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals**, contains ten basic questions to focus on a child's educational needs and integrate those needs within permanency planning and review. It covers the educational and medical needs of children in foster care, special education issues, and information on educational decision making. This checklist can be found at <http://www.nycourts.gov/ip/justiceforchildren/PDF/EducationalNeeds.pdf>.

Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care answers common questions by individuals involved with the child welfare system, including judges, children's attorneys, parents, foster parents, youth, caseworkers, and court appointed special advocates (CASAs). This publication (1) provides context and explains why there is a need to address the education needs of children in foster care; (2) debunks myths about confidentiality and decision making; (3) explains the federal laws that affect confidentiality of education records and decision making; and (4) suggests strategies to overcome confidentiality and decision-making hurdles when addressing the needs of children in foster care. It is available online and contains interactive functions, including links between sections and to additional outside resources. To access the online version, see <http://www.abanet.org/child/education/mythbusting2.pdf>.

Learning Curves: Education Advocacy for Children in Foster Care, a book from the ABA Center on Children and the Law, covers such topics as creative approaches to address education barriers for children in foster care and special education process. It contains practice tips, psychological tests, education advocacy resources, and excerpts from key federal laws and regulations. To order a copy of the book, visit <http://www.abanet.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=5490441>.

The Child Welfare League of America (CWLA) offers an innovative program to support foster and adoptive families: **Parent Resources for Information, Development, and Education (PRIDE)**. PRIDE is designed to strengthen the quality of family foster care and adoption services by providing a standardized, consistent, structured framework for the competency-based recruitment, preparation, and selection of foster and adoptive parents, and for foster parent inservice training and ongoing professional development. In 2007, a new module to the PRIDE curriculum was released focusing on education advocacy. For more information, see <http://www.cwla.org/programs/trieschman/pride.htm>.

The **Educational Advocacy Curriculum**, written by the National Foster Parent Association, encourages and prepares foster parents to become educational advocates for the children and youth in their care. The curriculum is also useful for social workers. Emphasis is placed on learning the leadership skills essential to effectively advocate for the educational rights of youth with special needs according to federal, state, and local mandates and laws. Participants prepare for educational advocacy by understanding what "advocacy" means, why it is so important to foster youth, and how a foster parent can become the "education decision maker or advocate." They will also become familiar with the foster youth's rights and various statutes and legislation, including the Individuals with Disabilities Act (IDEA) and § 504 Rehabilitation Act. They will learn to participate in the Individualized Education Program (IEP) process and learn special education terms relating to the IEP. The curriculum can be downloaded at www.nfpainc.org.

ALL GOALS

ALL GOALS; GOAL 2;
GOAL 4; GOAL 7

ALL GOALS

ALL GOALS; GOAL 7

ALL GOALS; GOAL 7

The **National Foster Youth Advisory Council** issued a policy statement addressing the needs of children and youth in foster care and providing recommendations for improving educational outcomes. Identified needs include the following: educational stability; immediate enrollment when a transfer is necessary (including transfer of credits and continuity of records); creating a circle of support for youth; providing access to information and resources; demonstrating flexibility with educational planning; and providing financial assistance for postsecondary education. Recommendations for improving educational outcomes center on preparing children in foster care to be self sufficient, contributing members of society able to make choices in a stable, supportive, and positive environment. This statement, **Promoting Educational Success for Young People in Foster Care**, can be found at www.fyi3.com/fyi3/Involved/yb/pdfs/educationStatement.pdf.

ALL GOALS; GOAL 1;
GOAL 2

IDEA 2004: Nuts & Bolts of Homeless and Foster Care/Ward of the State Provisions was prepared by the National Association for the Education of Homeless Children and Youth (NAEHCY) and the ABA Center on Children and the Law. This document summarizes the IDEA provisions pertinent to both foster care and homeless youth. These provisions include a definition of homeless children to include any children or youth considered homeless under McKinney-Vento. It also includes a new definition of parent and “ward of the state.” This document is available at www.naehcy.org/dl/h_f_amend.doc.

ALL GOALS

The National Conference of State Legislators, through the Children’s Policy Initiative, published **Educating Children in Foster Care**. This report provides a brief overview of the educational needs of children in the child welfare system, background about the academic performance of children in foster care, major systemic obstacles to these children’s success, and what the CFSRs are saying about state performance. The report also addresses the need for additional assistance for youth in postsecondary education, and can be found at http://www.abanet.org/abanet/child/education/open_file.cfm?id=49.

ALL GOALS

The **Court Appointed Special Advocate (CASA)** program trains volunteers to advocate for a child in court and in school to ensure a child’s appropriate placement and participation in school activities. To learn more about CASA in your jurisdiction, visit the National CASA website at www.nationalcasa.org. National CASA has also developed an online education advocacy curriculum, **Education and Youth in Out-of-Home Care, an E-Learning Module**. This e-learning curriculum helps volunteer CASAs/GALs and program staff support the educational rights and needs of children and youth in foster care. For more information, please email staff@nationalcasa.org.

ALL GOALS; GOAL 7

The Heritage Foundation developed an issue brief, **Foster Care Children Need Better Educational Opportunities**. This brief examines the issues contributing to poor education outcomes for youth in care and outlines recommendations for reform and education advocacy. The issue brief addresses the negative impact of school instability and encourages keeping children’s school placements stable. It also considers the need for better special education services for these children. The brief can be found at <http://www.heritage.org/Research/Education/bg2039.cfm>.

ALL GOALS; GOAL 1;
GOAL 4; GOAL 6;
GOAL 7; GOAL 8

Published by the Youth Law Center, **Getting Out of the Red Zone** is a result of a series of focus groups that included youth who had been in the juvenile justice and/or child welfare system, parents, and foster parents. The report’s purpose is to identify educational barriers and consider pragmatic approaches to improving their educational experience from elementary school through college. For more information, see <http://www.ylc.org/pdfs/GettingOutoftheRedZone.pdf>.

ALL GOALS

State and Local Examples

ARIZONA

Pima County Juvenile Court is bringing education issues to the forefront. The publication chronicling these reforms, **Court-Based Education Efforts for Children in Foster Care**, offers suggestions to other jurisdictions that want to design and implement their own reform initiatives. Specifically, this document (1) outlines the need to focus on the education of children and youth in foster care; (2) provides an overview of the Pima County Juvenile Court; (3) describes the education reform efforts in Pima County; (4) discusses the impact of these efforts on court practice; (5) offers implementation lessons learned and strategies for success; and (6) identifies next steps and a vision for future reform efforts. For more information, see <http://www.casey.org/Resources/Publications/pima.htm>.

ALL GOALS; GOAL 1;
GOAL 2; GOAL 4; GOAL 5
GOAL 7; GOAL 8

CALIFORNIA

In 2004, California enacted a comprehensive law, **Assembly Bill 490 (AB 490)**, designed to improve education outcomes for children in out-of-home care. The Youth Law Center in California has developed a number of training and technical assistance materials about the law, including a one page factsheet outlining the provisions of the law. To access the factsheet and other materials, visit their website at www.ylc.org. Specifically, **AB 490** imposes new duties and rights related to the education of dependents and wards in foster care:

- Establishes legislative intent that foster youth are ensured access to the **same opportunities** to meet the academic achievement standards to which all students are held, maintain stable school placements, be placed in the least restrictive educational placement, and have access to the same academic resources, services and extracurricular and enrichment activities as all other children.
- Makes clear that **education and school placement decisions** are to be dictated by the **best interests** of the child.
- Creates **school stability** for foster children by allowing them to remain in their school of origin for the duration of the school year when their **placement changes** and remaining in the same school is in the child's best interests.
- Requires Local Educational Agencies (LEAs) to designate a staff person as a **foster care education liaison** to ensure proper placement, transfer, and enrollment in school for foster youth.
- Makes LEAs and county social workers or probation officers jointly responsible for the **timely transfer of students** and their **records** when a school change occurs.
- Allows a foster child to be **immediately enrolled** in school even if all typical enrollment requirements have not been met.
- Requires school districts to calculate and accept **credit for full or partial course-work** satisfactorily completed by the student and earned while attending a public school, juvenile court school, or non-public, nonsectarian school.
- Authorizes the **release of educational records** of foster youth to the county placing agency, for purpose of compliance with WIC 16010, case management responsibilities required by the Juvenile Court or law, or to assist with transfer or enrollment of a pupil.
- Ensures that foster youth will not be penalized for **absences** due to placement changes, court appearances, or related court-ordered activities.

ALL GOALS; GOAL 1;
GOAL 4; GOAL 5;
GOAL 7

A checklist used in California is designed to assist the court and other interested persons who have responsibility for children's educational outcomes. It offers key questions (with accompanying citations) that must be considered for every child. The checklist, **Every Child, Every Hearing**, is available at <http://www.abanet.org/child/education/CAWellBeingChecklist.pdf>.

ALL GOALS

California's **Foster Youth Services (FYS) Program**, based in the state Department of Education, provides grants to counties to develop local, coordinated approaches to public education for youth in group homes. The intent of the FYS Program is to make services available to every group home resident between the ages of 4 and 21. Local FYS initiatives bring together courts, child welfare agencies, schools, probation agencies, and other service providers to provide a wide array of education-related services to foster children, including educational assessments, tutoring, mentoring, counseling, advocacy, and facilitation of information sharing and records transfers. San Diego County's FYS program, for example, has the following components: (1) FYS Advisory Committee, consisting of representatives from school districts, the county child welfare and probation agencies, the public defender's office, advocacy groups, and group homes; (2) FYS Network, a process of communication and records transfer among numerous agencies that have entered into an interagency agreement that is facilitated by a court order authorizing release of juvenile records; and (3) FYS Information System, a countywide database that contains placement, demographic, and health and education records for foster youth residing in group homes. To learn more about Foster Youth Services in San Diego, visit their website at www.sdcoe.net/spp/support/fys/?loc=home.

ALL GOALS; GOAL 4

IDAHO

Idaho developed an **Educational Needs Checklist** with special focus on school stability, advocacy, special education and services under § 504, and transitioning and independent living plans. The checklist can be reviewed at <http://www.abanet.org/child/education/IdahoEducationalNeedsChecklist.pdf>.

ALL GOALS

NEW YORK

Advocates for Children created **Project Achieve** to ensure that children in or at risk of placement in foster care receive access to appropriate educational services. This program employs three key strategies: (1) providing individual case assistance and advocacy to all clients of a child welfare agency who are identified as having unmet education-related needs; (2) building the capacity of agency service staff, caseworkers, and supervisors to help them identify and solve routine school-related issues; and (3) empowering and educating birth and foster parents and, where appropriate, young people, to navigate the New York City Department of Education and other agencies, and to be actively involved in educational planning and progress. The **Project Achieve** model was first piloted at Louise Wise Services (LWS), a private preventive services and foster care agency in New York City. The child welfare agency is currently replicating the project at two other foster care and preventive services agencies in New York City. Additional information about **Project Achieve** can be found at <http://www.advocatesforchildren.org/pubs/ProjectAchievefinal.doc>.

ALL GOALS; GOAL 6

OHIO

Lucas County developed the **School Status Bench Card** to help judges ask questions of GALs and caseworkers about the education status of youth in care. It is designed for children in grades kindergarten through high school, and includes sections to be completed according to the child's developmental level. The **School Status Bench Card** is available at <http://www.abanet.org/child/education/Ohio.pdf>.

ALL GOALS; GOAL 1;
GOAL 4

WASHINGTON

TeamChild's **Education Advocacy Program** provides legal representation to teens referred to their program for special education, school discipline, enrollment issues, and truancy problems. By providing a legal advocate for youth in these circumstances, there is someone to challenge allegations made against the youth, and also to impact the sanctions that are applied if the youth is found to have been involved in a violation of the school code of conduct. Additionally, legal advocates for youth in care can work with the school on developing good reentry plans and increasing the likelihood of a successful reentry into the regular school setting once the disciplinary period has ended.

TeamChild's **Washington State Education Advocacy Manual** summarizes state law around suspensions and expulsions, and offers tips for advocates on how to handle disciplinary cases. TeamChild also created the **Toolkit for Change: Starting an Education Advocacy Project in Your State**. In addition to providing guidance on starting an education advocacy project, the toolkit includes steps for adapting the **Washington State Education Advocacy Manual** to another state's law and policies. To get more information or to order a Toolkit for Change, contact questions@teamchild.org or (206) 381-1741. The **Education Advocacy Manual** can be downloaded from the TeamChild website at www.teamchild.org.

ALL GOALS; GOAL 5

ALL GOALS; GOAL 5;
GOAL 6



GOAL 1

Youth Are Entitled to Remain in Their Same School When Feasible

- Of more than 1,000 foster care alumni surveyed in a Casey Family Programs national study, 68% attended 3 or more elementary schools; 33% attended 5 or more.
- In Chapin Hall's 2004 study of almost 16,000 Chicago youth, over two-thirds switched schools shortly after placement.

adapted from National Working Group on Foster Care and Education, Educational Outcomes for Youth in Foster and Out-of-Home Care (September 2007).

Youth in out-of-home care live, on average, in two to three different places each year. When youth move, they often are forced to change schools. Studies indicate that frequent school changes negatively affect students' educational growth and graduation rates. Youth in care are entitled to educational stability, and efforts must be made to keep them in their same school whenever possible. School may be the one place the youth has had (and can continue to have) consistency and continuity.

BENCHMARKS THAT SHOW PROGRESS TOWARD THIS GOAL

- | | |
|--|--|
| 1-A Youth's foster care placement decisions take school stability into account, and school stability is a priority whenever possible and in the child's best interests. | 1-D Youth are entitled to necessary transportation to their school of origin, with responsibilities clearly designated for transportation costs. |
| 1-B Youth have sufficient foster home and permanent living options available in their home communities to reduce the need for school moves. | 1-E Youth have necessary support and information to make school of origin decisions; youth, birth parents, caseworkers, foster parents, courts, attorneys, schools, and educators are trained about legal entitlements and appeal and dispute procedures. |
| 1-C When in their best interests, youth have a legal right to remain in the same school (school of origin) even when they move outside the school district, and schools that retain children are not financially penalized. | 1-F Youth with disabilities continue in an appropriate education setting, regardless of changes in foster care placements, and transportation is provided in accordance with the youth's Individualized Education Program (IEP). |

National Examples

BENCHMARKS

The **McKinney-Vento Act** guarantees youth who are homeless, including all those lacking a “fixed, regular, and adequate nighttime residence” and those “awaiting foster care placement,” the right to remain in their original school when they must change living arrangements, transportation to their schools, and school-based liaisons to help them navigate the education system. When determinations to remain in their school of origin are made for McKinney-eligible children, these decisions apply for “the duration of homelessness” or for “the remainder of the academic year.” *42 U.S.C. § 11432(g)(3)(A)(i)*. The extent to which these rights apply to youth in out-of-home care varies from state to state, but many children in foster care are currently covered under the McKinney-Vento Act. Federal legislative efforts are currently underway to expand these protections to all youth in care.

1-C; 1-D

A law enacted in October 2008 highlights the responsibility of child welfare agencies to collaborate with schools to provide for the education stability of children in out-of-home care. The education provisions of the **Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)** seek to promote education stability for children in foster care. Child welfare agencies must include “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. The agency must assure that the child’s placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled. For more information, see **Q & A: Fostering Connections to Success and Increasing Adoptions Act of 2008 – Education Provisions** at http://www.abanet.org/child/education/QA_10_HR_6893_FINAL.pdf.

1-A; 1-C

The Legal Center for Foster Care and Education published a fact sheet, **Q & A: What Child Welfare Professionals Need to Know about Awaiting Foster Care Placement and the McKinney-Vento Act**, to explain the concept of “awaiting foster care placement.” The fact sheet can be found at http://www.abanet.org/child/education/%235_AFCP_FINAL.pdf.

1-C; 1-D

The Legal Center for Foster Care and Education developed a series of fact sheets designed to assist various stakeholders with achieving **Goal 1: School Stability** for children in care. Specifically, there are tools for judges, caseworkers, children’s attorneys, and educators. Each of the fact sheets includes concrete tips and a checklist designed to assist each of these professionals with implementing **Goal 1** of the **Blueprint for Change**. The entire series of fact sheets can be found at <http://www.abanet.org/child/education/publications>.

1-A; 1-C; 1-D; 1-F

The Legal Center for Foster Care and Education published a collection of state laws that address school stability and continuity for children in out-of-home care in **State Legislation Chart – Foster Care and Education (Outside McKinney-Vento)**. Each state law and policy is broken down to highlight specific elements: the right to remain in the school of origin; the right to transportation and the responsibility to provide it; the right to immediate enrollment in the new school when staying in the school of origin is not feasible or in the child’s best interests; expedited transfers to prevent any delay in enrollment; and a designated staff liaison to help the youth navigate the system. The chart is available at http://www.abanet.org/child/education/Legal_Center_FC_%20Non-McKinney_State_Chart_FINAL.doc.

1-A; 1-C; 1-D

BENCHMARKS

The Legal Center for Foster Care and Education developed a chart, **Providing School Stability Through McKinney-Vento – “Awaiting Foster Care Placement,”** that outlines existing state and local laws and policies that provide rights and protections to children in foster care to assist with school stability and continuity under the federal McKinney-Vento Act through interpretations of “awaiting foster care placement.” <http://www.abanet.org/child/education/AFCPchart.pdf>.

1-C; 1-D

The Legal Center for Foster Care and Education published a fact sheet, **Educational Stability and Continuity for Children and Youth in Out-of-Home Care**, which outlines the need for education stability law, the benefits currently provided under the McKinney-Vento Act for some children in care, and other state education stability models. The fact sheet can be found at www.abanet.org/child/education/publications.

1-C; 1-D

The National Association for the Education of Homeless Children and Youth (NAEHYC) published a report, **The McKinney-Vento Act and Children and Youth Awaiting Foster Care Placement: Strategies for Improving Educational Outcomes Through School Stability**, in November 2008. The report describes how eight jurisdictions are defining “awaiting foster care placement” and how they are implementing the McKinney-Vento Act for youth in out-of-home care. It offers concrete strategies for building and maintaining effective collaborations between child welfare and education agencies and supporting the educational success of youth in care. To access the report, please visit http://www.abanet.org/child/education/naehcy_%20mckinney_vento.pdf. For more information about the National Association for the Education of Homeless Children and Youth and to access additional publications and trainings about the McKinney-Vento Act, please visit their website www.naehcy.org.

1-C; 1-D

The American Bar Association’s Commission on Homelessness and Poverty has produced a manual to help individuals understand and implement the McKinney-Vento Act and its directives for the education of homeless children and youth. **Educating Children Without Housing: A Primer on Legal Requirements and Implementation Strategies for Educators, Advocates and Policymakers (2nd Edition)** provides innovative strategies for educators, school administrators, state coordinators, policymakers, advocates, and attorneys to play a role in ensuring the education rights of children and youth experiencing homelessness. The new edition includes sections on homeless students with disabilities; students involved in the child welfare system; application of the Act in response to disasters; and expanded sections on definitions, preschool children, and unaccompanied youth. The manual also includes an updated directory of resources, and is available through the ABA Web Store at <http://www.abanet.org/abastore/index.cfm>.

1-C; 1-D

The Legal Center for Foster Care and Education developed a fact sheet, **Q & A: Mobility and Special Education**, that addresses how the 2004 IDEA addresses mobility issues for children being evaluated for or receiving special education services. To access the fact sheet, visit www.abanet.org/child/education/publications.

1-F

Lessons Learned, a publication of the Juvenile Law Center (JLC) and the Education Law Center (ELC), reviews and analyzes federal entitlements, as well as state and local legislation, regarding educational stability for children and youth in the child welfare system. The publication highlights the school continuity issue and contains numerous examples of the right to remain in the school of origin. For a copy of the full publication, see <http://www.abanet.org/child/education/fce-pub.shtml>.

1-A; 1-B; 1-C; 1-D

BENCHMARKS

The Juvenile Law Center (JLC) and the Education Law Center (ELC) provided comments on the inclusion of children in foster care in the No Child Left Behind (NCLB) Act. The current treatment of children in foster care under the NCLB precludes them from many of the protections and services offered. Specifically, the NCLB does not consider the mobile state of children in foster care and the inability to clearly identify the “parent” for notification purposes. The comments propose possible changes to the statute. The comments are available at

http://www.abanet.org/abanet/child/education/open_file.cfm?id=180.

1-A

The New York State Permanent Judicial Commission on Justice for Children has developed a comprehensive checklist for use by judges, advocates, and child welfare professionals when considering the education of children in foster care. This publication,

Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals, contains ten basic questions to focus on a child’s educational needs and integrate those needs within permanency planning and review. It covers the educational and medical needs of children in foster care, special education issues, and information on educational decision making. This checklist can be found at

<http://www.nycourts.gov/ip/justiceforchildren/PDF/EducationalNeeds.pdf>.

1-A; 1-E

The National Council of Juvenile and Family Court Judges created a judicial checklist, **Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed**. The Checklist outlines an array of questions that may be asked in a courtroom regarding the educational needs of children and youth in foster care. It contains specific questions for an initial hearing that could lead to improved school continuity. The checklist can be adapted by individual states and jurisdictions to reflect state law and local practice. It is available at <http://www.abanet.org/child/education/NCFJCJChcklist.pdf>.

1-A; 1-E

Family to Family is a program of the Annie E. Casey Foundation that works to change child welfare systems, most recently by advocating for more children to remain safely with their own families or with a family-like connection. **Family to Family** provides states and communities with the tools to redesign their child welfare system to establish: a network of care that is neighborhood-based, culturally sensitive, and located where the children in need live; less reliance on institutional care, such as hospitals, shelters, correctional facilities, and group homes; an adequate number of foster families for any child who must, for safety reasons, be removed from the family home; a team approach that includes foster care families; and screening services to preserve the family safely while understanding the child’s needs. By emphasizing placement and family stability, this program helps minimize the need for school changes. More information can be found at

<http://www.aecf.org/Home/MajorInitiatives/Family%20to%20Family.aspx>.

1-B

Homeless children and youth sometimes need help enrolling and participating in school. Parents, relatives, family friends, school and school district personnel, shelter providers, youth program workers, social workers, advocates, and the students themselves can all play a role in helping young people get an education. The National Center on Homelessness and Poverty issued a booklet, **Educating Homeless Children and Youth: The Guide to Their Rights**, which discusses the McKinney-Vento Act and includes a discussion of “awaiting foster care placement.” A copy of the booklet can be downloaded at

[http://www.nlchp.org/content/pubs/Basic%20McKinney%20Booklet%20\(2007\)1.pdf](http://www.nlchp.org/content/pubs/Basic%20McKinney%20Booklet%20(2007)1.pdf).

1-C; 1-D

BENCHMARKS

The National Center for Homeless Education, in collaboration with national, state, and local stakeholders, developed a set of standards and indicators reflecting the various components that characterize a quality homeless education program, including the need for school stability. This report, **McKinney-Vento Data Standards and Indicators (2006 Revisions)**, can be found at http://www.serve.org/nche/downloads/st_and_ind_2006_rev.doc.

1-C; 1-D; 1-F

Local liaisons and others must determine whether children in the child welfare system are eligible for McKinney-Vento services and collaborate with child welfare staff. The National Center for Homeless Education developed **A Look at Child Welfare from a Homeless Education Perspective** to provide an overview of the United States child welfare system, describe the challenges children in care face, and promote practices to ensure their educational best interests. This document can be found at http://www.serve.org/nche/downloads/ch_welfare.pdf.

1-A; 1-C

The National Center for Homeless Education developed a brochure, **Supporting the Education of Homeless Children and Youth**, to explain the rights and protections provided under the McKinney-Vento Act. The brochure is available at http://www.serve.org/nche/downloads/nchebrochure_eng.pdf.

1-C; 1-D

The National Center for Homeless Education designed a guide for parents, guardians, and caretakers, **What You Need to Know to Help Your Child in School: A Guide for Parents, Guardians, and Caretakers**, that explains the rights and protections of the McKinney-Vento Act. It includes “Frequently Asked Questions” and a list of national resources, and can be found at http://www.serve.org/nche/downloads/parentbrochure_eng.pdf.

1-C; 1-D

The **Local Homeless Education Liaison Toolkit**, developed by the National Center for Homeless Education, is a comprehensive resource that will assist both new and veteran local liaisons in carrying out their responsibilities. The toolkit, updated in 2007, contains over 250 pages of information supporting the education of children and youth experiencing homelessness. The toolkit can be downloaded at <http://www.serve.org/nche/downloads/toolkit/toolkit.pdf>.

1-C; 1-D

The **State Coordinator’s Handbook for Supporting Local Homeless Education Liaisons** is a companion document for the Local Homeless Education Liaison Toolkit. Produced by the National Center for Homeless Education, the toolkit provides local education agencies (LEAs) and their designated liaisons with background information and sample resources to ensure homeless students have access to and success within local school districts. This handbook contains state-level suggestions for identifying, training, and communicating with local school-district liaisons and includes suggestions for modifying the LEA Toolkit to meet the specific needs of individual states. The handbook can be found at <http://www.serve.org/nche/downloads/handbook/handbook.pdf>.

1-E

The National Foster Youth Advisory Council issued a policy statement addressing the needs of children and youth in foster care and providing recommendations for improving educational outcomes. One of those needs is the need for educational stability. Council members “felt strongly about the custodial agency’s responsibility to maintain the youth’s school placement, even if the young person is attending private school.” This statement, **Promoting Educational Success for Young People in Foster Care**, can be found at www.fyi3.com/fyi3/Involved/yb/pdfs/educationStatement.pdf.

1-A; 1-C

BENCHMARKS

The Heritage Foundation developed an issue brief, **Foster Care Children Need Better Educational Opportunities**. This brief examines the issues contributing to poor education outcomes for youth in care and outlines recommendations for reform and education advocacy. The issue brief addresses the negative impact of school instability and encourages keeping children's school placements stable. It also considers the need for better special education services for these children. The brief can be found at <http://www.heritage.org/Research/Education/bg2039.cfm>.

1-A; 1-B; 1-C; 1-F

The **Report to the President and Congress on the Implementation of the Education for Homeless Children and Program Under the McKinney-Vento Homeless Assistance Act**, submitted pursuant to section 724(i) of the McKinney-Vento Homeless Assistance Act as amended (McKinney-Vento), provides information on programs supported under McKinney-Vento and describes activities that the U.S. Department of Education has undertaken to address the educational needs of homeless children and youth. The report is complete with tables and charts and includes the overview of changes in the 2001 Reauthorization of McKinney-Vento, the status of homeless children and youth, activities and accomplishments with regard to increasing opportunities for homeless children and youth, and the state and local homeless education program status and successes. It specifically addresses issues regarding school stability and transportation. This report is available at www.naehcy.org.

1-A; 1-C; 1-D

The National Conference of State Legislators, through the Children's Policy Initiative, published **Educating Children in Foster Care**. This report provides a brief overview of the educational needs of children in the child welfare system, background about the academic performance of children in foster care, major systemic obstacles to these children's success, and what the CFSRs are saying about state performance. The report also addresses the need for additional assistance for youth in postsecondary education, and can be found at http://www.abanet.org/abanet/child/education/open_file.cfm?id=49.

1-A; 1-C

Published by the Youth Law Center, **Getting Out of the Red Zone** is a result of a series of focus groups that included youth who had been in the juvenile justice and/or child welfare system, parents, and foster parents. The report's purpose is to identify educational barriers and consider pragmatic approaches to improving their educational experience from elementary school through college. One issue considered was educational stability; many youth complained that they were forced to move schools too often. For more information, see <http://www.ylc.org/pdfs/GettingOutOftheRedZone.pdf>.

1-A; 1-C

IDEA 2004: Nuts & Bolts of Homeless and Foster Care/Ward of the State Provisions was prepared by the National Association for the Education of Homeless Children and Youth (NAEH CY) and the ABA Center on Children and the Law. This document summarizes the new IDEA provisions pertinent to both foster care and homeless youth. These provisions include a definition of homeless children to include any children or youth considered homeless under McKinney-Vento. It also includes a new definition of parent and "ward of the state." This document is available at www.naehcy.org/dl/h_f_amend.doc.

1-F

State and Local Examples

BENCHMARKS

ALASKA

In Anchorage, the school district and Office of Children's Services has an interagency agreement defining "awaiting foster care placement" under the federal McKinney-Vento Act. According to this agreement, children in specifically-named emergency foster care homes, emergency beds in specifically-named shelters, any home where the provider receives the emergency foster home reimbursement rate, any home that has received less than 24 hours notice prior to placement, any home where the intended stay is less than 10 days, and a hospital or other institution if release is being delayed due to a lack of placement qualify for McKinney-Vento protections. Therefore, because youth in these foster care placements are McKinney-eligible, they are entitled to remain in their school of origin when feasible. See [Interagency Agreement between Anchorage School District and Office of Children's Services](#).

1-C; 1-D

ARIZONA

Pima County Juvenile Court is bringing education issues to the forefront. The publication chronicling these reforms, [Court-Based Education Efforts for Children in Foster Care](#), offers suggestions to other jurisdictions that want to design and implement their own reform initiatives. Specifically, this document considers the importance of school stability issues. For more information, see <http://www.casey.org/Resources/Publications/pima.htm>.

1-A; 1-C; 1-E; 1-F

ARKANSAS

Arkansas explicitly provides that "[f]oster children shall have continuity in their educational placements." *Ark. Code Ann. § 9-27-103(b)(1)*. Arkansas's Department of Health and Human Services must "consider continuity of educational services and school stability in making foster care placement decisions." *Ark. Code Ann. § 9-27-103(b)(2)*. Unless attending the school of origin is not in the foster child's best interests and "conflicts with other provisions of current law," a local school district must allow the foster child to remain and continue his or her education in the child's current school. *Ark. Code Ann. § 9-27-103(b)(3)*. Arkansas's education stability statute further states that the school district "is encouraged to work out a plan for transportation for the child to remain in the child's current school." *Ark. Code Ann. § 9-27-103(b)(4)*.

1-A; 1-C; 1-D

CALIFORNIA

[California Assembly Bill 490](#) provides numerous protections for youth in care. At the initial detention, placement, or any subsequent change in placement, the local educational agency serving the child shall allow that child to continue in the school of origin for the duration of the school year, if remaining in that school is in the child's best interests. In addition, the foster care liaison, in accordance with the child's best interests after consultation with the child and the person holding educational rights for the child, may recommend enrollment in any public school that students in the same attendance area as the child in care are eligible to attend. *Cal. Educ. § 48853.5*.

1-A; 1-C; 1-E

Cal. Welf. & Inst. Code § 16501.1(c)(2) requires that, in addition to other statutory considerations appropriate to the special needs and best interests of youth in foster care, the selection of out-of-home placements include educational stability by considering proximity of placement to the child's school attendance area.

1-A

BENCHMARKS

As a result of **AB 490**, California passed regulations to implement the legislation. Specifically, the new rules strengthen the court's role in monitoring proposed changes in school placement. The court must ensure that the social worker or probation officer has informed all parties of any change in school placement within 24 hours of the decision. If the child has a disability and an IEP is involved, notice must be given to both the old and new LEA 10 days before the child is to be moved. *Rule 5.651(e), (f)*.

1-A; 1-F

In San Luis Obispo, an interagency agreement provides that School Educational Liaisons “will participate, in an advisory role, in educational placement decisions in consultation with the youth and the person holding educational rights.” If a School Educational Liaison plans to recommend that the youth not remain in the same school, he or she must provide a written explanation of that decision to the youth and person holding the educational rights. The agreement also contains a clear dispute resolution process. **The San Luis Obispo County Interagency Agreement** can be found at www.abanet.org/child/rclji/education/sloagreement.doc.

1-C; 1-E

California designed a checklist to assist the court and other interested persons who have responsibility for children's educational outcomes. It offers key questions (with accompanying citations) that must be considered for every child. The checklist specifically addresses school of origin issues, including transportation. **Every Child, Every Hearing** is available at <http://www.abanet.org/child/education/CAWellBeingChecklist.pdf>.

1-A; 1-C; 1-D; 1-F

California developed fact sheets addressing national and California state laws that relate to the education needs of children in out-of-home care, including the Individuals with Disabilities Education Act and AB 490. One fact sheet is devoted to issues surrounding AB 490 and school stability. To review these fact sheets, go to <http://www.abanet.org/child/rclji/education/californiafact sheets082205.pdf>.

1-A; 1-C; 1-D; 1-E; 1-F

CONNECTICUT

In Connecticut, the Department of Children and Families (DCF) and the Board of Education (SDE) issued a joint memorandum defining “awaiting foster care placement” under the federal McKinney-Vento Act. Under this agreement, placements on an “emergency basis in a transitional foster home with the plan of being moved within 30 days to a more permanent foster or adoptive home may be considered covered by McKinney-Vento on a case-by-case basis.” Similarly, SDE and DCF will also consider applying McKinney-Vento on a case-by-case basis to children who have experienced more than three placements in a 12-month period. The Local Education Agency (LEA), in collaboration with DCF, must ensure that these children continue at their schools of origin if that is in their best interests. In determining best interests, the LEA keeps children in their school of origin “except when doing so is contrary to the wishes of the child's parent or legal guardian.” DCF is considered to be the child's legal guardian, except when the child is in DCF custody pursuant to a 96-hour hold or an Order of Temporary Custody. Under those circumstances, the LEA must consider the wishes of both DCF and the child's parent or legal guardian in determining best interests. The LEA should also consult with the child's attorney or guardian ad litem in conducting the best interests analysis. See **Department of Children and Families and Board of Education Joint Memoranda**.

1-C; 1-E

DELAWARE

Delaware legislation explicitly provides that all children in out-of-home care be included under the McKinney-Vento definition of “awaiting foster care placement.” *14 Del. Code Ann. § 202(c)*. Delaware's Code of Regulations provides a clear process for resolution of disputes over school selection and enrollment. *Code Del. Regs. 14-901*. School districts fund transportation pursuant to the McKinney-Vento Act. For more information about Delaware educational policy, see <http://www.doe.k12.de.us/>.

1-C; 1-D

BENCHMARKS

FLORIDA

Under Florida's statute, the Department of Children and Families or agencies acting on its behalf shall enter into agreements with district school boards or other local educational entities. The agreements must "provide for continuing the enrollment of a child known to the department at the same school, if possible, with the goal of avoiding disruption of education." *Fla. Stat. Ann. § 39.0016(4)(a)(1)*. The district school board must determine if transportation is available to a child in care when transportation will prevent a school change due to foster care placement. *Fla. Stat. Ann. § 39.0016(4)(b)(3)*. The child welfare agency, the Department of Education, and the district school board are required to assess the availability of federal, charitable, or grant funding for such transportation. *Fla. Stat. Ann. § 39.0016(4)(b)(3)*.

1-C; 1-D

The **Broward County Interagency Agreement** is detailed in **Fostering Student Success: Technical Assistance Manual for Foster Care Designees 2004-2005**.

The interagency agreement (between the school board, the Department of Children and Families, and Childnet) attempts to keep most children in care at their current school unless the child's best interests dictate otherwise. In addition, the school district provides transportation for children in licensed foster homes when it is in the best interests of the student to attend a school outside the school boundaries of the shelter or foster home location. Transportation is provided either on the district's buses; by payments to foster parents at district reimbursement rates, if approved by the school board; or by transportation through contracted services coordinated by the school board Transportation Department and approved by the school board. The manual is available at http://floridaschildrenfirst.org/04_reports/proj/Education/National/2004-05_TechManualFosterCareDesignees0405.pdf.

1-C; 1-D

IDAHO

Idaho developed an **Educational Needs Checklist** with special focus on school stability, advocacy, special education and services under § 504, and transitioning and independent living plans. The checklist can be reviewed at <http://www.abanet.org/child/education/IdahoEducationalNeedsChecklist.pdf>.

1-A; 1-D

MARYLAND

Maryland law provides that, when developing a permanency plan for a foster child, the child welfare agency should give primary consideration to the child. One of the factors to be considered is the "potential emotional, developmental, and educational harm to the child" if moved from his or her current placement. *Md. Code Ann. Fam Law § 5-525(e)(1)(v)*.

1-A

MASSACHUSETTS

In Massachusetts, the Department of Education issued an advisory defining "awaiting foster care placement" under the federal McKinney-Vento Act. According to this advisory, youth in "[t]emporary, transitional, or emergency living placements," including shelters, "hotline homes," "bridge" homes, diagnostic placements, foster homes used as short term placements, and "Stabilization, Assessment and Rapid Reintegration/Reunification (STARR) Programs" qualify as McKinney-eligible. See **Department of Education Advisory 2004-9 and 2007-9A**.

1-C; 1-D

BENCHMARKS

In Massachusetts, when there is a dispute under McKinney-Vento regarding enrollment, the social worker has the rights of the parent as described in the law, “and the student shall remain in the selected school while the dispute is being resolved.” **Homeless Education Advisory 2004** (available at <http://www.doe.mass.edu/mv>).

1-C; 1-E

NEW HAMPSHIRE

Under New Hampshire law, a child in foster care is entitled to attend the public school in the original school district if it is in the child’s best interests, “if the home is within a reasonable distance of the school to be attended, and if suitable transportation can be arranged.” *N.H. Rev. Stat. § 193:28*.

1-A; 1-C; 1-D

NEW JERSEY

The New Jersey Department of Human Services, Office of Children’s Services, has enacted several key reforms for education partnerships. The reforms stress the importance of safety, permanency, and well-being of children and strengthening community collaboration to enhance services available before a crisis occurs. The plan provides that, in the majority of cases, children in foster care are to continue to attend their home schools. To that end, education professionals have an important role to play in providing a routine when a child is placed in foster care, and support to eliminate the stigma to those children who must change schools because they are in foster care. For more information, see http://www.state.nj.us/humanservices/CWA/fact_sheet/factsheet7-15-04.pdf.

1-A; 1-C

NEW YORK

New York regulations require the child welfare agency to factor school continuity into foster care placements. The agency must place children in “the least restrictive and most homelike” setting, and whenever possible, a setting that will allow them to maintain some ties to their school, neighborhood, peers, and family members. *N.Y. Comp. Codes R. & Regs. Tit. 18 § 430.11(c)(1)(i)*.

1-A; 1-C

New York City entitles students in grades 1 through 12 who change residences within the city to remain in their current school until the completion of the terminal grade. *NYC Department of Education, Chancellor’s Regulation A-101*. Furthermore, if a student remains in the school of origin, the school may not then transfer him or her to the new district for disciplinary reasons. *NYC Department of Education, Chancellor’s Regulation A-101*. If a student moves outside New York City during the school year, the student remains eligible to attend his or her current school without paying tuition until the end of the semester. *NYC Department of Education, Chancellor’s Regulation A-125*.

1-C

In New York State, a “designator” has the right to select the school district for a child who is “homeless” because he or she is “awaiting foster care placement.” The term “designator” includes “the parent or the person in parental relation to a homeless child,” “the homeless child, if no parent or person in a parental relation is available,” or “the director of a residential program for runaway and homeless youth...in consultation with the homeless child, where such homeless child is living in such program.” *N.Y. Educ. Law § 3209*.

1-E

Advocates for Children published an in-depth report focusing on issues of stability and enrollment, and providing recommendations for improvement. The study indicated that children are frequently transferred, and recommended that efforts be made to achieve continuity. **Educational Neglect: The Delivery of Educational Services to Children in New York City’s Foster Care System** is available at <http://www.advocatesforchildren.org/pubs/2005/fostercare.pdf>.

1-A; 1-C

BENCHMARKS

OHIO

Lucas County developed the School Status Bench Card to help judges ask questions of GALs and caseworkers about the education status of youth in care. It is designed for children in grades kindergarten through high school, and includes sections to be completed according to the child's developmental level. The **School Status Bench** card is available at <http://www.abanet.org/child/education/Ohio.pdf>.

1-F

OREGON

Oregon's statute allows a child to remain in his or her school of origin when a juvenile court finds it is in the child's best interest. *Or. Rev. Stat. § 339.133(5)*. Best interest factors include distance from the foster home to school of origin, student's connection to other students and faculty, the school programming and curriculum, and input from schools. If the juvenile court determines that it is in a child's best interests to remain at the school of origin, the child will be considered a resident of that district for school purposes. *Or. Rev. Stat. § 339.133(5)(a)*. Children in care are entitled to remain in the school of origin through the school's highest grade level. *Or. Rev. Stat. § 339.133(5)(a)*. The child welfare agency is required to pay for transportation if funds have been designated to the agency for this purpose. *Or. Rev. Stat. § 339-133(5)*. The agency may reimburse foster parents who transport the child, hire transportation (i.e., cab, transport service), provide a bus pass, or provide other appropriate means of transportation according to the age and needs of the child. In the 2005-2007 biennium, the Department of Human Services set aside \$350,000 in transportation funds for each school year from a "System of Care Flex Funds" maintained by the agency and allocated by the state legislature as a result of a class action lawsuit settlement. See <http://www.jrplaw.org/legvictory.htm> for more information about Oregon state law as it applies to children in care and educational stability.

1-C; 1-D

WASHINGTON

According to Washington law, "[i]t is the policy of the state of Washington that, whenever practical and in the best interest of the child, children placed into foster care shall remain enrolled in the schools they were attending at the time they entered foster care." *Wash. Rev. Code Ann. § 74.13.550*. Washington law also requires the child welfare agency to develop protocols with school districts to maximize educational continuity and achievement for children in foster care. *Wash. Rev. Code Ann. § 74.13.560*. In addition, the statute requires the agency to establish an oversight committee to identify, develop, and execute specific tasks related to achieving educational continuity and achievement for children in care. *Wash. Rev. Code Ann. § 74.13.570*. These district-based protocol agreements use McKinney-Vento standards and extend the entitlement to the end of the school year. For more information, see www.teamchild.org/resources.html.

1-A; 1-C

Education and Children in Foster Care: Future Success or Failure, written by Janis Avery, discusses the need for concrete planning and intervention to increase the graduation rates for children who emancipate from foster care in the state of Washington. Essential steps include defining the educational issues facing children in the child welfare system, establishing stability and continuity in school placements, offering tutoring and advocacy, and providing preschool education. This report is available at <http://www.newhorizons.org/spneeds/inclusion/collaboration/avery.htm>.

1-A; 1-C; 1-D

Washington developed the **Dependent Child's Educational Checklist** for care providers. The checklist is composed of questions to address enrollment and attendance issues, school progress, and educational decision-making responsibility to ensure that the child's needs are being addressed. The checklist can be found at <http://www.abanet.org/child/education/washingtonchecklist.doc>.

1-A



GOAL 2

Youth Are Guaranteed Seamless Transitions Between Schools and School Districts When School Moves Occur

- A New York study found 42% of children did not start school immediately upon entering care; half of those did not start due to lost or misplaced records.
- A 2001 study of over 300 foster parents found missing information increased the odds of enrollment delays by 6.5 times.

adapted from National Working Group on Foster Care and Education, Educational Outcomes for Youth in Foster and Out-of-Home Care (September 2007).

Sometimes school moves cannot be avoided or may be in the best interests of the child. These school moves should happen with minimal disruption to the youth's education. When state or local requirements delay enrollment, critical classroom time is lost. Youth need immediate enrollment in the new school, and to have full access to all academic programs and other activities. Important records and information about the student's prior schooling must follow the youth to the new school, with appropriate credit given for work completed at the school of origin.

BENCHMARKS THAT SHOW PROGRESS TOWARD THIS GOAL

2-A Youth have a right to be enrolled immediately in a new school and to begin classes promptly.

2-B Youth can be enrolled in school by any person who has care or control of the child (i.e., case-worker or foster parent).

2-C Youth enrollment and delivery of appropriate services are not delayed due to school or record requirements (i.e., immunization records, birth certificates, school uniforms); designated child welfare, education, and court staff facilitate and coordinate transitions and receive training on special procedures.

2-D Youth education records are comprehensive and accurate, and promptly follow youth to any new school or placement; records are kept private and shared only with necessary individuals working with the youth.

2-E Youth who arrive in a new school during the school term are allowed to participate in all academic and extracurricular programs even if normal timelines have run or programs are full.

2-F Youth receive credit and partial credit for coursework completed at the prior school.

2-G Youth have the ability to receive a high school diploma even when they have attended multiple schools with varying graduation requirements.

2-H Eligible youth with disabilities receive the protections outlined in federal and state law, including timelines for evaluations, implementation of an Individualized Education Program (IEP) or an Individual Family Service Plan (IFSP), and placement in the least restrictive environment, even when they change school districts.

National Examples

The **McKinney-Vento Act** guarantees youth who are homeless, including all those lacking a “fixed, adequate nighttime residence” and those “awaiting foster care placement,” the right to remain in their original school (as discussed under Goal 1), but also guarantees immediate enrollment in a new school if school moves are necessary. Enrollment cannot be delayed, even if typical documentation required for enrollment is not available (i.e., immunization records or birth certificates). McKinney-Vento also provides school-based liaisons to help eligible students overcome enrollment issues and navigate the education system. The extent to which these rights apply to youth in out-of-home care varies from state to state, but many children in foster care are currently covered under the McKinney-Vento Act. Federal legislative efforts are currently underway to expand these protections to all youth in care. *42 U.S.C. § 11431 et seq.*

A law enacted in October 2008 highlights the responsibility of child welfare agencies to collaborate with schools to provide for the education stability of children in out-of-home care. The education stability provisions of the **Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)** seek to promote education stability for children in foster care. If remaining in the school is not in the best interests of the child, the case plan must provide immediate and appropriate enrollment in a new school and provide all of the educational records of the child to the school. For more information, see **Q & A: Fostering Connections to Success and Increasing Adoptions Act of 2008 – Education Provisions** at http://www.abanet.org/child/education/QA_10_HR_6893_FINAL.pdf.

The Legal Center for Foster Care and Education developed a series of fact sheets designed to assist various stakeholders with achieving **Goal 2: School Continuity** for children in care. Specifically, there are tools for judges, caseworkers, children’s attorneys, and educators. Each of the fact sheets includes concrete strategies and a checklist designed to assist each of these professionals with implementing **Goal 2** of the **Blueprint for Change**. The entire series of fact sheets can be found at <http://www.abanet.org/child/education/publications>.

The Legal Center for Foster Care and Education published a fact sheet, **Q & A: What Child Welfare Professionals Need to Know about Awaiting Foster Care Placement and the McKinney-Vento Act**, to explain the concept of “awaiting foster care placement.” The fact sheet can be found at http://www.abanet.org/child/education/%235_AFCP_FINAL.pdf.

The National Association for the Education of Homeless Children and Youth (NAEHCY) published a report, **The McKinney-Vento Act and Children and Youth Awaiting Foster Care Placement: Strategies for Improving Educational Outcomes Through School Stability**, in November 2008. The report describes how eight jurisdictions are defining “awaiting foster care placement” and how they are implementing the McKinney-Vento Act for youth in out-of-home care. It offers concrete strategies for building and maintaining effective collaborations between child welfare and education agencies and supporting the educational success of youth in care. To access the report, please visit http://www.abanet.org/child/education/naehcy_%20mckinney_vento.pdf. For more information about the National Association for the Education of Homeless Children and Youth and to access additional publications and trainings about the McKinney-Vento Act, please visit their website at www.naehcy.org.

BENCHMARKS

2-A; 2-C; 2-D

2-A; 2-C; 2-D

2-A; 2-C

2-A; 2-C

2-F; 2-G

BENCHMARKS

The Legal Center for Foster Care and Education developed a fact sheet that explains how problems with credit transfers resulting from school moves adversely impacts youth in out-of-home care, including lower high school graduation rates. The fact sheet, **Credit Transfer and School Completion**, can be found at www.abanet.org/child/education/publications.

2-F; 2-G

The Legal Center for Foster Care and Education published a collection of state laws that address school stability and continuity for children in out-of-home care in **State Legislation Chart – Foster Care and Education (Outside McKinney-Vento)**. Each state law and policy is broken down to highlight specific elements: the right to remain in the school of origin; the right to transportation and the responsibility to provide it; the right to immediate enrollment in the new school when staying in the school of origin is not feasible or in the child's best interests; expedited transfers to prevent any delay in enrollment; and a designated staff liaison to help the youth navigate the system. The chart is available at http://www.abanet.org/child/education/Legal_Center_FC_%20Non-McKinney_State_Chart_FINAL.doc.

2-A; 2-C; 2-D

The Legal Center for Foster Care and Education developed a fact sheet, **Q & A: Mobility and Special Education**, that addresses how the 2004 IDEA addresses mobility issues for children being evaluated for or receiving special education services. To access the fact sheet, visit www.abanet.org/child/education/publications.

2-F; 2-H

The New York State Permanent Judicial Commission on Justice for Children has developed a comprehensive checklist for use by judges, advocates, and child welfare professionals when considering the education of children in foster care. This publication, **Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals**, contains ten basic questions to focus on a child's educational needs and integrate those needs with permanency planning and review. It covers the educational and medical needs of children in foster care, special education issues, and information on educational decision making. This checklist can be found at <http://www.nycourts.gov/ip/justiceforchildren/PDF/EducationalNeeds.pdf>.

2-A; 2-C; 2-D; 2-H

Homeless children and youth sometimes need help enrolling and participating in school. Parents, relatives, family friends, school and school district personnel, shelter providers, youth program workers, social workers, advocates, and the students themselves can all play a role in helping young people get an education. The National Center on Homelessness and Poverty issued a booklet, **Educating Homeless Children and Youth: The Guide to Their Rights**, which discusses the McKinney-Vento Act and includes a discussion of "awaiting foster care placement." A copy of the booklet can be downloaded at [http://www.nlchp.org/content/pubs/Basic%20McKinney%20Booklet%20\(2007\)1.pdf](http://www.nlchp.org/content/pubs/Basic%20McKinney%20Booklet%20(2007)1.pdf).

2-A; 2-C; 2-D

The **Local Homeless Education Liaison Toolkit**, developed by the National Center for Homeless Education, is a comprehensive resource that will assist both new and veteran local liaisons in carrying out their responsibilities. The toolkit, updated in 2007, contains over 250 pages of information supporting the education of children and youth experiencing homelessness. The toolkit can be downloaded at <http://www.serve.org/nche/downloads/toolkit/toolkit.pdf>.

2-A; 2-C; 2-D

BENCHMARKS

The **State Coordinator's Handbook for Supporting Local Homeless Education Liaisons** is a companion document for the Local Homeless Education Liaison Toolkit. Produced by the National Center for Homeless Education, the toolkit provides local education agencies (LEAs) and their designated liaisons with background information and sample resources to ensure homeless students have access to and success within local school districts. This handbook contains state-level suggestions for identifying, training, and communicating with local liaisons and includes suggestions for modifying the LEA Toolkit to meet the specific needs of individual states. The handbook can be found at <http://www.serve.org/nche/downloads/handbook/handbook.pdf>.

2-A; 2-C; 2-E

The National Center for Homeless Education, in collaboration with national, state, and local stakeholders, developed a set of standards and indicators reflecting the various components that characterize a quality homeless education program. This report, **McKinney-Vento Data Standards and Indicators (2006 Revisions)**, can be found at http://www.serve.org/nche/downloads/st_and_ind_2006_rev.doc.

2-A

The National Center for Homeless Education developed this brochure, **Supporting the Education of Homeless Children and Youth**, to explain the rights and protections provided under the McKinney-Vento Act. The brochure is available at http://www.serve.org/nche/downloads/nchebrochure_eng.pdf.

2-A; 2-C; 2-E

The National Center for Homeless Education designed a guide for parents, guardians, and caretakers, **What You Need to Know to Help Your Child in School: A Guide for Parents, Guardians, and Caretakers**, that explains the rights and protections of the McKinney-Vento Act. It includes "Frequently Asked Questions" and a list of national resources, and can be found at http://www.serve.org/nche/downloads/parentbrochure_eng.pdf.

2-A; 2-C; 2-E

Local liaisons and others must determine whether children in the child welfare system are eligible for McKinney-Vento services and collaborate with child welfare staff. The National Center for Homeless Education developed **A Look at Child Welfare from a Homeless Education Perspective** to provide an overview of the United States child welfare system, describe the challenges children in care face, and promote practices to ensure their educational best interests. This document can be found at http://www.serve.org/nche/downloads/ch_welfare.pdf.

2-C; 2-D

Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care answers common questions by individuals involved with the child welfare system, including judges, children's attorneys, parents, foster parents, youth, caseworkers, and court appointed special advocates (CASAs). This publication (1) provides context and explains why there is a need to address the education needs of children in foster care; (2) debunks myths about confidentiality and decision making; (3) explains the federal laws that affect confidentiality of education records and decision making; and (4) suggests strategies to overcome confidentiality and decision-making hurdles when addressing the needs of children in foster care. It is available online and contains interactive functions, including links between sections and to additional outside resources. To access the online version, see <http://www.abanet.org/child/education/mythbusting2.pdf>.

2-C; 2-D

BENCHMARKS

The Legal Center for Foster Care and Education published a fact sheet, **Educational Stability and Continuity for Children and Youth in Out-of-Home Care**, which outlines the great need for education stability law, the benefits currently provided under the McKinney-Vento Act for some children in care, and other state education stability models. The fact sheet highlights the need for immediate enrollment when a child's school must change. See www.abanet.org/child/education.

— 2-A; 2-C; 2-D

The American Bar Association's Commission on Homelessness and Poverty has produced a manual to help individuals understand and implement the McKinney-Vento Act and its directives for the education of homeless children and youth. **Educating Children Without Housing: A Primer on Legal Requirements and Implementation Strategies for Educators, Advocates and Policymakers (2nd Edition)** provides innovative strategies for educators, school administrators, state coordinators, policymakers, advocates, and attorneys to play a role in ensuring the education rights of children and youth experiencing homelessness. The new edition includes sections on homeless students with disabilities; students involved in the child welfare system; application of the Act in response to disasters; and expanded sections on definitions, preschool children, and unaccompanied youth. The book also includes an updated directory of resources. It is available through the ABA Web Store at <http://www.abanet.org/abastore/index.cfm>.

— 2-A; 2-C; 2-D

Lessons Learned, a publication of the Juvenile Law Center (JLC) and the Education Law Center (ELC), reviews and analyzes federal entitlements as well as state and local legislation from around the country on the educational stability of children and youth in the child welfare system. The publication highlights state examples of immediate enrollment procedures and expedited record transfers. For a copy of the full publication, see <http://www.abanet.org/child/education/fce-pub.shtml>.

— 2-A; 2-C; 2-D

The National Council of Juvenile and Family Court Judges created a judicial checklist, **Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed**. This Checklist outlines an array of questions that may be asked in a courtroom regarding the educational needs of children and youth in foster care. It highlights questions a court can ask to ensure seamless transitions when youth change schools. The checklist can be adapted by individual states and jurisdictions to reflect state law and local practice. It is available at <http://www.abanet.org/child/education/NCJFCJChecklist.pdf>.

— 2-A; 2-B; 2-C; 2-D

The National Foster Youth Advisory Council issued a policy statement addressing the needs of children and youth in foster care and providing recommendations for improving educational outcomes. These identified needs include immediate enrollment when a school move is necessary, to include the transfer of credits and continuity of records. Recommendations for improving educational outcomes center on preparing children in foster care to be self-sufficient, contributing members of society able to make choices in a stable, supportive, and positive environment. This statement, **Promoting Educational Success for Young People in Foster Care**, can be found at www.fyi3.com/fyi3/Involved/yb/pdfs/educationStatement.pdf.

— 2-A; 2-C; 2-D; 2-F

BENCHMARKS

The **Report to the President and Congress on the Implementation of the Education for Homeless Children and Program Under the McKinney-Vento Homeless Assistance Act**, submitted pursuant to section 724(i) of the McKinney-Vento Homeless Assistance Act as amended (McKinney-Vento), provides information on programs supported under McKinney-Vento and describes activities that the U.S. Department of Education has undertaken to address the educational needs of homeless children and youth. The report is complete with tables and charts and includes the overview of changes in the 2001 Reauthorization of McKinney-Vento, the status of homeless children and youth, activities and accomplishments with regard to increasing opportunities for homeless children and youth, and the state and local homeless education program status and successes. It also addresses the requirement for immediate enrollment of children, regardless of record availability. This report is available at www.naehcy.org.

2-A; 2-C; 2-D

The Legal Center for Foster Care and Education developed a fact sheet, **Q & A: Information Sharing to Improve Outcomes for Children in Out-of-Home Care**, that discusses how education and child welfare information can be appropriately shared to assist child welfare and education professionals in meeting the needs of children in foster care. To access the fact sheet, visit www.abanet.org/child/education/publications.

2-D

The National Center for Homeless Education, in collaboration with national, state, and local stakeholders, developed a set of standards and indicators reflecting the various components that characterize a quality homeless education program, including the need for immediate enrollment. This report, **McKinney-Vento Data Standards and Indicators (2006 Revisions)**, can be found at http://www.serve.org/nche/downloads/st_and_ind_2006_rev.doc.

2-A; 2-C; 2-H

Published by the Youth Law Center, **Getting Out of the Red Zone** is a result of a series of focus groups that included youth who had been in the juvenile justice and/or child welfare system, parents, and foster parents. The report's purpose is to identify educational barriers and consider pragmatic approaches to improving their educational experience from elementary school through college. Many youth repeatedly reported problems with enrollment after moving schools and lost credits. For more information, see <http://www.ylc.org/pdfs/GettingOutOftheRedZone.pdf>.

2-A; 2-C; 2-D; 2-F

IDEA 2004: Nuts & Bolts of Homeless and Foster Care/Ward of the State Provisions was prepared by the National Association for the Education of Homeless Children and Youth (NAEH CY) and the ABA Center on Children and the Law. This document summarizes the IDEA provisions pertinent to both foster care and homeless youth. These new provisions include a definition of homeless children to include any children or youth considered homeless under McKinney-Vento. It also includes a new definition of parent and "ward of the state." This document is available at www.naehcy.org/dl/h_f_amend.doc.

2-H

State and Local Examples

BENCHMARKS

ALASKA

In Anchorage, the school district and Office of Children's Services has an interagency agreement defining "awaiting foster care placement" under the federal McKinney-Vento Act. According to this agreement, children in specifically-named emergency foster care homes, emergency beds in specifically-named shelters, any home where the provider receives the emergency foster home reimbursement rate, any home that has received less than 24 hours notice prior to placement, any home where the intended stay is less than 10 days, and a hospital or other institution if release is being delayed due to a lack of placement qualify for McKinney-Vento protections. Therefore, because youth in these foster care placements are McKinney-eligible, they are entitled to (among other rights) immediate enrollment into a new school when school changes are necessary and access to school liaisons to assist with the transition. For information regarding the right to remain in the school of origin, see Goal 1. See [Interagency Agreement between Anchorage School District and Office of Children's Services](#).

2-A; 2-C; 2-D

ARIZONA

Pima County Juvenile Court is bringing education issues to the forefront. The publication chronicling these reforms, [Court-Based Education Efforts for Children in Foster Care](#), offers suggestions to other jurisdictions that want to design and implement their own reform initiatives. One focus of reform is immediate enrollment and prompt transfer of records. For more information, see <http://www.casey.org/Resources/Publications/pima.htm>.

2-A; 2-C; 2-D; 2-H

ARKANSAS

Arkansas uses foster care liaisons to ensure immediate enrollment and prompt record transfers for children in foster care. Each school district must identify a foster care liaison to assist with school transitions by ensuring the transfer of credits, records, grades, and any other relevant school records. *Ark. Code Ann. § 9-27-103(c)(3)(B)(i)*. When a child in foster care is subject to a school change, the child's caseworker must contact the school district foster care liaison within two business days. The new school must enroll the child immediately regardless of whether the child is able to produce any required records or clothing. *Ark. Code Ann. § 9-27-103(d)(1)*. When a child is placed in a new school, the foster care liaison in that school must request the education records from the foster care liaison in the child's previous school within three school days. The foster care liaison in the previous school must send the child's education records within 10 school days of receiving the request. *Ark. Code Ann. § 9-27-103(c)(3)(B)(ii)-(iii)*.

2-A; 2-C; 2-D

Each school district must accept credit for coursework when the child demonstrates that he or she has satisfactorily completed the appropriate education placement assessment. *Ark. Code Ann. § 9-27-103(g)*.

2-F

CALIFORNIA

[California Assembly Bill 490 \(AB 490\)](#) promotes seamless transitions by mandating a number of protective measures when foster youth transfer between schools. [AB 490](#) requires every local education agency (LEA) to have a foster care liaison. Foster care liaisons must ensure that children in care are able to enroll in school, access education-related services, and participate in the school's academic and nonacademic programs to the same extent as other students. *Cal. Educ. Code § 48853.5(b)(1)*. Foster care liaisons are also responsible for "ensuring proper transfer of credits, records, and grades." *Cal. Educ.*

2-A; 2-C; 2-D; 2-F

BENCHMARKS

Code § 48853.5(b)(2). Within two business days of a request for enrollment in a new school, the foster care liaison in the new school must request the youth's records from the school last attended by the youth in care. The liaison for the last school attended must send the youth's records to the new school within two business days of receiving the request. *Cal. Educ. Code § 48853.5(d)(4)(C)*.

AB 490 further provides that a school must “immediately enroll” a foster youth who transfers to the school even when the foster youth is unable to present records or clothing normally required for enrollment. *Cal. Educ. Code § 48853.5(d)(4)(B)*.

Finally, **AB 490** requires public school districts to “accept for credit full or partial course-work satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency.” *Cal. Educ. Code § 48645.5*. **AB 490**, however, does not provide a uniform, statewide method for calculating partial credits. Consequently, Foster Youth Services (FYS) Program staff in most California school districts report experiencing challenges in transferring the partial credits of foster youth. For more information on the FYS Program, see the description in examples under **Goal 4**. For a summary of **AB 490** as well as training materials, see www.ylc.org

2-A; 2-C; 2-D; 2-F

San Luis Obispo County has adopted a **Memorandum of Understanding (MOU)** to ensure the prompt and accurate transfer of credit and records. Under the MOU, the county child welfare agency is responsible for ascertaining (1) the youth's grade level; (2) the last school of record; (3) the school the youth wishes to attend; (4) who has the right to make educational decisions; and (5) the school the educational decision maker wants the youth to attend. According to the MOU, the county child welfare agency must also update a youth's “emergency card” with the names of those individuals who can transport the youth from school. The MOU further requires the county agency to inform the Juvenile Court, CASA, the youth's attorney, the parent, school officials, Mental Health Services, foster care eligibility staff, and all other relevant agencies, individuals, or community partners of the child or youth's placement within two days of a change. The **San Luis Obispo County Interagency Agreement** can be found at www.abanet.org/child/rcji/education/sloaggreement.doc.

2-B; 2-C; 2-D; 2-F

Child welfare and public education professionals in California have come together to form the **California Education Collaborative for Children in Foster Care (CEC)**. The goal of this collaboration is to increase educational outcomes for foster care youth in three counties: Fresno, Sacramento, and San Diego. As part of the initiative, Fresno County has adopted a comprehensive Foster Youth Student Information Database that allows all stakeholders to gather and transfer the student's health, placement, and education records. This database helps create a seamless transition for youth who need to be enrolled in a new school. San Diego County has recognized this need for youth receiving special education services and, as a result of the CEC, has implemented the **School Success Project (SSP)**. The SSP created six school liaisons who aid families, social workers, and schools in transferring student records and IEPs when necessary.

2-A; 2-C; 2-D; 2-H

California designed a checklist to assist the court and other interested persons who have responsibility for children's educational outcomes. It offers key questions (with accompanying citations) that must be asked and followed up on for every child. The checklist specifically addresses prompt enrollment and transfer of records. The checklist, **Every Child, Every Hearing**, is available at <http://www.abanet.org/child/education/CAWellBeingChecklist.pdf>.

2-A; 2-C; 2-D; 2-H

BENCHMARKS

California developed fact sheets addressing national and California state laws that relate to the education needs of children in out-of-home care, including the Individuals with Disabilities Education Act and AB 490. One fact sheet is devoted to issues surrounding AB 490 and school stability, including timely transfer of records and school credits. To review these fact sheets, go to www.ylc.org.

2-A; 2-C; 2-D; 2-F; 2-H

FLORIDA

The **Broward County Interagency Agreement** provides for information sharing between parties. The agreement does not clearly indicate how much time is allowed for the transfer of records. The Broward County agreement is available at http://www.floridaschildrenfirst.org/04_reports/proj/Education/National/F_6_20EXEC_3Aagree.pdf. Links to evaluations relating to the Broward County agreement are available at <http://www.abanet.org/child/education>.

2-C; 2-D

IDAHO

Idaho developed an **Educational Needs Checklist** with special focus on school stability, school enrollment, advocacy, special education and services under § 504, and transitioning and independent living plans. The checklist can be reviewed at <http://www.abanet.org/child/education/IdahoEducationalNeedsChecklist.pdf>.

2-H

KENTUCKY

In Kentucky, an “educational passport” provides basic demographic and academic information on children under state agency care. *Ky. Rev. Stat. Ann. § 158.137 (1)(c)*. When a child leaves a school, the school must send an updated passport to the state agency within two days. The state agency must send the passport to the new school within two days of enrollment. *Ky. Rev. Stat. Ann. § 158.137(2)*.

2-C; 2-D

MAINE

Maine law provides special protections for students who have experienced disruptions in their education as a result of particular circumstances specified in the law, including foster care placement and homelessness. When a student who has experienced an educational disruption is placed temporarily in an educational program or school, a “**School Work Recognition Plan**” must be developed for the student. *20-A Me. Rev. Stat. Ann. § 5162*.

The school work recognition plan outlines how the student will complete coursework and earn credit to meet the state’s education standards, as well as any diploma requirements applicable to secondary students. *20-A Me. Rev. Stat. Ann. § 5161*. The plan must be developed or updated by the student, the parent or guardian, the school that the student attended prior to the temporary placement, and the school the student attends following the temporary placement.

2-C; 2-D; 2-F; 2-G

Under the same statute, the school the student attended prior to the temporary placement must make individualized educational materials, including curricula and assignments, available to staff at the temporary placement. Alternatively, the school the student attended before the temporary placement can withhold these materials so long as it signs an “academic programming waiver” in which the school agrees to accept the academic coursework completed by the student in the temporary placement. *20-A Me. Rev. Stat. Ann. § 5162*. When a student who has experienced an educational disruption is placed in a new school, staff at the new school “must be assigned to ensure the complete transfer of all records, grades and credits and all academic materials,” from the previous school to the new school no later than five school days after the student enrolls in the new school. *20-A Me. Rev. Stat. Ann. § 5162*. Within five days after the child enrolls in the new school, the

BENCHMARKS

child's previous school must send all "pertinent records" to the new school. *20-A Me. Rev. Stat. Ann. § 6001-B*.

Maine law further provides that the Commissioner of the Department of Education shall issue a **Department of Education Diploma** to students who meet state education standards but are unable to obtain locally-awarded diplomas due to disruptions in their education resulting from, among other things, foster care placement. *20-A Me. Rev. Stat. Ann. § 257*. When a student applies for a **Department of Education Diploma**, his or her application is considered by a "state-wide review team," which issues a recommendation to the Commissioner on whether to grant the student a diploma. The review team considers the applicant's report cards, school work recognition plans, academic programming waivers, credits, transcripts, and student work demonstrating the achievement of state academic standards. *20-A Me. Rev. Stat. Ann. § 5161*. If the review team finds the applicant has not completed the work necessary to graduate, the team provides guidance to the applicant on the next steps he or she can take to earn it.

2-C; 2-D; 2-F; 2-G

NEW JERSEY

New Jersey implemented the **Child Welfare Reform Plan** in June 2004 to create a comprehensive child welfare system that strengthens collaboration among all parties involved in the child's life. When a child must enter foster care, a group home, or other residential placement, the child is required to be registered and attending school within 72 hours. The state recognizes that being in school provides "structure, stability and normalcy in the midst of uncertainty." For more information, see http://www.state.nj.us/education/genfo/ooh_letter.pdf and http://www.state.nj.us/education/genfo/ooh_brochure.pdf.

2-A

NEW YORK

The **New York 2005 Governor's Permanency Act** requires the local child welfare agency overseeing the child's care to report on the steps it has taken "to promptly enable the child to be enrolled or continue enrollment" in school. *McKinney's Family Court Act § 1089*. In New York City, the receiving school is responsible for conducting an investigation to see if a student is entitled to remain at the school of origin and for obtaining the student's records. The student may remain in school while the investigation is being conducted. *NYC Department of Education, Regulation of the Chancellor A-101*.

2-A

New York requires that, when a youth is released or conditionally released from a residential facility, the Board of Education must ensure that any youth entitled to attend a school is promptly admitted and enrolled. In certain situations, the education plan for that youth must be submitted to the Family Court. To facilitate these requirements, each school district shall designate one or more employees whose duties include, among other things, receiving student records. *N.Y. Comp. Code R. & Regs. tit. 8, § 100.2*.

2-A

In 2005, Advocates for Children published an in-depth report focusing on issues of stability and enrollment, and providing recommendations for improvement. The study indicated that children were not immediately enrolled in school, and recommended that efforts be made to secure immediate enrollment. **Educational Neglect: The Delivery of Educational Services to Children in New York City's Foster Care System** is available at <http://www.advocatesforchildren.org/pubs/2005/fostercare.pdf>.

2-A; 2-C; 2-D

OREGON

For Oregon children in care, the child's new school must notify the former school and request the child's education records within five days of the child seeking initial enrollment. The former school is required to transfer the records no later than five days after receipt of this request. *Or. Rev. Stat § 326.575(3)*.

2-C; 2-D

BENCHMARKS

TENNESSEE

In 2001, Tennessee's Department of Children's Services (DCS) and the plaintiffs in the *Brian A. v. Sundquist* lawsuit reached a settlement agreement requiring DCS to hire education consultants and attorneys to act as liaisons and improve communication between DCS regional offices and the public schools. Among other things, education consultants ensure school records of youth in care are transferred to new schools. For more information, see <http://www.comptroller1.state.tn.us/repository/RE/custodyeducation.pdf> and <http://www.childrensrights.org/site/PageServer?pagename=cases#TN>.

2-C; 2-D

TEXAS

Texas has hired education and developmental disabilities specialists for each of the state's regional child welfare offices. The specialists help Child Protective Services (CPS) staff address the complex educational needs of youth in care, particularly those with developmental disabilities. Education and developmental specialists train CPS staff on special education topics, consult with staff about the special education needs and IEP plans of youth, and advocate alongside CPS staff for needed education services. The specialists also collaborate with local organizations, agencies, and school districts to meet the education-related needs of children in care, and to decrease duplication of efforts. For additional information, see http://www.dfps.state.tx.us/About/State_Plan/2003_Progress_Report/2003_14proposals2004_Disability.asp.

2-C; 2-H

VIRGINIA

Virginia requires students in foster care to be immediately enrolled in school, even without health records. *Va. Code § 22.1-3.4 A*. If a student is permitted to stay in the school he or she attended prior to the current foster care placement, "the receiving school division shall be accorded foster children education payments pursuant to § 22.1-101.1." *Va. Code § 22.1-3.4 C*. In certain instances, "the receiving school division may enter into financial arrangements with the sending school division," but under no circumstances is the child in care charged tuition. *Va. Code § 22.1-3.4 C*. When a student transfers to a new school division, the student's records must be transferred from the student's former school division upon request by the new school division, with expedited transfer for foster care students. *Va. Code § 22.1-289 B & E*.

2-A; 2-C; 2-D

The "scholastic record," which contains information about educational growth and development of students, such as disciplinary records, test data, health records, assessments for eligibility for special education, and IEPs, shall be available to the student and his or her parent, or other person in charge of the student during the school day. *Va. Code Ann. § 22.1-289(A), (D)*. When a pupil transfers from one school to another, the "scholastic record" will be transferred with them, without needing permission from the parent or guardian. *Va. Code Ann. § 22.1-289(B)*.

2-C; 2-D

WASHINGTON

Although Washington does not have a formal process for transferring the records of students in care, Washington law does require "methods to assure effective sharing of information" regarding the status and progress of foster youth. *Wash. Rev. Code Ann. § 74.13.560; Wash. Rev. Code Ann. § 26A.225.330*.

2-C; 2-D

A Washington study, *Educational Attainment of Foster Youth Achievement and Graduation Outcomes for Children in State Care*, indicated that youth in foster care are significantly less likely to graduate from high school than those children not in care. Authors Mason Burley and Mina Halpern conclude that maintaining a foster youth's records, through the use of the Foster Care Passport Program, can help ensure continuity. The study is available at http://www.abanet.org/abanet/child/education/open_file.cfm?id=55.

2-D

Washington developed the **Dependent Child's Educational Checklist** for care providers. The checklist is composed of questions to address enrollment and attendance issues, school progress, and educational decision-making responsibility to ensure that the child's needs are being addressed. The checklist can be found at <http://www.abanet.org/child/education/washingtonchecklist.doc>.

BENCHMARKS

— 2-A



GOAL 3

Young Children Enter School Ready to Learn

- A 2005 national study of 2,813 children in care found 40% of toddlers and 50% of preschoolers had significant behavioral and developmental needs.
- Only 21% of the children identified in the study were receiving services.

adapted from National Working Group on Foster Care and Education, Educational Outcomes for Youth in Foster and Out-of-Home Care (September 2007).

According to the American Academy of Pediatrics, children in foster care have higher rates of physical, developmental, and mental health problems, and may enter into foster care with unmet medical and mental health needs. These critical health needs must be addressed in the early years in order to ensure that young children are developing appropriately and will be ready to benefit from school. Critical to addressing the pre-learning needs of young children is linking them to the full range of screening and early intervention services available.

BENCHMARKS THAT SHOW PROGRESS TOWARD THIS GOAL

3-A Young children have all the appropriate health interventions necessary, including enrollment in the Medical Assistance Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program, and receive comprehensive evaluations and treatment.

3-B Young children are given special prioritization and treatment in early childhood programs (including Head Start, Early Headstart, and pre-school programs).

3-C Young children receive developmentally appropriate counseling and supports in their early childhood programs with sensitivity to their abuse and neglect experiences.

3-D Young children have caretakers who have been provided information on the children's medical and developmental needs, and who have received training and support to be effective advocates.

3-E Children under age three with developmental delays, or a high probability of developing such delays, are identified as early as possible, promptly referred for evaluation for early intervention services, and promptly evaluated and served.

3-F Young children at high risk of developmental delays are screened appropriately and qualify for early intervention services whenever possible.

3-G Children under age three who have been involved in a substantiated case of child abuse and neglect, who have been identified as affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or who have experienced a substantiated case of trauma due to exposure to family violence are referred to the early intervention system for screening.

3-H Children with disabilities ages three to school age are referred and evaluated, and receive appropriate preschool early intervention programs.

National Examples

BENCHMARKS

Part C of the Individuals with Disabilities Education Improvement Act of 2004 recognizes three categories of children from birth to age three who may be eligible for early intervention services: (1) children who are experiencing developmental delays; (2) children with a diagnosed physical or mental condition that creates a high probability of developmental delays; and (3) children, who at a state's discretion, are "at risk" of having substantial developmental delays if early intervention services are not provided. The 2004 IDEA reauthorization mandates that a child "who experiences a substantiated case of trauma due to exposure to family violence" be referred for an evaluation for early intervention services. *20 U.S.C. § 1435(c)(2)(G)*. Part C further provides that a state's application shall contain a description of the state policies and procedures that require the referral for early intervention services of a child under the age of three who is involved in a substantiated case of child abuse or neglect. In several states, every child who falls within this description is screened by a Part C provider or designee to determine whether a referral for an evaluation for Part C services is warranted and, if warranted, that a referral is made. However, the law does not require that every child who receives such a screening shall be subject to an evaluation or Part C services. *20 U.S.C. § 1435(c)(2)(G)*.

3-E; 3-F; 3-G

The Part C referral provisions in the Child Abuse Prevention and Treatment Act (CAPTA) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) are designed to help children under age 3 involved in substantiated cases of abuse or neglect. The provisions connect child welfare staff to early intervention service providers who can assist in assessment, service delivery, and permanency planning. A Children's Bureau bulletin, **Addressing the Needs of Young Children in Child Welfare: Part C Early Intervention Services**, looks at how states are implementing the new referral provisions and offers lessons learned. This bulletin is available at <http://www.childwelfare.gov/pubs/partc/index.cfm>.

3-G

Head Start provides comprehensive early childhood services to children from birth to preschool in families with income below the poverty line. These services are designed to promote school readiness and prepare children to enter kindergarten by enhancing social and cognitive development through the provision of health, educational, nutritional, social, and other services to young children and their families. Head Start provides these services to nearly one million children across the United States. All children in foster care are categorically eligible for Head Start and Early Head Start programs. The newly reauthorized Head Start Act includes specific provisions related to children in foster care and children who are McKinney-eligible. New requirements include prioritization for McKinney-eligible children, as well as requirements for planning, training, and coordination to address the needs of young children in foster care. *42 U.S.C. § 9801 et seq.; 45 C.F.R. § 1305*. For more information, see <http://www.headstartinfo.org/>.

3-B

The Legal Center for Foster Care and Education developed a factsheet, **Q & A: Headstart and Early Start**, to explain the provisions specific to children that are homeless and in out-of-home care. To access the fact sheet, visit www.abanet.org/child/education/publications.

3-B

Keeping Children and Families Safe Act (reauthorizing the Child Abuse Prevention and Treatment Act in 2003) requires each state to develop "provisions and procedures" to refer a child under three involved in "a substantiated case of child abuse or neglect" to be screened to determine need for early intervention services provided through Part C of the IDEA. *42 U.S.C. § 5101*.

3-G

BENCHMARKS

The American Academy of Pediatrics has identified three valid, reliable, and specific **Early Childhood Screening Tools** for assessing the developmental progress of young children. These tools are (1) Parents' Evaluation of Developmental Status (PEDS); (2) Ages and Stages Questionnaires (ASQs); and (3) Child Development Inventories. A copy of the PEDS form can be downloaded at www.pedtest.com; a copy of the ASQ at www.brooke-publishing.com.

3-A; 3-E; 3-F; 3-G; 3-H

The Early Head Start Research and Evaluation Project (EHSREP), at the direction of Congress, conducted a rigorous evaluation to inform program improvement and to assess the program's effects on child and family outcomes. This report contains information from the first step of this evaluation, the **Survey of Early Head Start Programs**, which provides information on program management, populations served, and services provided. It also answers the following questions: (1) What are the characteristics of Early Head Start programs? (2) Who is served by Early Head Start programs? (3) What services do Early Head Start programs provide? (4) How are Early Head Start programs managed and staffed? and (5) Do key program subgroups differ in their characteristics? If so, how? The report, **Findings from the Survey of Early Head Start Programs: Communities, Programs, and Families, Final Report**, is available at http://www.acf.hhs.gov/programs/opre/ehs/survey_ehs/reports/findings_ehs/findings_ehs_toc.html.

3-B

One of the research briefs written based on the findings of the National Survey of Child and Adolescent Well-Being examines the need for and provision of an Individualized Family Service Plan (IFSP) during the first three years of life among infants and toddlers involved in investigations of child maltreatment. The brief, **Need for Early Intervention Services Among Infants and Toddlers in Child Welfare**, asks the following questions: (1) What percentage of infants and toddlers involved with Child Welfare Services (CWS) need early intervention services, based on criteria that states use? (2) What percentage receives an IFSP? (3) What child and maltreatment characteristics predict having an IFSP? (4) What percentage of infants and toddlers later has an IEP? and (5) What percentage of those who ever had an IFSP transition to an IEP? The brief can be found at http://www.acf.hhs.gov/programs/opre/abuse_neglect/nscaw/reports/need_early_intervention/early_intervention.html.

3-G

An article, **State and Jurisdictional Eligibility Definitions for Infants and Toddlers with Disabilities under IDEA**, details the problem of determining definitions of developmental delay and criteria of eligibility for services to young children (birth through two years of age) and their families. It also discusses how the states and jurisdictions that participate in the Part C program define developmental delay. The article can be viewed at <http://www.nectac.org/~pdfs/pubs/nnotes21.pdf>.

3-E; 3-F; 3-H

The **Hilton/Early Head Start Training Program** is a public-private partnership between the Conrad N. Hilton Foundation and the Head Start Bureau. The program is designed to support the inclusion of infants and toddlers with disabilities and their families in Early Head Start (EHS), Migrant and Seasonal Head Start (MSHS), and other early care and education programs, in collaboration with partner organizations. A primary element of the program is "Special Quest," which provides four years of sequential trainings that are delivered to teams consisting of a family member/foster care parent of a child with a disability, an administrator, an early interventionist, a child care partner, a disability services coordinator, and a Head Start staff person. More information can be found at <http://www.specialquest.org>.

3-B

Introduced in May 2007, **The Education Begins At Home Act (H.R. 2343)** would enable states to deliver early childhood home visitation programs to pregnant women and parents of children from birth until kindergarten entry in order to promote parents' ability to support their children's optimal cognitive, language, social-emotional, and physical development. The bill is to expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns. While the Bill was placed on the calendar for voting, it was not voted upon during 2008.

BENCHMARKS

3-A; 3-E; 3-F; 3-G; 3-H

State and Local Examples

ALASKA

The Anchorage School District collaborated with Head Start to establish a program that would address the needs of highly mobile young children as part of the state's **Child in Transition/Homeless Program**. As part of the program, the school district sets aside slots in Head Start for foster and homeless children; provides busing and gas vouchers; cross-trains educators; tracks children as they move placements; and uses the court system to build awareness of the importance of Head Start and educational stability for young children. The program also ensures that all eligible children access homeless liaisons. For more information, contact Beth Synder at Synder_Beth@asdk12.org.

3-B

ARIZONA

In Arizona, children age three and younger represent approximately 23 percent of Arizona's child population, yet account for 39 percent of the substantiated reports of child abuse and neglect. Yavapai County developed the **Best for Babies (B4B) Program**. The B4B checklist was implemented in 2004 as part of the 30-day review. The checklist includes information about essential services for the community's most vulnerable children, delineating the responsibilities of each stakeholder. The **B4B Program** works to (1) convert the B4B checklist from a snapshot in time to a guide for ongoing services; (2) develop a cadre of CASA volunteers to oversee case coordination and collaboration; and (3) enhance case coordination and collaboration among all service providers working with babies and their families. For more information, go to www.pcaaz.org.

3-A; 3-B; 3-C; 3-D; 3-E;
3-F; 3-G; 3-H

CALIFORNIA

The **Los Angeles Universal Preschool (LAUP)** offers free, high-quality preschool to children in foster or kinship care who live in Los Angeles County. The goal of the program is to give children a better start in life by providing families with early identification, screenings, referrals, and follow-up for developmental delays or concerns. For more information about this program, see www.laup.net.

3-B; 3-E; 3-F; 3-G; 3-H

Child welfare and public education professionals in California have come together to form the **California Education Collaborative for Children in Foster Care (CEC)**. The goal of this collaboration is to increase educational outcomes for foster care youth in three counties: Fresno, Sacramento, and San Diego. Through the CEC, Fresno County has begun an initiative to focus on children ages zero to six. The county has created a new social work position responsible for increasing the enrollment of foster care youth in Head Start and other preschool programs. The county has also begun offering trainings for caregivers, service providers, and other professionals to educate and increase advocacy for the educational needs of this population.

3-B; 3-C; 3-D; 3-H

California developed fact sheets addressing national and California state laws that relate to the education needs of children in out-of-home care, including the Individuals with Disabilities Education Act and AB 490. The fact sheets include special education and early intervention services. To review these fact sheets, go to [http://www.abanet.org/child/rclji/education/californiafact sheets082205.pdf](http://www.abanet.org/child/rclji/education/californiafact%20sheets082205.pdf).

FLORIDA

Florida law requires the Department of Children and Families to enter into agreements with district school boards or other local educational entities regarding education and related services for children “known to the Department.” Such agreements must include, but are not limited to, an individualized student intervention or an individual educational program (IEP) when a determination has been made through legally appropriate criteria that intervention services are required. The intervention or IEP must include strategies to enable the youth to maximize the attainment of educational goals. Also included in the agreement is a mandate that the Department and district school board cooperate in accessing the services and supports needed for a child who has or is suspected of having a disability so that the child receives an appropriate education consistent with the IDEA and state implementing laws, rules, and assurances. *Fla. Stat. Ann. § 39.0016*.

Zero to Three developed **Court Teams for Maltreated Infants and Toddlers** to work with juvenile and family court judges to improve the health and well-being of the youngest victims of child abuse and neglect. This concept was piloted in Miami and then expanded to several other juvenile and family courts. Zero to Three identified the judges for the Court Teams and designed a two-phase process to be implemented in juvenile and family courts in five communities. Phase 1 entails (1) developing a partnership between a judge and a local community coordinator to establish a court-community team composed of key child-serving stakeholders; (2) building knowledge and raising awareness of the needs of young children in foster care; and (3) completing a community needs assessment that identifies available services and gaps. Phase 2 involves providing additional services for babies, starting with court-ordered referrals for health and dental care, quality child-care, behavioral and developmental assessments, therapeutic services, and frequent visits with parents. For more information, see http://www.zerotothree.org/site/PageServer?page-name=ter_pub_courtteams.

The **Locklin Technical Center**, located in Santa Rosa County, is a program that combines a teenage parenting program with Early Head Start. The goal of the Teen Age Parenting Program (TAPP) is to offer pregnant and parenting girls the opportunity to return to or continue their education and earn a high school diploma. Some of the services offered by Locklin Technical Center include parenting classes, high school diploma or GED programs, onsite vocational classes, free child care in an accredited child care center, subsidized lunches, and a clothes closet for teens and children.

The Florida State University Center for Prevention and Early Intervention Policy is an organization whose mission is to influence public policy by enlarging the knowledge base about families and young children. The Center’s work focuses on practices and policies which prevent poor birth outcomes, build strong families, promote maternal and child health and development, and prevent disabilities. The Center’s research has disclosed the importance of addressing the medical and psychological needs of young children in foster care through early intervention services to prepare them for school. For more information go to <http://www.cpeip.fsu.edu>.

BENCHMARKS

3-E; 3-F; 3-G; 3-H

3-E; 3-F; 3-H

3-A; 3-B; 3-C; 3-D; 3-E
3-F; 3-G; 3-H

3-B

3-C

BENCHMARKS

ILLINOIS

In Illinois, the **Strengthening Families Through Early Care and Education Illinois Program** brings together 21 partner organizations and state child welfare and abuse prevention agencies, as well as early childhood centers in key counties. The Program's goals include (1) enrolling all wards of the state and children of wards in quality preschool programs; (2) training early childhood centers to meet the unique needs of children in care through trauma-informed curricula; and (3) increasing family support and mental health consultation services through local preschools. For more information, see <http://www.illinoisearlylearning.org/initiatives.htm>.

3-B; 3-C

In 2006, Illinois enacted the **Preschool for All Act (Illinois Senate Bill 1497)**, which mandates that all three- and four-year olds in the state have access to high quality preschool programs in a range of settings by 2011. In awarding grants under this Act, the Illinois State Board of Education gives first priority to applicants that primarily serve children at risk of academic failure and second priority to applicants that primarily serve children whose family income is less than four times the poverty guidelines issued by the federal government. While drafted for all children in Illinois, this initiative can significantly benefit young children in foster care. More information can be found at <http://72.14.205.104/search?q=cache:e01mALeJcgJ:www.earlylearningillinois.org/+Illinois+and+Preschool+for+All&hl=en&ct=clnk&cd=1&gl=us>.

3-B; 3-C

Raising Young Children to the Top of the Policy Agenda: Lessons from Illinois tells the story of two decades of advocacy work on behalf of young children in Illinois, culminating in the 2006 passage of the **Preschool for All Act**, which makes high-quality preschool available to all three- and four-year olds who choose to participate. This article can be found at <http://www.earlylearningillinois.org/lessonsfromillinois.pdf>.

3-B

The Illinois Department of Children and Families published the article, **Starting Early for a Lifetime of Success: Innovations in Child Welfare and Early Childhood Education**, to explain how the Department has adopted a “lifetime approach” to children in the system. Through this approach, the Department looks at every child as potentially being in state care throughout his or her lifetime. The article lists the seven goals of the “lifetime approach” and gives suggestions on how to achieve these goals. The article is located at http://www.state.il.us/DCFS/docs/Early_Childhood.pdf.

3-A; 3-B; 3-C

Evanston Early Head Start is a program for toddlers in Evanston, Illinois. The program partners childcare providers with state child welfare agencies, the Department of Health, the elementary school, and other community social service agencies to provide Early Head Start to the children of teens while they finish high school and also learn parenting skills. A new component was added to focus on the parent-child relationship through an intensive therapeutic playgroup. The program has been in existence for 16 years. For more information, see <http://www.ilheadstart.org/a22listings.html>.

3-B; 3-D

IOWA

Iowa's Department of Health and Human Services (DHS) proactively refers all age-eligible foster care children to Head Start or Early Head Start. DHS provides basic contact information of age-eligible children entering the foster care system to service providers of Head Start or Early Head Start programs serving the child's geographical area. DHS and the Department of Education also provide regular training to foster care workers regarding services available through Head Start, eligibility requirements, and location of Head Start and Early Head Start programs. DHS also gathers and shares, where appropriate, health records, immunization forms, and birth certificate documentation as needed. Conscientious efforts are made to keep Head Start programs informed of the status of fos-

3-B; 3-D

BENCHMARKS

ter care children served by that program, including identifying the child's caregiving arrangements and any significant changes in the foster care family. For more information, see http://74.125.95.104/search?q=cache:AdmYUuGFeDsJ:www.iowa.gov/educate/component/option,com_docman/task,doc_download/gid,4456/+iowa+and+DHS+and+Head+Start&hl=en&ct=clnk&cd=1&gl=us.

NEW YORK

The **Babies Can't Wait Program (BCW)** is a project of the New York State Permanent Judicial Commission on Justice for Children. BCW identifies, documents, and tracks infants in family court, provides for their special health and developmental needs, and promotes permanency. All children under age three in the child welfare system are automatically referred for early intervention services. BCW projects are underway in New York City; Erie County, New York (includes Buffalo); and Monroe County, New York (includes Rochester). The BCW projects improve the response to infants and toddlers in the child welfare system through three major tasks: (1) providing training on infant health and development to those working in the court and child welfare systems; (2) creating a judge's bench card for infants that addresses the special developmental and medical needs of infants; and (3) working with the child welfare agency to improve how cases involving infants are handled. The BCW process includes the following five components to improve health outcomes for infants in foster care: (1) identify and convene local stakeholders; (2) provide judicial leadership; (3) build knowledge and offer accessible ways to share that knowledge; (4) create a favorable climate for collaborative problem solving; and (5) collect data that will help drive program design and training content, and shape service plans and court orders. For more information, please see <http://www.aecom.yu.edu/cerc/pdf/Developments/develf.pdf>.

3-E; 3-F; 3-G

New York developed the **New York Judicial Commission Bench Book** entitled **Ensuring the Healthy Development of Foster Children: A Guide for Judges, Advocates and Child Welfare Professionals**, which highlights the Early Periodic Screening, Diagnosis, and Treatment Program (EPSDT) and the critical link between a child's healthy development and permanency. The bench book requires that at least one person involved in the court process learns about and reports on a young child's health. These updates are included on the court's permanency plan forms. The bench book is available at <http://www.courts.state.ny.us/ip/justiceforchildren/PDF/Infant%20Booklet.pdf>.

3-A; 3-D

Critical Connections for Children Who are Abused and Neglected: Harnessing the New Federal Referral Provisions for Early Intervention, written by Sheryl Dicker and Elysa Gordon, highlights strategies that link child welfare, the court, and early intervention systems to enhance the healthy development of young children in foster care. It discusses the need for young children in foster care to be referred to early intervention and the importance of implementing the Part C referral provisions. Strategies to ensure referral are discussed, as well as collaborative programs to provide cross-system training and funding to facilitate early intervention diagnosis and treatment for young children in care. The article is available at http://www.abanet.org/abanet/child/education/open_file.cfm?id=63.

3-G

The **New York 2005 Governor's Permanency Act** requires a permanency hearing report to include information on referrals to early intervention services. *McKinney's Family Court Act § 1089*.

3-E; 3-F; 3-G

BENCHMARKS

PENNSYLVANIA

Pennsylvania Child & Youth Regulations require all children in care to be screened, enrolled in, and to receive treatment in accordance with EPSDT. *55 Pa. Code § 4226.61; 55 Pa. Code § 4226.72.*

In Philadelphia, the County Office of Children & Youth requires child welfare provider agencies to use a diagnostic program, **Ages and Stages**, prior to making a referral to the Part C agency, ChildLink. In lieu of screening of at-risk children, pediatricians at the Children's Hospital of Pennsylvania have developed a diagnostic and referral program, the **Starting Young Program**, which provides a comprehensive and interdisciplinary developmental evaluation. A pediatrician, psychologist, speech-language pathologist, and physical therapist conduct this evaluation. The team is joined by a Part C early intervention service coordinator from ChildLink who, when necessary, completes the IFSP if the Starting Young evaluation indicates that the child is actually eligible for Part C services. In addition, young children are rescreened every six months. The Program maintains a database of each child's developmental and health care needs, and mental health issues. As a result of the **Starting Young Program**, children are receiving prompt referrals for early intervention services.

TENNESSEE

Tennessee's Department of Children's Services (TDCS) follows the **American Academy of Pediatrics Periodicity Schedule** for preventive screenings and check-ups for all children in care. This schedule recommends that infants and toddlers be screened at birth; 2-4 days old; 1 month; 2 months; 4 months; 6 months; 9 months; 12 months; 15 months; 18 months; 24 months; and annually thereafter. In addition, Tennessee policies state that within 30 days of entering TDCS's custodial care, each child must receive either an EPSDT screening or a well-child screening. **TDCS Standards of Professional Practice for Serving Children and Families** (November 2003); see also http://www.state.tn.us/youth/dcsguide/DCS_PracticeModel11.24.03.pdf.

TEXAS

Recognizing the importance of early learning opportunities for at-risk children, advocates in Texas seek to expand eligibility for the state's preschool program to children in foster care. Proposed legislation, **Senate Bill 113**, would authorize children in care who are at least three years old to be eligible for admission to public pre-kindergarten and allow them to remain eligible even after leaving care. For the text of the proposed legislation, see <http://www.legis.state.tx.us/tlodocs/78R/billtext/html/SB00113F.htm>.

Child Incorporated has been the Early Head Start grantee for Travis County since 1996. It is located in an urban community serving approximately 1800 Head Start participants and 123 Early Head Start children. One goal of the project is to prepare children for school by integrating early care and education services to high risk children for community partners. More information can be found at <http://www.childlinc.org/>.

VERMONT

Vermont has established a statewide birth information network designed to identify newborns with specified health conditions that might respond to early intervention and treatment by the health care system. Under this law, children receive a home visit and screening for early intervention services. *Vt. Stat. Ann. tit. 18, § 5087*. For more information, see <http://www.dcf.state.vt.us/CDD/programs/prevention/index.html>.

3-A

3-A; 3-E; 3-F; 3-G

3-A; 3-E; 3-F

3-C; 3-H

3-B

3-A; 3-E; 3-F; 3-G

WASHINGTON

In July 2006, Washington established the **Department of Early Learning**, the first cabinet level agency for early learning in the country. The agency administers the **Early Childhood Education and Assistance Program**, which mandates that children in care are given priority in enrollment and providers are responsible for identifying homeless children and those awaiting foster care in their service areas. All children with a substantiated case of abuse or neglect must be reported directly to the Department to ensure that these children promptly receive services. For more information, see <http://www.del.wa.gov>.

Education and Children in Foster Care: Future Success or Failure, written by Janis Avery, discusses the need for concrete planning and intervention to increase the graduation rates for children who emancipate from foster care in the state of Washington. Essential steps include defining the educational issues facing children in the child welfare system, establishing stability and continuity in school placements, offering tutoring and advocacy, and providing preschool education. This report is available at <http://www.newhorizons.org/spneeds/inclusion/collaboration/avery.htm>.

BENCHMARKS

3-B; 3-C; 3-G

3-B; 3-E; 3-F; 3-G; 3-H



GOAL 4

Youth Have the Opportunity and Support to Fully Participate in All Aspects of the School Experience

- A 2001 Washington State study of 4,500 children and youth in care attending public school found they scored 16 to 20 percentile points below youth not in care in statewide standardized tests at grades three, six, and nine.

adapted from National Working Group on Foster Care and Education, Educational Outcomes for Youth in Foster and Out-of-Home Care (September 2007).

Too often, youth are prevented from accessing school services available to all other youth. Not only must youth in out-of-home care receive equal treatment, they also will frequently need additional supports. The absence of family and educational stability combined with histories of abuse and neglect mean that youth in care experience higher rates of grade retention and lower academic achievement than their peers. Effectively responding to these needs may require the creation of specific policies and additional supports designed to improve academic achievement and broaden their access to all aspects of the school experience.

BENCHMARKS THAT SHOW PROGRESS TOWARD THIS GOAL

- 4-A** Youth are entitled and encouraged to participate in all aspects of the school experience, including academic programs, extracurricular activities, and social events, and are not excluded because of being in out-of-home care.
- 4-B** Youth receive the additional supports necessary to be included in all aspects of the school experience.
- 4-C** Youth's records relating to his or her education and needs are made available to necessary individuals working with the youth, while respecting the youth's privacy.
- 4-D** Youth's appointments and court appearances are scheduled to minimize their impact on the child's education, and children are not penalized for school time or work missed because of court or child welfare case-related activities.
- 4-E** Youth are not inappropriately placed in nonpublic schools or other alternative school settings, including schools for students with disabilities.
- 4-F** Youth receive supports to improve performance on statewide achievement tests and other measures of academic success (such as attendance and graduation).
- 4-G** Youth are surrounded by trained professionals that have the knowledge and skills to work with children who have experienced abuse and neglect; school curricula and programs utilize the research on trauma-informed care.
- 4-H** Youth with disabilities are located, evaluated, and identified as eligible for special services.
- 4-I** Youth with disabilities receive the special help they need to learn content appropriate to their grade level or, when that is not possible, the content that is appropriate to their learning level.
- 4-J** Youth with disabilities receive their education in regular classrooms (with the necessary supports and accommodations) whenever possible.

National Examples

To help address and improve educational outcomes for youth in care, Casey Family Programs developed the **Endless Dreams** video and training curriculum. These practice-oriented tools are designed to support educational advocates, education specialists, education liaisons, CASA volunteers, child welfare professionals, and others who assist youth in care with their educational needs. To learn more about the **Endless Dreams** curriculum, please send an e-mail to contactus@casey.org.

Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care answers common questions by individuals involved with the child welfare system, including judges, children's attorneys, parents, foster parents, youth, caseworkers, and court appointed special advocates (CASAs). This publication (1) provides context and explains why there is a need to address the education needs of children in foster care; (2) debunks myths about confidentiality and decision making; (3) explains the federal laws that affect confidentiality of education records and decision making; and 4) suggests strategies to overcome confidentiality and decision-making hurdles when addressing the needs of children in foster care. This publication is available online and contains interactive functions, including links between sections and to additional outside resources. To access the online version, see www.abanet.org/child/education.

The **Court Appointed Special Advocate (CASA)** Program trains volunteers to advocate for a child not only in court, but also in school to ensure a child's appropriate placement and participation in school activities. To learn more about CASA in your jurisdiction, visit the National CASA website at www.nationalcasa.org.

The **Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)** is a federally funded grant from the U.S. Department of Education designed to better prepare middle and high school students for college by providing mentoring, tutoring, academic preparation programs, scholarships, and college access information for students and parents. GEAR UP gives six-year grants to states and partnerships to offer services at high-poverty middle and high schools. Programs must provide an early intervention component and a scholarship component. More information about this grant can be found at <http://www.ed.gov/programs/gearup/index.html>.

Q & A: No Child Left Behind and Children in Out-of-Home Care, a fact sheet published by the Legal Center for Foster Care and Education, highlights the provisions of the law that apply to children in out-of-home care. The fact sheet addresses when the law permits a child to transfer from a school that has not made adequate yearly progress (AYP); reporting requirements; and the lack of clarification about who the decision maker is for children in care. The fact sheet is located at http://www.abanet.org/child/education/QA_8_NCLB_FINAL.pdf.

The Legal Center for Foster Care and Education developed a fact sheet, **Q & A: Information Sharing to Improve Outcomes for Children in Out-of-Home Care**, which discusses how education and child welfare information can be appropriately shared to assist child welfare and education professionals in meeting the needs of children in foster care. To access the fact sheet, visit www.abanet.org/child/education/publications.

BENCHMARKS

4-A; 4-B; 4-G

4-C; 4-G

4-A; 4-B; 4-G

4-B; 4-F

4-B; 4-G

4-C

BENCHMARKS

The Legal Center for Foster Care and Education published a collection of state laws that address school stability and continuity for children in out-of-home care in **State Legislation Chart – Foster Care and Education (Outside McKinney-Vento)**. Each state law and policy is broken down to highlight specific elements and includes a provision regarding use of staff liaisons to help the youth navigate the system. The chart is available at http://www.abanet.org/child/education/Legal_Center_FC_%20Non-McKinney_State_Chart_FINAL.doc.

4-B; 4-G

The New York State Permanent Judicial Commission on Justice for Children has developed a comprehensive checklist for use by judges, advocates, and child welfare professionals when considering the education of children in foster care. This publication, **Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals**, contains ten basic questions to focus on a child's educational needs and integrate those needs with permanency planning and review. It covers the educational and medical needs of children in foster care, special education issues, and information on educational decision making. This checklist can be found at <http://www.nycourts.gov/ip/justiceforchildren/PDF/EducationalNeeds.pdf>.

4-C; 4-H; 4-I

The Heritage Foundation developed an issue brief, **Foster Care Children Need Better Educational Opportunities**. This brief examines the issues contributing to poor education outcomes for youth in care and outlines recommendations for reform and education advocacy. The brief also encourages fuller participation for children in care and better special education services. It can be found at <http://www.heritage.org/Research/Education/bg2039.cfm>.

4-A; 4-G; 4-H; 4-J

The **Local Homeless Education Liaison Toolkit**, developed by the National Center for Homeless Education, is a comprehensive resource that will assist both new and veteran local liaisons in carrying out their responsibilities. The toolkit, updated in 2007, contains over 250 pages of information supporting the education of children and youth experiencing homelessness. The toolkit can be downloaded at <http://www.serve.org/nche/downloads/toolkit/toolkit.pdf>.

4-B; 4-G

The **State Coordinator's Handbook for Supporting Local Homeless Education Liaisons** is a companion document for the Local Homeless Education Liaison Toolkit. Produced by the National Center for Homeless Education, the toolkit provides local education agencies (LEAs) and their designated liaisons with background information and sample resources to ensure homeless students have access to and success within local school districts. This handbook contains state-level suggestions for identifying, training, and communicating with local school-district liaisons and includes suggestions for modifying the LEA Toolkit to meet the specific needs of individual states. The handbook can be found at <http://www.serve.org/nche/downloads/handbook/handbook.pdf>.

4-B; 4-G

Homeless children and youth sometimes need help enrolling and participating in school. Parents, relatives, family friends, school and school district personnel, shelter providers, youth program workers, social workers, advocates, and the students themselves can all play a role in helping young people get an education. The National Center on Homelessness and Poverty issued a booklet, **Educating Homeless Children and Youth: The Guide to Their Rights**, that discusses the McKinney-Vento Act and includes a discussion of the child's right to full participation in school, access to special services, and privacy. A copy of the booklet can be downloaded at [http://www.nlchp.org/content/pubs/Basic%20McKinney%20Booklet%20\(2007\)1.pdf](http://www.nlchp.org/content/pubs/Basic%20McKinney%20Booklet%20(2007)1.pdf).

4-A; 4-B; 4-C; 4-E; 4-H

BENCHMARKS

The National Center for Homeless Education developed a brochure, **Supporting the Education of Homeless Children and Youth**, to explain the rights and protections provided under the McKinney-Vento Act, including the right to fully participate in school. The brochure is available at http://www.serve.org/nche/downloads/nche-brochure_eng.pdf.

4-A; 4-E

The National Center for Homeless Education designed a guide for parents, guardians, and caretakers, **What You Need to Know to Help Your Child in School: A Guide for Parents, Guardians, and Caretakers**, that explains the rights and protections of the McKinney-Vento Act, including the right to fully participate in school. It includes “Frequently Asked Questions” and a list of national resources, and can be found at http://www.serve.org/nche/downloads/parentbrochure_eng.pdf.

4-A; 4-E

An Australian study highlights the educational outcomes of Australian children placed in child protection services. The pilot study found that children on guardianship/custody orders across all year levels had lower academic performance than other children who took the test. The importance of equal educational opportunity for children in care is stressed. The findings also indicate that additional study needs to be undertaken to identify and evaluate the factors that influence these patterns. The study, **Educational Outcomes of Children on Guardianship or Custody Orders: A Pilot Study**, conducted by the Australian Institute of Health and Welfare, is available at <http://www.aihw.gov.au/publications/cws/eoocogoco/eoocogoco.pdf>.

4-A; 4-B; 4-F

The National Center for Homeless Education, in collaboration with national, state, and local stakeholders, developed a set of standards and indicators reflecting the various components that characterize a quality homeless education program, including the need for special education evaluation/placement and supports to improve academic performance. This report, **McKinney-Vento Data Standards and Indicators (2006 Revisions)**, can be found at http://www.serve.org/nche/downloads/st_and_ind_2006_rev.doc.

4-F; 4-H; 4-I

State and Local Examples

ALASKA

The **Child in Transition/Homeless (CIT/H) Program** works with children and youth temporarily residing in emergency shelters and outreach sites as well as children and youth who reside in other transitional living situations such as tents, campgrounds, motels, cars, or with friends. The mission is to eliminate barriers to school enrollment, attendance, and success during homelessness. The **CIT/H Program** accomplishes its mission through early intervention and prevention programs; transportation coordination and support; distribution of school supplies and personal hygiene materials; individual and small group tutoring in shelters, schools, and community sites; child, youth, and family advocacy; and community referrals.

4-A

BENCHMARKS

ARIZONA

Pima County Juvenile Court is bringing education issues to the forefront. The publication chronicling these reforms, **Court-Based Education Efforts for Children in Foster Care**, offers suggestions to other jurisdictions that want to design and implement their own reform initiatives. Pima County recognizes the need for better special education evaluation and services, as well as providing more resource materials for professionals. For more information, see <http://www.casey.org/Resources/Publications/pima.htm>.

4-B; 4-C; 4-G; 4-H; 4-I

ARKANSAS

Arkansas passed the **Act to Ensure the Continuity of Educational Services to Foster Children (HB 1710)**, which mandates that children in foster care receive the same educational opportunities, academic resources, and access to extracurricular activities as all other children through collaboration among educators, caseworkers, attorneys, CASA volunteers, and parents. The Act ensures that youth have foster care liaisons, and are appropriately placed in educational programs in the least restrictive environment. The Act specifically instructs that a foster parent has the right to consent to an IEP and related services. In addition, the Act prohibits the lowering of grades when a child is absent due to a change in placement or court-related activity. *Ark. Code Ann. § 9-27-103*.

4-A; 4-B; 4-D; 4-E; 4-H; 4-I

The Hamburg School District adopted a specific policy to address the needs of youth in care: “Foster children in Hamburg School District will be entitled to the same opportunities to meet the academic achievement standards to which all children are held. They shall be assisted by a district appointed liaison, so that they are able to remain in their schools of current enrollment whenever possible, placed in the least restrictive educational placement, and shall have the same access to academic resources, services, and extracurricular enrichment activities as all other children.” For more information, see <http://72.14.205.104/search?q=cache:V1gBOKWxbFQJ:hamburg.k12.ar.us/DIS-TRICT/Elementary%2520Handbook.pdf+Hamburg+School+District+and+foster+children&hl=en&ct=clnk&cd=1&gl=us>.

4-A; 4-B; 4-E; 4-F; 4-G; 4-J

CALIFORNIA

Senate Bill 1108 reformed the state funding mechanism that formerly gave school districts a fiscal incentive to place foster youth in nonpublic schools (NPS) even when it was not in the students’ best interests. Removing this financial incentive made a dramatic difference. Prior to this initiative, almost 50 percent of youth in care were educated in NPSs— the most restrictive educational setting. In San Diego County, Foster Youth Services now reports that the percentage of youth educated in NPSs has decreased to almost 20 percent.

4-E

Assembly Bill 1858: Quality Non-Public Schools for Foster Youth (Chapter 914 Statutes) was enacted in 2004 and requires all NPSs to meet the same standards as public schools for appropriate curricula, qualified teachers, and adequate materials and supplies. Specifically, **AB 1858** requires the NPS to provide access to the following: (1) the same instructional materials used by the district in which the NPS is located; (2) college preparation courses; (3) extracurricular activities such as art, sports, music, and academic clubs; (4) career preparation and vocational training; (5) supplemental assistance, including academic tutoring, psychological counseling, and career and college counseling; and (6) teachers and staff who provide academic instruction and support services with the goal of integrating the students into the least restrictive environment. *Cal. Educ. Code § 48853.5*.

4-A; 4-B; 4-E; 4-G; 4-J

Additionally, **AB 1858** requires NPSs to be monitored similarly to public schools to ensure they are offering appropriate educational programs and services. *Cal. Educ. Code § 48853.5*.

BENCHMARKS

AB 1858 requires that school districts provide disaggregated data on their students in foster care. Accordingly, academic achievement data regarding youth in care are collected and reported throughout the state. In addition, California's countywide Foster Youth Services (FYS) Program requires that educational outcome data be tracked and reported. The ongoing evaluation measures actual performance against target objectives in the areas of academic achievement, discipline problems, and truancy. San Diego's FYS has developed a specific database (Foster Youth Administration System) that houses all educational information regarding the county's youth in care. *Cal. Educ. Code § 48853.5*.

4-C; 4-F

Cal. Educ. Code § 49069.5(g)(h) states that the grades of a child in foster care may not be lowered due to absence from school because of a change in placement, attendance at a court hearing, or other court-related activity.

4-D

Cal. Educ. Code § 48853(f) provides that children in foster care living in emergency shelters may receive educational services at the shelter for short periods of time in cases of health and safety emergencies, when it is impractical to transport the child to their school of origin and they would not otherwise receive educational services, or where the child's special needs require supplemental or special services. Services will only be provided at the shelter if it is determined to be in the child's best interests by the person holding the right to make educational decisions for the child.

4-E; 4-I

California's **Foster Youth Services (FYS) Program**, based in the state Department of Education, provides grants to counties to develop local, coordinated approaches to public education for youth in group homes. The intent of the Foster Youth Services Program is to make services available to every group home resident between the ages of 4 and 21. Local FYS initiatives bring together courts, child welfare agencies, schools, probation agencies, and other service providers to provide a wide array of education-related services to foster children, including educational assessments, tutoring, mentoring, counseling, advocacy, and facilitation of information sharing and records transfers. San Diego County's FYS program, for example, has the following components: (1) FYS Advisory Committee, consisting of representatives from school districts, the county child welfare and probation agencies, the public defender's office, advocacy groups, and group homes; (2) FYS Network, a process of communication and records transfer among numerous agencies that have entered into an interagency agreement that is facilitated by a court order authorizing release of juvenile records; and (3) FYS Information System, a countywide database that contains placement, demographic, and health and education records for foster youth residing in group homes. To learn more about Foster Youth Services in San Diego, visit their website at www.sdcoe.net/ssp/support/fys/?loc=home.

4-A; 4-B; 4-C; 4-G

Casey Family Programs and the California State University at San Marcos School of Education have developed the **Tutor Connection Program**. **Tutor Connection** provides educational supports for children in out-of-home care and provides training to future educators to learn how to effectively address the educational needs of foster care youth through trauma-informed curriculum. See www.casey.org.

4-B; 4-F; 4-G

The **Education Coordinating Council (EEC)** was created by the Los Angeles Board of Supervisors in response to the growing performance gap for youth in foster care or in probation in the Los Angeles Unified School District (LAUSD). The EEC brings together all the major stakeholders responsible for the educational performance of foster and probation youth. The EEC membership includes the leadership of Juvenile Court, city and county children's commissions, advocacy and planning groups, community organizations, and the superintendents of school districts with significant numbers of foster and probation youth. The EEC has been able to improve access for foster and probation youth to the LAUSD **Beyond the Bell** after-school programs. They also secured a blanket order

4-A; 4-B; 4-C

BENCHMARKS

from the Juvenile Court allowing the child welfare agency and the Probation Department to share information on youth. A data matching report provides demographic and educational information for children in the child welfare and juvenile justice systems. Additional information is available at <http://www.educationcoordinatingcouncil.org>.

Through collaboration between the County Department of Children and Family Services and local schools, the Fresno Unified School District established the **Passport to Life Program**. This program seeks to ensure that youth in care are placed in appropriate academic programs, are offered tutorials and supplemental class periods to earn extra credit, and have access to materials to complete core courses. Students residing in group homes are targeted to enroll in summer school. For more information about **Passport to Life** see <http://www.fresno.k12.ca.us/divdept/stafed/nd/careproviderhandbook.pdf>.

4-A; 4-B; 4-F; 4-G; 4-I; 4-J

Child welfare and public education professionals in California have come together to form the **California Education Collaborative for Children in Foster Care (CEC)**. The goal of this collaboration is to increase educational outcomes for foster care youth in three counties: Fresno, Sacramento, and San Diego. As part of the CEC, Fresno County has created a comprehensive **Foster Youth Student Information Database**. This database gives the individuals working with a youth access to the youth's educational, health, and placement records while maintaining the youth's privacy. Sacramento County has hired additional case managers who follow youth from seventh through twelfth grades. These case managers both facilitate the coordination between schools, caregivers, and social workers, and provide academic support for youth. The case managers encourage the youth to get involved in extracurricular activities, and help increase academic supports for the youth.

4-A; 4-C

California designed a checklist to assist the court and other interested persons who have responsibility for children's educational outcomes. It offers key questions (with accompanying citations) that must be considered for every child. The checklist specifically addresses issues regarding student records. **Every Child, Every Hearing** is available at <http://www.abanet.org/child/education/CAWellBeingChecklist.pdf>.

4-C

California developed fact sheets addressing national and California state laws that relate to the education needs of children in out-of-home care, including the Individuals with Disabilities Education Act and AB 490. The fact sheets stress the need for children to be placed in the least restrictive placement, and not placed in special programs simply due to their status as children in foster care. To review these fact sheets, go to [http://www.abanet.org/child/rclji/education/californiafact sheets082205.pdf](http://www.abanet.org/child/rclji/education/californiafact%20sheets082205.pdf).

4-A; 4-C; 4-E; 4-H; 4-I

FLORIDA

Florida law requires that the Department of Children and Families must enter into agreements with district school boards or other local educational entities regarding education and related services for children "known to the Department." Such agreements must include, but are not limited to (1) establishing a protocol for the Department to share information about a child, consistent with the Family Educational Rights and Privacy Act, to assist each child welfare agency in obtaining education and related services for the benefit of the child; (2) notifying the school district of the Department's case planning for the child and permitting the school district to provide information it deems desirable and appropriate to share within the plan development or review process; and (3) requiring the district school to identify all educational and other services provided by the school and school district that the district believes are reasonably necessary to meet the educational needs of the child. *Fla. Stat. Ann. § 39.0016*.

4-A; 4-B; 4-C; 4-H; 4-I

BENCHMARKS

The **Florida K-20 Education Data Warehouse (EDW)** integrates existing data extracted from multiple sources that are available at the state level. It provides a single repository of data concerning students served in the K-20 public education system. Its benefits include (1) the capability to track students over time and across delivery systems; (2) the ability to perform trend analyses; (3) furnishing decision makers with tools and information necessary to make informed, fact-based decisions about a youth's education; and (4) allowing business users to run their own queries against summarized data in a timely, efficient manner. While this initiative is for all students, it will particularly benefit children in out-of-home care and other highly mobile students. For more information concerning this data collection model, see <http://edwapp.doe.state.fl.us/doe/>.

4-C; 4-F

KENTUCKY

Kentucky legislation directs the Commissioner of Juvenile Justice and the Secretary of the Cabinet for Health and Family Services to collaborate with the Kentucky Department of Education to promulgate administrative regulations regarding data collection. The statute directs that data should address student outcomes for children in care, accountability, assessments, and the development of coordinated individual treatment, education, and transition plans to ensure compliance with education and treatment laws and all regulations specific to the needs of children in care. *Ky. Stat. Ann. § 605.110*.

4-F

MAINE

Maine passed School Transfer Policy and Practice for Children in Care legislation, which required the state child welfare agency to develop a standardized form so children in agency custody can participate in field trips, play school sports, and attend other school-related activities. The form must be signed once a year by an agency representative and forwarded to the school administrative unit attended by the child. In addition to this form, the caretaker of the child must sign permission slips for individual activities "to ensure notice to the caretaker of the child's participation in those activities." This provision seeks to ensure that children in care can fully participate in school activities for the current school year. *22 Me. Rev. Stat. Ann. § 4067*.

4-A; 4-B

Through a collaborative effort between Maine's Department of Education and the Department of Health and Human Services and other agencies, Maine developed a standardized system of communication among state agencies to ensure that youth in care have access to appropriate academic programs. Through **Keeping Maine's Children Connected (KMCC)**, a KMCC Liaison is designated to work with a caseworker directly or to identify a person who can work with the caseworker to ensure that a child has access to all academic and extracurricular programs. More information about KMCC can be found at <http://www.maine.gov/education/specced/kmcc/index.htm>.

4-A; 4-B; 4-G

MASSACHUSETTS

The **Massachusetts School and Community Support Project**, a joint venture funded by the Departments of Education, Social Services, and Mental Health, provides grants to localities to (1) promote positive working relationships among schools, foster parents, and local child welfare agencies; (2) train school staff and foster parents about the social and emotional issues facing children in foster care; and (3) provide direct services to children such as behavioral interventions and after-school and recreational activities.

4-A; 4-B; 4-F; 4-G

BENCHMARKS

NEW JERSEY

State law requires that the Departments of Education and Child Welfare enter into a Memorandum of Understanding (MOU) to address significant educational issues concerning youth in care, including participation in academic and nonacademic programs. The Association for Children of New Jersey (ACNJ) participates in this process by providing training to caseworkers and advocates. ACNJ is part of a statewide workgroup which includes representatives of the Departments of Education and Child Welfare and addresses educational issues including ensuring that youth can participate in all aspects of school. More information about ACNJ can be found at <http://www.kidlaw.org/main.asp?uri=1014>.

4-A; 4-G

NEW MEXICO

Various groups in New Mexico, including the Court Improvement Project and New Mexico CASA, published the **Child Protection Best Practice Bulletin: Education Advocacy**. This bulletin explains the need for education advocacy for children in foster care, and includes a judicial and attorney education advocacy checklist. It is available at <http://ipl.unm.edu/childlaw/docs/0701/EducationAdvocacy.pdf>.

4-G

OHIO

Lucas County, Ohio, developed the **School Status Bench Card** to help judges ask questions of GALs and caseworkers about the education status of youth in care. It is designed for children in grades kindergarten through high school, and includes sections to be completed based on the child's developmental age. It is available at <http://www.abanet.org/child/education/Ohio.pdf>.

4-H

UTAH

Utah's State's Department of Human Services Data Warehouse is connected with other state data systems that contain information about former foster youth. Utah connected this system to the state Office of Education database in order to better evaluate the educational outcomes of children who "aged out" of foster care. As a result of connecting these databases, Utah learned that the majority of youth who aged out of foster care earned wages far below the poverty line, faced high arrest rates and teenage birth rates, failed to access follow-up services, and were at greater risk of becoming homeless and unemployed. As a result, Utah coordinated efforts to target these deficiencies, including increasing basic services, providing job referrals and education training, and ensuring that youth who aged out of care received drivers' education and obtained licenses. The data provided policymakers with the information they needed to effectuate meaningful change. Information about the data warehouse can be found at <http://www.usoe.k12.ut.us/warehouse/>.

4-C

VIRGINIA

The "scholastic record," which contains information about educational growth and development of students, such as disciplinary records, test data, health records, assessments for eligibility for special education, and IEPs, shall be available to the student and his or her parent, or other person in charge of the student during the school day. *Va. Code Ann. § 22.1-289(A), (D)*.

4-C

WASHINGTON

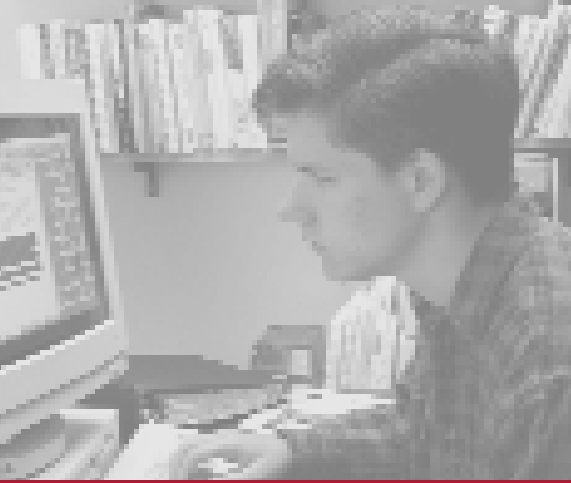
Washington has mandated that the educational outcomes of youth in care be tracked by a committee established by the Department of Social and Health Services. *Wash. Rev. Code Ann. § 74.13.570*.

4-F

Education and Children in Foster Care: Future Success or Failure, written by Janis Avery, discusses the need for concrete planning and intervention to increase the graduation rates for children who emancipate from foster care in the state of Washington. Essential steps include defining the educational issues facing children in the child welfare system, establishing stability and continuity in school placements, offering tutoring and advocacy, and providing preschool education. This report is available at <http://www.newhorizons.org/spneeds/inclusion/collaboration/avery.htm>.

BENCHMARKS

— 4-B; 4-G



GOAL 5

Youth Have Supports to Prevent School Dropout, Truancy, and Disciplinary Actions

- A 2004-05 study by Chapin Hall found that 67% of children in out-of-home care studied had been suspended from school at least once, compared to 28% in a national sample of youth.
- A 2006 report by the EPE Research Center found that changing schools, repeating a grade, and behavior problems are signs that a student is likely to leave school without a regular diploma.

adapted from National Working Group on Foster Care and Education, Educational Outcomes for Youth in Foster and Out-of-Home Care (September 2007).

Studies indicate that youth in out-of-home care have dropout, truancy, and disciplinary rates far higher than the general student population. When youth are frustrated by frequent moves and rough transitions, they are more likely to act out, skip school, or drop out altogether. And, of course, children who have experienced abuse or neglect and have been removed from their parents often experience learning difficulties and other problems that interfere with school success. These youth need appropriate support, programs, and interventions to keep them engaged and in school. In addition, youth in care need counselors and school advocates who will ensure the best possible placement and increase the odds that the youth will complete their education.

BENCHMARKS THAT SHOW PROGRESS TOWARD THIS GOAL

- 5-A** Youth are not disproportionately subjected to school discipline or school exclusion, and are not placed in alternative schools for disruptive students as a means to address truancy or as a disciplinary measure.
- 5-B** Youth have access to school counselors and other school staff familiar with the needs of children who have experienced abuse and neglect, and the staff has mastered effective remediation strategies.
- 5-C** Youth have advocates at school disciplinary and other proceedings who are trained on procedures related to dropout, truancy, and discipline.

- 5-D** Youth at risk of truancy or dropping out have access to programs and supports designed to engage them in school.
- 5-E** Youth who have dropped out of school have access to programs and supports designed to reintegrate them into a school or a General Educational Development (GED) program.
- 5-F** Youth with disabilities have behavior intervention plans in place to minimize inappropriate school behaviors and to reduce the need for disciplinary action or referral to the police.
- 5-G** Youth with disabilities receive the procedural protections outlined in federal law so that they are not punished for behavior that is a symptom of their disability.

National Examples

Through the federal **Individuals with Disabilities Education Act (IDEA)**, children with disabilities receive a free and appropriate public education. The law also includes some specific provisions related to school behavior and discipline. While these provisions apply equally to children in foster care and all IDEA-eligible students, it is important that advocates for children in foster care know about and use these provisions in their advocacy. *20 U.S.C. §§ 1480 – 1485*. Specific provisions include the following:

- **Functional Behavioral Assessments and Behavior Intervention Plans:** A functional behavioral assessment (FBA) is a problem-solving process for addressing problem behavior of youth in special education. It relies on a variety of techniques and strategies to identify the purposes of specific behavior and to help Individualized Education Program (IEP) teams select interventions to directly address the problem behavior. Functional behavioral assessment should be integrated, as appropriate, throughout the process of developing, reviewing, and, if necessary, revising a student's IEP. Once an FBA has been conducted, a behavior intervention plan (BIP) must be developed by the IEP team. The BIP specifies strategies and interventions that should be used to address the problem behaviors. When quality FBAs are conducted and BIPs are implemented, inappropriate behaviors that lead to disciplinary action can be minimized. For more on FBAs and BIPs, see <http://cecp.air.org/fba/default.asp>.
- **Special Disciplinary Rules for Children With Disabilities:** Federal law requires that when a child with a disability is subject to discipline that results in a change in placement, the school must hold a Manifestation Determination meeting within 10 days of the disciplinary action. This meeting determines whether the behavior that led to the discipline was a manifestation of the child's disability. A "change in placement" is any expulsion or suspension for more than 10 consecutive days. A "change in placement" can also be a shorter time frame, non-consecutive days, or suspensions that total 10 days if they constitute a pattern. For more information on special education disciplinary rules, see <http://www.nichcy.org>.
- **Truancy Prevention Programs:** Many jurisdictions have developed Truancy Prevention Programs in their communities. While none of the programs summarized in the document linked below focus exclusively on children in foster care, programs that provide intervention to truant children can benefit children in foster care. For a summary of several state programs go to <http://www.abanet.org/crimjust/juvjus/truancypreventionprograms.doc>.

The ABA has published a user manual outlining the necessary steps to start a Truancy Prevention Program. The manual discusses how to identify a judge interested in the project; what team members are required to participate; how to identify the right school to pilot the project; and how to identify and target the youth to participate. A copy of the manual can be found at

http://www.abanet.org/subabuse/truancy_brochure.pdf.

Published by the Youth Law Center, **Getting Out of the Red Zone** is a result of a series of focus groups that included youth who had been in the juvenile justice and/or child welfare system, parents, and foster parents. The report's purpose is to identify educational barriers and consider pragmatic approaches to improving their educational experience from elementary school through college. Youth reported frequent expulsion or exclusion from school, and/or segregation in alternative programs. For more information, see <http://www.ylcc.org/pdfs/GettingOutOftheRedZone.pdf>.

BENCHMARKS

5-A; 5-F

5-G

5-D; 5-E

5-D; 5-E

State and Local Examples

BENCHMARKS

ARIZONA

Pima County Juvenile Court is bringing education issues to the forefront. The publication chronicling these reforms, **Court-Based Education Efforts for Children in Foster Care**, offers suggestions to other jurisdictions that want to design and implement their own reform initiatives. This document highlights efforts to address suspensions and expulsions of children in care. For more information, see <http://www.casey.org/Resources/Publications/pima.htm>.

5-A; 5-D; 5-F

CALIFORNIA

The **California Foster Youth Education Task Force (CFYETF)** has created a series of fact sheets on key issues related to the education of children in foster care. Three topics included in these fact sheets are (1) Functional Behavioral Assessment and Behavior Intervention Plans; (2) School Discipline; and (3) Special Education School Discipline. Fact sheets can be found at www.ylc.org.

5-A; 5-F; 5-G

California designed the checklist, **Every Child, Every Hearing**, to assist the court and other interested persons who have responsibility for children's educational outcomes. It offers key questions (with accompanying citations) that must be considered for every child. The checklist addresses issues regarding alternative schools. The checklist is available at <http://www.abanet.org/child/education/CAWellBeingChecklist.pdf>.

5-A

ILLINOIS

The Alternative Schools Network in Chicago sponsors the **Youth Skills Development and Training Program**. This program engages youth who have dropped out or are chronically truant, and re-enrolls them in school with a goal of graduation. There are 17 schools around the city, 16 of which focus on graduation with a high school diploma and one that focuses on graduation with a GED. Youth are assigned a mentor, who serves as an advocate for the youth and as a liaison to the child welfare system and the school. The mentor's role is to create a personal relationship with the child and ensure the proper supports are in place so the youth may attend school. Mentors do home visits and intensive interventions to ensure the youth's continued participation in the program. More information may be found at www.asnchicago.org.

5-C; 5-D; 5-E

PENNSYLVANIA

The Education Law Center (ELC) is a legal advocacy organization that provides information on the legal rights of public school students, problem solving, written materials, and contacts. ELC publishes material on children in foster care, fair discipline, and school reintegration. For material on **Fair Discipline**, see <http://www.elc-pa.org/discipline/publications.html>. For materials on children in foster care and the **Educational Aftercare & Reintegration Toolkit for Juvenile Justice Professionals**, see <http://www.elc-pa.org/foster/publications.html>.

5-A; 5-B; 5-C; 5-D; 5-E;
5-F; 5-G

WASHINGTON

TeamChild's **Education Advocacy Program** provides legal representation to teens referred to their program for special education, school discipline, enrollment issues, and truancy problems. By providing a legal advocate for youth in these circumstances, there is someone to challenge allegations made against the youth, and also to impact on the sanctions that are applied if the youth is found to have been involved in a violation of the

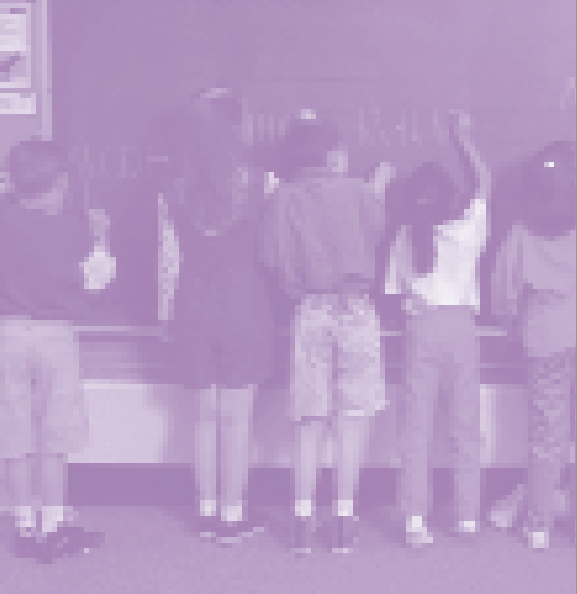
5-C; 5-D; 5-E; 5-F; 5-G

school code of conduct. Additionally, legal advocates for youth in care can work with the school on developing good reentry plans and increasing the likelihood of a successful reentry into the regular school setting once the disciplinary period has ended.

TeamChild's **Washington State Education Advocacy Manual** includes two full chapters on discipline (one for general education discipline and one for special education discipline). The manual summarizes state law around suspensions and expulsions, and offers tips for advocates on how to handle disciplinary cases. TeamChild also created the **Toolkit for Change: Starting an Education Advocacy Project in Your State**. In addition to providing guidance on starting an education advocacy project, the toolkit includes steps for adapting the **Washington State Education Advocacy Manual** to another state's law and policies. To get more information or to order a **Toolkit for Change**, contact questions@teamchild.org or (206) 381-1741. The **Education Advocacy Manual** can be downloaded from the TeamChild website at www.teamchild.org.

BENCHMARKS

5-A; 5-C; 5-F; 5-G



GOAL 6

Youth Are Involved and Engaged in All Aspects of Their Education and Educational Planning and Are Empowered to Be Advocates for Their Education Needs and Pursuits

- “Nothing about us without us.”

This slogan has been used in many contexts, but most recently by foster care alumni stressing the importance of involving youth in all aspects of case planning, including education planning.

Encouraging youth to be engaged in education decision making and planning helps them take an active role in their educational future and gives direction and guidance to the professionals and adults advocating on their behalf. Participation in court proceedings, school meetings, the special education process, and transition planning for postsecondary education or jobs allows youth to become advocates on their own behalf. Appropriately trained professionals should facilitate this participation.

BENCHMARKS THAT SHOW PROGRESS TOWARD THIS GOAL

- 6-A** Youth are routinely asked about their educational preferences and needs, including their view on whether to change schools when their living situation changes.
- 6-B** Youth receive training about their educational rights commensurate to their age and developmental abilities.
- 6-C** Youth are given the opportunity to participate in court proceedings, and their engagement is supported with transportation and accommodations to decrease the impact on school attendance and schoolwork; attorneys, guardians ad litem, CASAs, and judges are trained on involving youth in court, and encourage youth participation.
- 6-D** Youth participate in school and child welfare meetings and planning about their education and their future.
- 6-E** Youth are surrounded by school and child welfare professionals with appropriate training and strategies to engage youth in education planning.
- 6-F** Youth with disabilities actively participate in the special education process, especially in transition planning for post-school education and employment, and are provided with the supports necessary to effectively participate.

National Examples

Title IV-B of the Social Security Act, has been amended by the **Child and Family Services Improvement Act of 2006**. The amendment requires procedural safeguards to assure the court or administrative body conducting a permanency hearing involving older and transitioning youth consults with the youth about the proposed permanency or transition plan. These consultations must be conducted in an age-appropriate manner. This amendment took effect October 1, 2006. States are allowed up to two years to implement its requirements if statutory amendments are needed. *Child and Family Services Improvement Act of 2006, P.L. 109-288, 42 U.S.C.A. § 675(5)(c)*.

The New York State Permanent Judicial Commission on Justice for Children has developed a comprehensive checklist for use by judges, advocates, and child welfare professionals when considering the education of children in foster care. This publication, **Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals**, contains ten basic questions to focus on a child's educational needs and integrate those needs with permanency planning and review. It covers the educational and medical needs of children in foster care, special education issues, and information on educational decision making. This checklist can be found at <http://www.nycourts.gov/ip/justiceforchildren/PDF/EducationalNeeds.pdf>.

A law enacted in October 2008 highlights the responsibility of child welfare agencies to collaborate with schools to provide for the education stability of children in out-of-home care. The education provisions of the **Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)** seek to promote education stability for children in foster care. In addition to the education stability provisions of the law, there is also a required transition plan for all youth prior to existing care that must address specific independent living factors, including education plans. For more information, see **Q & A: Fostering Connections to Success and Increasing Adoptions Act of 2008 – Education Provisions** at http://www.abanet.org/child/education/QA_10_HR_6893_FINAL.pdf.

The National Council of Juvenile and Family Court Judges created a judicial checklist, **Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed**. This checklist outlines an array of questions that may be asked in a courtroom regarding the educational needs of children and youth in foster care. It can be adapted by individual states and jurisdictions to reflect state law and local practice. It is available at <http://www.abanet.org/child/education/NCJFCJChecklist.pdf>.

Supporting Success: Improving Higher Education Outcomes for Students from Foster Care, written by Casey Family Programs, highlights the need for postsecondary education and training programs for youth in care. This publication provides recommendations for direct support to youth, including designated adults to assist students with planning, and other financial and academic supports. To review this document, see <http://www.casey.org/Resources/Publications/HigherEdFramework.htm>.

The Heritage Foundation developed an issue brief, **Foster Care Children Need Better Educational Opportunities**. This brief examines the issues contributing to poor education outcomes for youth in care and outlines recommendations for reform and education advocacy. It also addresses the need for better special education services, teaching life skills to youth in care, and providing more scholarships. It can be found at <http://www.heritage.org/Research/Education/bg2039.cfm>.

BENCHMARKS

6-A; 6-C

6-E

6-A; 6-C

6-E

6-E; 6-F

State and Local Examples

BENCHMARKS

CALIFORNIA

California provides several rights to youth in foster care regarding court involvement. While these rights do not specifically address education issues, it is clear that youth participation in the court process is an important way to ensure education issues are raised and addressed. Specifically, under *Cal. Welf. & Inst. Code § 16001.9(a)(17)*, youth are entitled “[t]o attend court hearings and speak to the judge.” Each youth also has the right to “be involved in the development of his or her own case plan and plan for permanent placement.” *Cal. Welf. & Inst. Code § 16001.9(a)(19)*. Finally, each youth is entitled to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan. *Cal. Welf. & Inst. Code § 16001.9(a)(20)*.

6-A; 6-B; 6-C

The **Shared School Selection Authority and Interagency Agreement** in San Luis Obispo County states that School Educational Liaisons will consult with youth when participating in educational placement decisions for youth in care. If the School Educational Liaison recommends that the youth not continue in the same school, the liaison must provide the youth and the person holding the educational rights with a written explanation of the decision.

6-A; 6-D; 6-E

The Youth Law Center developed fact sheets addressing national and California state laws that relate to the education needs of children in out-of-home care, including the Individuals with Disabilities Education Act and AB 490. In addition, the Youth Law Center developed youth-focused factsheets about their rights, including education rights. To review these fact sheets, go to www.ylc.org.

6-E

FLORIDA

In Florida, the child is entitled to be present at a court hearing unless “the child’s mental or physical condition or age is such that a court appearance is not in the best interest of the child.” *Fla. R. Juv. P. 8.255*. Any party may file a motion to require or excuse the child’s presence.

6-C

A Florida statute requires the child welfare agency to include written verification that a youth “has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday.” *Fla. Stat. Ann. § 39.701*. This provision is designed to ensure that independent living issues, especially education-related issues, have been addressed.

6-A; 6-C

GEORGIA

Current and former Georgia youth in foster care identified priority issues in the dependency system and provided recommendations for each issue. Their recommendations regarding education focused on school stability, credit and records transfer, participation in extracurricular activities, and tutoring. Their report, found at <http://www.atlcf.org/www/documents/empowerment.pdf>, represents an example of youth actively engaged in advocating for their educational needs.

6-A

ILLINOIS

The **Benchmark Permanency Hearing Program** assists teens in foster care approaching emancipation to prepare for independence. The teens receive individualized attention from a judge and various court and social agency representatives during hearings held at certain “benchmarks” or milestones in the adolescent’s life and case. The focus is on helping the adolescent identify and plan long-term educational and career goals. The hearings also focus on informing adolescents about what independence from the foster care system entails. For more information about the **Benchmark Permanency Hearing Program**, see http://www.cookcountycourt.org/divisions/cp/benchmark_hearing.html.

MICHIGAN

Michigan requires youth over age 11 to be notified of review, permanency, and termination of parental rights hearings. *Mich. Comp. Laws Ann. § 712A.19(5)(a)*.

NEW MEXICO

In New Mexico, children over the age of 14 are presumed to attend court. A child under 14 is permitted to be in court unless the court finds exclusion is in the child’s best interests. The court must find a compelling reason and state the factual basis if the child is excluded. *N. M. Stat. Ann. 1978, § 32A-4-20*.

Various groups in New Mexico, including the Court Improvement Project and New Mexico CASA, published the **Child Protection Best Practice Bulletin: Education Advocacy**. This bulletin explains the need for education advocacy for children in foster care, and includes a judicial and attorney education advocacy checklist. It is available at <http://ipl.unm.edu/childlaw/docs/0701/EducationAdvocacy.pdf>.

NEW YORK

In New York City Family Court, the administrative judge issued a memorandum requiring that youth 10 years of age and older appear in court regularly. The policy leaves many of the details up to the individual judge, but makes it clear that children 10 years of age and older should make regular (minimally once a year) appearances in court. The policy provides exceptions based on the case and the particular needs of the youth and family. **Memorandum from Judge Joseph Lauria to Judges, JHO’s and Referees, Court Appearances of Subject Children, February 25, 2004**.

Advocates for Children created **Project Achieve** to ensure that children in or at-risk of placement in foster care receive access to appropriate educational services. This program employs three key strategies: (1) providing individual case assistance and advocacy to all clients of a child welfare agency who are identified as having unmet education-related needs; (2) building the capacity of agency service staff, caseworkers, and supervisors to help them identify and solve routine school-related issues; and (3) empowering and educating birth and foster parents and, where appropriate, young people, to navigate the New York City Department of Education and other agencies, and to be actively involved in educational planning and progress. The **Project Achieve** model was first piloted at Louise Wise Services (LWS), a private preventive services and foster care agency in New York City. The child welfare agency is currently replicating the project at two other foster care and preventive services agencies in New York City. Additional information about **Project Achieve** can be found at <http://www.advocatesforchildren.org/pubs/ProjectAchievefinal.doc>.

BENCHMARKS

6-A; 6-B; 6-C

6-C

6-C

6-E

6-A; 6-C

6-A; 6-B; 6-C; 6-E; 6-F

VIRGINIA

Virginia requires that a child age 12 or older be provided with notice of the hearing and a copy of the petition. The child is entitled to participate in the proceeding. *Va. Code Ann. § 16.1-282*.

WASHINGTON

TeamChild's **Washington State Education Advocacy Manual** includes two full chapters on discipline (one for general education discipline and one for special education discipline). The manual summarizes state law around suspensions and expulsions, and offers tips for advocates on how to handle disciplinary cases. TeamChild also created the **Toolkit for Change: Starting an Education Advocacy Project in Your State**. In addition to providing guidance on starting an education advocacy project, the toolkit includes steps for adapting the **Washington State Education Advocacy Manual** to another state's law and policies. To get more information or to order a **Toolkit for Change**, contact questions@teamchild.org or (206) 381-1741. The **Education Advocacy Manual** can be downloaded from the TeamChild website at www.teamchild.org.

BENCHMARKS

6-C

6-E



GOAL 7

Youth Have An Adult Who Is Invested in His or Her Education During and After His or Her Time in Out-of Home Care

- A 2001 Bay Area study found 68% of school-age children had special education needs, but only 36% were receiving services.
- A 2006 Oregon study found that youth in foster care were less likely to have an advocate at their planning meeting (42% v. 69%).

adapted from National Working Group on Foster Care and Education, Educational Outcomes for Youth in Foster and Out-of-Home Care (September 2007).

Youth need supportive adults to help them achieve their education goals and pursuits. It is critical that all students, and in particular students with disabilities, have an available adult who has the authority to make education decisions on their behalf. It is also critical that youth have adults available to advocate for their rights and needs, and to serve as mentors as they navigate the educational system. Trauma-sensitive training and a full understanding of federal disability law is necessary for any adult who advocates for a child in care or serves as a surrogate parent or authorized decision maker.

BENCHMARKS THAT SHOW PROGRESS TOWARD THIS GOAL

7-A Youth are entitled to have a knowledgeable and trained education advocate who reinforces the value of the youth's investment in education and helps the youth plan for post-school training, employment, or college; efforts must be made to recruit appropriate individuals (i.e., foster parents, birth parents, child welfare caseworkers, teachers, and guidance counselors).

7-B Youth exiting care (because of age or because their permanency objectives have been reached) have significant connections to at least one adult to help the youth continue education pursuits.

7-C Youth have an education decision maker at all times during a child welfare case, who is trained in the legal requirements relating to education decisions for children with and without disabilities.

7-D Youth with disabilities who are eligible for the appointment of a surrogate parent have access to a pool of qualified, independent, and well-trained individuals who can serve in that role, and are assigned a surrogate in a timely manner, but no later than 30 days after a determination that a surrogate is needed.

National Examples

BENCHMARKS

The Legal Center for Foster Care and Education has developed a series of fact sheets and articles about special education decision making. One article, **Special Education Decisions for Children in Foster Care: Everyone Has a Role**, addresses who is the appropriate individual to act in the education decision maker role for children in out-of-home care. Another article, **Identifying Special Education Decision Makers for Children in Foster Care: State Law Questions**, addresses how various state laws and regulations can impact the choice of education decisionmakers. Included are examples for advocates to understand how to examine their own state laws and regulations. Fact sheets, designed for specific stakeholders, address the issues surrounding special education decision making for children in out-of-home care. There are factsheets for youth, caseworkers, judges, children's attorneys, and educators describing considerations and appropriate responsibilities for each of them in special education advocacy and decision making for children in out-of-home care. The entire series is available on the Legal Center for Foster Care and Education website at www.abanet.org/child/education/publications.

7-C; 7-D

The **Chafee Foster Care Independence Program** provides funding to programs that prepare youth for the transition from foster care to independent living. Program models vary across the country; some teach tangible life skills (i.e., budgeting, apartment hunting, and finding resources), while other programs provide direct services, such as helping youth in care find transitional housing and other support services. Some programs also provide counseling and address interpersonal skills. For one example, see the **Texas State Plan** at http://www.dfps.state.tx.us/Child_Protection/Preparation_For_Adult_Living/chafee.asp. For more information about the **Chafee Program**, visit the Resource Center for Youth Development's website at <http://www.nrcys.ou.edu/yl>.

7-A; 7-B

Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care answers common questions by individuals involved with the child welfare system, including judges, children's attorneys, parents, foster parents, youth, caseworkers, and court appointed special advocates (CASAs). This publication (1) provides context and explains why there is a need to address the education needs of children in foster care; (2) debunks myths about confidentiality and decision making; (3) explains the federal laws that affect confidentiality of education records and decision making; and (4) suggests strategies to overcome confidentiality and decision-making hurdles when addressing the needs of children in foster care. This publication is available online and contains interactive functions, including links between sections and to additional outside resources. To access the online version, see www.abanet.org/child/education/publications.

7-A; 7-B; 7-C; 7-D

Learning Curves: Education Advocacy for Children in Foster Care addresses a wide range of education advocacy topics and includes practice tips, psychological tests, resources, and excerpts from key federal laws and regulations. The book is available for purchase at www.abanet.org/abastore.

7-A; 7-B; 7-C; 7-D

The Legal Center for Foster Care and Education developed a fact sheet, **Q & A: Surrogate Parent Programs**, which details the appointment procedures authorized in the 2004 IDEA, and explains how some states have developed surrogate parent programs to ensure there is a trained pool of surrogates for students who need one. To access the fact sheet, visit www.abanet.org/child/education/publications.

7-C; 7-D

BENCHMARKS

The Child Welfare League of America (CWLA) offers an innovative program to support foster and adoptive families: **Parent Resources for Information, Development, and Education (PRIDE)**. PRIDE is designed to strengthen the quality of family foster care and adoption services by providing a standardized, consistent, structured framework for the competency-based recruitment, preparation, and selection of foster and adoptive parents, and for foster parent in-service training and ongoing professional development. In 2007, a new module to the PRIDE curriculum was released focusing on education advocacy. For more information, see <http://www.cwla.org/programs/trieschman/pride.htm>.

7-A; 7-B; 7-C; 7-D

The **Educational Advocacy Curriculum**, written by the National Foster Parent Association, encourages and prepares foster parents to become educational advocates for the children and youth in their care. The curriculum is also useful for social workers. Emphasis is placed on learning the leadership skills essential to effectively advocate for the educational rights of youth with special needs according to federal, state, and local mandates and laws. Participants prepare for educational advocacy by understanding what “advocacy” means, why it is so important to foster youth, and how a foster parent can become the “education decisionmaker or advocate.” Participants will also become familiar with the foster youth’s rights and various statutes and legislation, including the Individuals with Disabilities Act (IDEA) and § 504 Rehabilitation Act. Finally, participants will learn to participate in the Individualized Education Program (IEP) process and learn special education terms relating to the IEP. The curriculum can be downloaded at www.nfpainc.org.

7-A; 7-B; 7-C; 7-D

In School, the Right School, Finish School: A Guide to Improving Educational Opportunities for Court-Involved Youth is an educational advocacy manual developed by the National Children’s Law Network (NCLN). It is part of an effort to increase the ability of professionals in the court system—lawyers, social workers, probation officers, judges—to become effective educational advocates for the children they serve. For every child, in every case, at every hearing, the children need us to be asking the right questions—Is the child in school? Is it the right school? And with the services s/he has can s/he finish school? —and to be pushing for change if the answers are not satisfactory. To download the manual, visit <http://www.justice4all.org/files/NCLN%20Manual%202006-1-07.pdf>.

7-A; 7-B; 7-C; 7-D

The **Orphan Foundation of America** administers scholarships for college and postsecondary education, oversees Education and Training Voucher (ETV) funding in nine states, connects students with internships, sends out care packages to youth in college, and provides a virtual mentoring program linking students with experienced adults through an internet portal. Additional information can be found at <http://www.orphan.org>.

7-A; 7-B

Mentoring USA’s (MUSA) Foster Care Initiative targets youth ages 10 through 18. After receiving special training, mentors commit to a minimum of four hours each month for at least one full academic year at an MUSA foster care site, which currently includes 10 foster care agencies and one public school. Mentors work with foster youth on developing life skills that prepare youth to live independently. Youth learn about postsecondary education opportunities, career planning, conducting a job search, and handling basic finances. For more information, see http://www.helpusa.org/site/PageServer?pagename=MUSA_Homepage.

7-A; 7-B

BENCHMARKS

The **Court Appointed Special Advocate (CASA)** program trains volunteers to advocate for a child not only in court, but also in school to ensure a child's appropriate placement and participation in school activities. National CASA has also developed an online education advocacy curriculum, **Education and Youth in Out-of-Home Care, an E-Learning Module**. This e-learning curriculum helps volunteer CASAs/GALs and program staff support the educational rights and needs of children and youth in foster care. For more information, please email staff@nationalcasa.org.

7-A; 7-C; 7-D

The National Center for School Engagement sponsors **Web-Based Professional Development: Opportunity to Study Homelessness and High Mobility in Schools and Communities (WBPD)**. This accredited, professional development opportunity is designed to address educational barriers and foster academic achievement of students experiencing homelessness and high mobility. This goal is accomplished by creating **WBPD** teams and building the skills of educators to institute best practices in educational instruction and helping communities to leverage critical resources. **WBPD** begins by recruiting teams through an application process. Each team applies as a group and includes a minimum of three members who represent specific roles (teacher, school administrator/principal, and community member/services provider). Teams selected to participate engage in a year-long study that coincides with a school year (August to June). For more information see <http://www.schoolengagement.org/index.cfm/WBPD>.

7-A; 7-B; 7-C

Supporting Success: Improving Higher Education Outcomes for Students from Foster Care, written by Casey Family Programs, highlights the need for postsecondary education and training programs for youth in care. This publication provides recommendations for direct support to youth, including designated adults to assist students with planning, and other financial and academic supports. To review this document, see <http://www.casey.org/Resources/Publications/HigherEdFramework.htm>.

7-B

Q & A: No Child Left Behind and Children in Out-of-Home Care is a fact sheet published by the Legal Center for Foster Care and Education to highlight the provisions of the law that apply to children in out-of-home care. The fact sheet addresses (1) when the law permits a child to transfer from a school that has not made adequate yearly progress (AYP); (2) reporting requirements; and (3) the lack of clarification about who the decision maker is for children in care. The fact sheet is located at http://www.abanet.org/child/education/QA_8_NCLB_FINAL.pdf.

7-C

The New York State Permanent Judicial Commission on Justice for Children has developed a comprehensive checklist for use by judges, advocates, and child welfare professionals when considering the education of children in foster care. This publication, **Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals**, contains ten basic questions to focus on a child's educational needs and integrate those needs with permanency planning and review. It covers the educational and medical needs of children in foster care, special education issues, and information on educational decision making. This checklist can be found at <http://www.nycourts.gov/ip/justiceforchildren/PDF/EducationalNeeds.pdf>.

7-A; 7-C; 7-D

The Heritage Foundation developed an issue brief, **Foster Care Children Need Better Educational Opportunities**. This brief examines the issues contributing to poor education outcomes for youth in care and outlines recommendations for reform and education advocacy. It also addresses the need for better special education services, teaching life skills to youth in care, and providing more scholarships. It can be found at <http://www.heritage.org/Research/Education/bg2039.cfm>.

7-A; 7-B; 7-C; 7-D

BENCHMARKS

Local liaisons and others must determine whether children in the child welfare system are eligible for McKinney-Vento services and collaborate with child welfare staff. The National Center for Homeless Education developed **A Look at Child Welfare from a Homeless Education Perspective** to provide an overview of the child welfare system, describe the challenges children in care face, and promote practices to ensure their educational best interests. This document can be found at http://www.serve.org/nche/downloads/ch_welfare.pdf.

7-A; -7-B; 7-C; 7-D

The Pew Charitable Trusts issued a report in 2007 entitled **Time for Reform: Aging Out and On Their Own**. This report describes how the current foster care system fails to provide a permanent family for every child and the difficulty children have staying connected to family and friends while in foster care. The report also presents the latest state-by-state data on the number of youth who have aged out of foster care. In the words of former and current foster youth, the report describes the problems young adults have when they have to face the future without a permanent family to support them. Although the report primarily focuses on the need to decrease the number of youth who age out of care each year by improving the federal foster care financing system, it provides support for the need of every youth to have an adult to help them with educational pursuits. The report can be downloaded at <http://www.kidsarewaiting.org/tools/reports/files/0006.pdf>.

7-B

The Juvenile Law Center and the Education Law Center provided comments on the inclusion of children in foster care in the No Child Left Behind (NCLB) Act. The current treatment of children in foster care under the NCLB precludes them from some of the protections and services offered. Specifically, the NCLB does not consider the mobile state of children in foster care and the inability to clearly identify the “parent” for notification purposes. The comments propose possible changes to the statute. The comments are available at http://www.abanet.org/abanet/child/education/open_file.cfm?id=180.

7-C

The National Conference of State Legislators, through the Children’s Policy Initiative, published **Educating Children in Foster Care**. This report provides a brief overview of the issue of meeting the educational needs of children in the child welfare system, background about the academic performance of children in foster care, major systemic obstacles to these children’s success, and what the CFSRs are saying about state performance. The report also addresses the need for additional assistance for youth in postsecondary education, and can be found at http://www.abanet.org/abanet/child/education/open_file.cfm?id=49.

7-A; 7-B; 7-C; 7-D

Published by the Youth Law Center, **Getting Out of the Red Zone** is a result of a series of focus groups that included youth who had been in the juvenile justice and/or child welfare system, parents, and foster parents. The report’s purpose is to identify educational barriers and consider pragmatic approaches to improving their educational experience from elementary school through college. One issue considered was the need for youth to have quality advocacy. For more information, see <http://www.ylc.org/pdfs/GettingOutoftheRedZone.pdf>.

7-A; 7-B; 7-C; 7-D

Family Involvement in Middle and High School Students’ Education stresses the correlation between success in school and the existence of a trusting relationship with an adult. More information is available at <http://www.gse.harvard.edu/hftp/projects/fine/resources/research/adolescent.html>.

7-B

IDEA 2004: Nuts & Bolts of Homeless and Foster Care/Ward of the State Provisions was prepared by the National Association for the Education of Homeless Children and Youth and the ABA Center on Children and the Law. This document summarizes the IDEA provisions pertinent to both foster care and homeless youth. These new provisions include a definition of homeless children to include any children or youth considered homeless under McKinney-Vento. It also includes a new definition of parent and “ward of the state.” This document is available at www.naehcy.org/dl/h_f_amend.doc.

7-D

State and Local Examples

ARIZONA

Pima County Juvenile Court is bringing education issues to the forefront. The publication chronicling these reforms, **Court-Based Education Efforts for Children in Foster Care**, offers suggestions to other jurisdictions that want to design and implement their own reform initiatives. Pima County recognizes the need for educational advocates and surrogate parents, and is working to expand the list of qualified individuals. For more information, see <http://www.casey.org/Resources/Publications/pima.htm>.

7-A; 7-C; 7-D

ARKANSAS

Arkansas law establishes that a petition for the appointment of a surrogate parent for a child with a disability shall be made to the state Department of Education if (1) a parent cannot be identified; (2) a public agency cannot determine the whereabouts of a parent, after having made reasonable attempts; (3) the child is a ward of the state, and a parent cannot be identified or a public agency cannot determine the location of a parent after having made reasonable attempts; or (4) the child meets the criteria of an unaccompanied youth as defined in the McKinney-Vento Act. For a person to be eligible to receive an appointment as a surrogate parent for a child with a disability: (1) the person shall be determined by the state Department of Education to possess knowledge and skills that will ensure adequate representation of the child; (2) the person may not be an employee of a state agency if that agency is involved in the education or care of the child; (3) the person may not have any interests that would conflict with the best interests of the child; and (4) the person shall have a valid fingerprint clearance card issued. A person who is appointed as a surrogate parent for a child with a disability will not be considered a state employee solely as a result of serving as a surrogate parent. *Rule 15, Ark. Dept. of Ed.* (surrogate parent; notification; appointment).

7-D

CALIFORNIA

Through **AB 490**, California created protections similar to the federal **McKinney-Vento Act** for all youth in care. AB 490 works to ensure that children in foster care have liaisons to advocate for their participation in academic and nonacademic programs. *Cal. Educ. Code § 48853.5*.

7-A

BENCHMARKS

California law establishes that the court may limit certain rights of the parent or guardian of a dependent child and may appoint a responsible adult to make educational decisions for the child until one of the following occurs (1) the minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself or is deemed by the court to be incompetent; (2) another responsible adult is appointed to make educational decisions for the minor; (3) the right of the parent or guardian to make educational decisions for the minor is fully restored; (4) a successor guardian or conservator is appointed; or (5) the child is placed into a planned permanent living arrangement, at which time the foster parent or caregiver has the right to represent the child in educational matters. Limitations on education rights must be clearly and specifically addressed in the court order and may not exceed those necessary to protect the child. *Cal. Welf. & Inst. Code § 361*.

7-C; 7-D

California also allows the court to temporarily appoint a responsible adult at any time between the initial hearing when a dependency petition is filed until the time a decision is made regarding the petition if: (1) the parent or guardian is unavailable, unable, or unwilling to exercise educational rights for the child; (2) diligent efforts to locate and secure the participation of the parent or guardian in educational decision making have been made; and (3) the child's educational needs cannot be met without the temporary appointment of a responsible adult. If the court cannot identify a responsible adult to make educational decisions for the child and the appointment of a surrogate parent is not warranted, the court may, with the input of any interested person, make educational decisions for the child. The court must simultaneously ensure that every effort is being made to identify a responsible adult to make educational decisions for the child in the future. *Cal. Welf. & Inst. Code § 319(g)*. Any temporary appointment of a responsible adult and temporary limitation on the right of a parent or guardian to make educational decisions for her child shall expire at the time the court rules on the dependency petition. If the court decides that the child is a dependent child of the court, the court may then issue a new order limiting the parent's or guardian's rights to make educational decisions for her child. *Cal. Welf. & Inst. Code § 319(g)*; *Cal. Welf. & Inst. Code § 361*. If the court limits the educational decision making rights of a parent or guardian, the court must at the same time ensure that a responsible adult is appointed to make educational decisions for the child. *Cal. Welf. & Inst. Code § 361*. If the court is unable to appoint a responsible adult and the child is receiving special education and related services or has a valid IEP, the court is required to refer the child to the local educational agency for appointment of a surrogate parent. If the court cannot identify a responsible adult to make educational decisions for the child, the appointment of a surrogate parent is not warranted, and there is no foster parent available, the court may, with the input of any interested person, make educational decisions for the child. *Cal. Welf. & Inst. Code § 361*.

7-C; 7-D

California passed regulations in 2008 to implement **AB 490**. The new rules ensure that every youth in foster care has an adult to make educational decisions, which can include the appointment of a surrogate parent. *See Rule 5.650*.

7-A; 7-C; 7-D

California developed the **Order Limiting Parent's Right to Make Education Decisions for the Child and Appointing Responsible Adult as Educational Representative – Juvenile** to be used by judges in limiting the education decision making rights of a parent, and appointing another decisionmaker. The order is available at <http://www.abanet.org/child/education/CALiforniaChecklist.pdf>.

7-C

BENCHMARKS

Tutor Connection is a collaborative program offered as a community service course at California State University at San Marcos (CSUSM) College of Education. The program is intended to change the way future educators see and understand the issues surrounding youth in out-of-home care. Participating education students are given a pre- and post-training Child Welfare Knowledge Questionnaire about their self-perceived knowledge of the child welfare system and issues pertaining to youth in out-of-home care. Analysis of these questionnaires shows a statistically significant increase in their knowledge, leading to better outcomes for youth in care. More information can be found at www.sddoe.net/students/ss/fys.asp.

7-A

California designed the checklist, **Every Child, Every Hearing**, to assist the court and other interested persons who have responsibility for children's educational outcomes. It offers key questions (with accompanying citations) that must be considered for every child. The checklist considers who the educational decision maker for the child is and whether a surrogate should be appointed. The checklist is available at <http://www.abanet.org/child/education/CAWellBeingChecklist.pdf>.

7-A; 7-C; 7-D

California developed fact sheets addressing national and California state laws that relate to the education needs of children in out-of-home care, including the Individuals with Disabilities Education Act and AB 490. The fact sheets address the need for advocates, decision makers, and surrogate parents. To review these fact sheets, go to <http://www.abanet.org/child/rcjji/education/californiafactsheets082205.pdf>.

7-A; 7-C; 7-D

FLORIDA

Florida law requires that the Department of Children and Families must enter into agreements with district school boards or other local educational entities regarding education and related services for children "known to the Department." Such agreements must include, but are not limited to, a requirement that the school district provide the Department with a general listing of available services and information, including a **Surrogate Parent Training Manual** and other resources accessible through the Department of Education or local school districts to facilitate educational access for the child. *Fla. Stat. Ann. § 39.0016*.

7-D

Florida's independent living statute focuses on helping older children in foster care and those leaving care at age 18 transition into independent and self-sufficient adults. The child welfare agency is required to provide services and opportunities for older youth to participate in ability- and age-appropriate life skills activities with their foster families and within their communities. The child welfare agency must do the following: (1) develop a list of age-appropriate activities and responsibilities for all children and foster parents involved in independent living transition services; (2) provide training for staff and foster parents to address the issues of older children in foster care who are transitioning to adulthood and educate them on possible education and job opportunities; (3) develop procedures to maximize the authority of foster parents or caregivers to approve participation in age-appropriate activities for children in their care; and (4) provide opportunities for older children in foster care to interact with mentors. *Fla. Stat. Ann. § 409.1451*.

7-A

BENCHMARKS

Florida has a district-by-district surrogate parent appointment practice where, if the schools have an active surrogate program, the courts have deferred to those programs to appoint surrogate parents. In districts where schools are not active in appointment, judges are more active. For example, in a court-centered program in one district, the judge actively appoints the surrogate parent. A judge, guardian ad litem, and law clinic developed a training program for surrogate parents. In a school-centered program in Broward County, the school district is active in appointing surrogates. They have a flowchart describing the appropriate time for a surrogate parent appointment. They are also reaching out to foster parents and training them to be surrogates. In some counties, including Broward, GALs are receiving training and being appointed as surrogates. Surrogates also include retired teachers and parents of other special education students.

7-D

Legislation proposed in 2008 in Florida clarifies that judges have the authority to appoint surrogates. It requires the court to make findings about who holds education decision-making power early in the child's case. It also clarifies who can be appointed to be a surrogate and the requirements for surrogates. For more information, please see Florida's Children First's website www.floridaschildrenfirst.org.

7-C; 7-D

A Memorandum of Understanding in Broward County, Florida requires training for biological parents, foster parents, adoptive parents, and GALs on foster care education issues. Florida law also requires such training. *Fla. Stat. Ann. § 39.0016(5)*.

7-A; 7-C; 7-D

A GAL in Florida created a mentoring program known as **Educate Tomorrow**. This program provides one-on-one educational mentors to children 16 and older. The child welfare agency makes referrals to the program. For additional information, see www.educatetomorrow.org.

7-A; 7-B

IDAHO

Idaho developed an **Educational Needs Checklist** with special focus on school stability, school enrollment, advocacy, special education and services under § 504, and transitioning and independent living plans. The checklist can be reviewed at <http://www.abanet.org/child/education/IdahoEducationalNeedsChecklist.pdf>.

7-A; 7-C; 7-D

ILLINOIS

The **Illinois Youthbuild Act** enables economically disadvantaged youth, especially those who have not finished high school, to obtain the education, job skills training, personal counseling, leadership skills training, job placement assistance, and long-term follow-up services necessary to be financially independent. The Act also provides valuable community services that address the need for young role models and mentors for teenagers and children. While not drafted as child welfare legislation, its provisions can benefit youth in care. *Ill. Rev. Stat. ch. 20, para. 1315/15*.

7-A; 7-B

Youth Skills Development and Skills Network, an alternative high school in Chicago, has school-based mentors for children in foster care funded by the child welfare agency. Youth see their mentors everyday during school. Contact information can be found at <http://www.asnchicago.org/Index.aspx>.

7-A; 7-B

BENCHMARKS

MINNESOTA

High School Graduation and Child Welfare provides information on the educational outcomes of older adolescents who have had prior contact with the child welfare system in Minnesota. Very few of these youth were in out-of-home placement, and it is likely that many of them no longer had active county caseworkers when their educational status was reviewed. The report provides descriptive data on the study group that shows similarities between them and national educational outcome trends observed for long-term foster care youth. Recommendations include the need for educational advocacy for this age group. The report can be reviewed at <http://cehd.umn.edu/SSW/cascw/attributes/PDF/minnlink/HSReport1.pdf>.

7-A

NEW YORK

The **Building Futures Community-Based Mentoring Program** is based on the Big Brothers/Big Sisters' traditional mentoring model. Youth are referred from foster care agencies throughout New York City. Because many youth lack consistency in their lives, the program is designed to provide them with mentors who will give continuous support. Mentor support can extend to education matters. More information about this program is found at <http://www.bigsny.org/a-p3.htm#BUILDING>.

7-A; 7-B

Through Advocates for Children, advocacy training is provided for education decision makers. Education lawyers work with agencies and the administration to provide this training. To learn more about this program, see www.advocatesforchildren.org.

7-C

NEW MEXICO

Various groups in New Mexico, including the Court Improvement Project and New Mexico CASA, published the **Child Protection Best Practice Bulletin: Education Advocacy**. This bulletin explains the need for education advocacy for children in foster care, and includes a judicial and attorney education advocacy checklist. It is available at <http://ipl.unm.edu/childlaw/docs/0701/EducationAdvocacy.pdf>.

7-A; 7-C

OREGON

Oregon allows the juvenile court to appoint a surrogate at the request of any party when a child is temporarily or permanently in the custody of, or committed to, a public or private agency as a result of the juvenile court's action. The court may appoint a surrogate as long as it determines the child may be eligible for special education services, the child does not already have a surrogate, and the requesting party nominates a person who is willing to serve as the surrogate. The surrogate must meet the following requirements: (1) may not be an employee of the state educational agency, a school district, or any other agency that is involved in the education or care of the child; (2) may not have a conflict of interest that would interfere with representing the special education interests of the child; and (3) has the knowledge and skills to adequately represent the child in special education decisions. *Or. Rev. Stat. § 419B.220*.

7-D

A person who is appointed surrogate for a child has the duty and authority to protect the child's right to a free and appropriate public education. A surrogate appointed by the court shall immediately apply to the school district for an evaluation of the child's eligibility for special education and shall participate in the development of the child's educational plan. The duties and responsibilities of the surrogate shall continue until whichever of the following occurs first: (1) the child is 21 years of age; (2) the ward is determined to be no longer eligible for special education; or (3) the juvenile court terminates surrogacy and determines that the child's parent or guardian is both known and available to protect the special educational rights of the child. *Or. Rev. Stat. § 419B.223*.

7-D

BENCHMARKS

TENNESSEE

In 2001, Tennessee's Department of Children's Services (DCS) and the plaintiffs in the *Brian A. v. Sundquist* lawsuit reached a settlement agreement requiring DCS to hire education consultants and attorneys to act as liaisons and improve communication between DCS regional offices and the public schools. DCS's education attorneys train and advise other DCS attorneys and caseworkers on education-related issues. Like other DCS attorneys, they also carry caseloads, which include but are not limited to education-related cases. For additional information, see

<http://www.comptroller1.state.tn.us/repository/RE/custodyeducation.pdf>;
<http://www.childrensrights.org/site/PageServer?pagename=cases#TN>.

7-A

TEXAS

The **Foster Grandparent Mentors** statute requires the child welfare agency to actively recruit senior citizens to participate in ongoing mentoring programs for children in care on issues to include education. The agency also requires foster parents or employees of residential childcare facilities to provide appropriate supervision over individuals who serve as mentors during their participation in these programs. *Tex. Family Code § 264.116*.

7-A; 7-B

The **Texas Mentorship Pilot Program** established a pilot program where a private or nonprofit entity pairs children in foster care, ages 14 and older, with volunteer adult mentors. These mentors provide guidance to prepare children for the transition to adulthood, including future education pursuits. Children in foster care who qualify may participate on a voluntary basis. *Tex. Family Code § 264.1165*.

7-A; 7-B

Texas has hired education and developmental disabilities specialists for each of the state's regional child welfare offices. The specialists help Child Protective Services (CPS) staff address the complex educational needs of youth in care, particularly those with developmental disabilities. Education and developmental specialists train CPS staff on special education topics, consult with staff about the special education needs and IEP plans of youth, and advocate alongside CPS staff for needed education and developmental disability services. The education and developmental disabilities specialists also collaborate with local organizations, agencies, and school districts to meet the education-related needs of children in care, and to decrease duplication of efforts. For additional information, see http://www.dfps.state.tx.us/About/State_Plan/2003_Progress_Report/2003_14propos-als04_Disability.asp.

7-A

WASHINGTON

The **Foster Care to College Mentoring Program** provides mentors to older youth in foster care. Regular meetings with educational mentors help students identify and refine their unique educational plans. Students receive direction to master required academic skills, visit college campuses or vocational schools of their choice, and learn to apply for financial aid. Additional information can be found at

<http://www.pcayouthservices.org/detailpage.asp?ID=2815&Category=Programs>.

7-A

BENCHMARKS

In partnership with the nonprofit agency Treehouse, the Washington State Department of Social and Health Services (DSHS) Children's Administration began a **Statewide Education Advocacy Program** in 2006. The program assigns an **Education Advocacy Coordinator** to each region to collaborate with social workers, caregivers, and youth in foster care to serve the educational needs of youth in the region. The coordinators train social workers, caregivers, and community partners on education-related topics such as special education and school discipline. The coordinators also advise caregivers and social workers on how to advocate for the educational needs of specific youth. In cases requiring more intensive advocacy, the coordinators intervene directly to address the problem. Finally, the coordinators refer youth, caregivers, and social workers to education-related agencies and resources that address their particular issues, such as community tutoring services and special education laws. For more information about this advocacy program, see <http://www1.dshs.wa.gov/pdf/ca/Final%20Foster%20Parent%20Q%20and%20A%20EDUCATION%20ADVOCACY%20PROGRAM.pdf> and <http://www1.dshs.wa.gov/pdf/ca/Final%20EA%20Memo1.pdf>.

7-A

Education and Children in Foster Care: Future Success or Failure, written by Janis Avery, discusses the need for concrete planning and intervention to increase the graduation rates for children who emancipate from foster care in the state of Washington. Essential steps include defining the educational issues facing children in the child welfare system, establishing stability and continuity in school placements, offering tutoring and advocacy, and providing preschool education. This report is available at <http://www.newhorizons.org/spneeds/inclusion/collaboration/avery.htm>.

7-A; 7-C

Washington developed the **Dependent Child's Educational Checklist** for care providers. The checklist is composed of questions to address enrollment and attendance issues, school progress, and educational decision-making responsibility to ensure that the child's needs are being addressed. The checklist can be found at <http://www.abanet.org/child/education/washingtonchecklist.doc>.

7-A; 7-C



GOAL 8

Youth Have Supports to Enter into, and Complete, Postsecondary Education

- In the 2004-05 Chapin Hall study, youth who stayed in foster care after age 18 and had a diploma or GED were more than 3 times as likely as those no longer in care to be enrolled in college.
- A recent study of more than 1,000 Casey Family Programs foster care alumni reported college completion rates of 9% as compared with 24% of the general population.

adapted from National Working Group on Foster Care and Education, Educational Outcomes for Youth in Foster and Out-of-Home Care (September 2007).

Like other students, youth in care want postsecondary education; however, studies indicate that they realize this dream less frequently than the general population. To achieve their full potential, older youth in care and those exiting care need support and opportunities to participate in a wide range of postsecondary programs. Research shows that education outcomes improve when youth can stay in care beyond age 18. In addition, these youth need career and college counseling, assistance with applications and financial aid, and support while participating in their educational program of choice.

BENCHMARKS THAT SHOW PROGRESS TOWARD THIS GOAL

8-A Youth are exposed to postsecondary education opportunities, and receive academic support to achieve their future education goals.

8-B Youth in care and youth who have exited care (because of age or because their permanency objectives have been reached) have financial support or tuition fee waivers to help them afford postsecondary education.

8-C Youth have clear information and concrete help with obtaining and completing admission and financial aid documents.

8-D Youth have access to housing during postsecondary school vacations or other times when school housing is unavailable.

8-E Youth over 18 can remain in care and under the courts' jurisdiction to receive support and protection while pursuing postsecondary education.

8-F Youth have access to academic, social, and emotional supports during, and through completion of, their postsecondary education.

8-G Youth with disabilities pursuing higher education goals receive the supports to which they are entitled to under federal and state laws.

National Examples

The education provisions of the **Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)** seek to promote education stability and continuity for children in foster care. In addition, the education provisions extend Education Training Vouchers (ETVs) and Independent Living Services for youth in out-of-home care in certain circumstances and allow states to continue providing payments for youth over 18 who continue in a training or education program. For more information, see **Q & A: Fostering Connections to Success and Increasing Adoptions Act of 2008 – Education Provisions** at http://www.abanet.org/child/education/QA_10_HR_6893_FINAL.pdf.

The **Chafee Foster Care Independence Program** is a federal program administered by the United States Department of Health and Human Services. It funds state programs that provide independent living services to youth who are or have been in out-of-home care. Funding may be applied to many kinds of education services. For high school students, these services may include tutoring, help with GED completion, computer classes, and help with postsecondary planning. For students in postsecondary education, education services may include assistance with tuition, room and board expenses, or personal support services needed to complete postsecondary education. In some states, Chafee program funds have been used to pay for developing agreements with state colleges and universities for free housing, and for counseling and support for former youth in foster care. For more information, see www.nrcys.ou.edu.

Education and Training Vouchers (ETV) provide funding of up to \$5,000 per year for postsecondary education to youth who have aged out of foster care or entered guardianships or adoption after age 16. To apply for a voucher, youth should contact their regional or state Independent Living/Chafee program coordinator through the National Resource Center for Youth Development at www.nrcys.ou.edu.

The **Chafee Educational and Training Voucher (ETV) Program: Six States' Experiences**, published by the National Foster Care Coalition in collaboration with Casey Family Programs, examines how California, Maine, Montana, New York, North Carolina, and Wyoming have implemented the Chafee ETV Program and other state-based supports to assist youth in out-of-home care in pursuing postsecondary education and training. These states were selected to provide a diverse view of program implementation, including state- and county-administered child welfare agencies, urban and rural programs, and programs serving either very large or small populations of young people. The report provides an overview of program implementation and strategies in each state, challenges encountered, noteworthy practices, perspectives from young people, and recommendations for further strengthening of the ETV Program. It is available through the National Foster Care Coalition website at <http://www.nationalfostercare.org> or Casey Family Programs' website at <http://www.casey.org>.

A Road Map for Learning: Improving Educational Outcomes in Foster Care is a guide for everyone working towards successful educational outcomes for youth in foster care or out-of-home care. The book provides a modular framework for achieving collaboration across the federal, state, and local legal, educational, and child welfare systems. Emphasizing the needs of K–12 students, it contains resources for parents, caregivers, teachers, and child welfare professionals to help children in care with many aspects of education advocacy, including planning and preparation for postsecondary education. For more information, see <http://www.casey.org/Resources/Publications/RoadMapForLearning.htm>.

BENCHMARKS

8-A; 8-B; 8-E

8-A; 8-B; 8-C; 8-F

8-B

8-B

8-A; 8-B; 8-C; 8-F

BENCHMARKS

It's My Life: Postsecondary Education and Training is a resource for child welfare professionals supporting youth in out-of-home care as they pursue postsecondary and training goals. The program contains practical strategies and resources to give youth in foster care the secondary education, academic guidance, and support they need to complete postsecondary education. The guide contains eight specific recommendations: (1) foster high academic aspirations; (2) encourage long-term planning for postsecondary education; (3) stress rigorous academic preparation; (4) support students in taking standardized tests; (5) support students in choosing, applying for, and enrolling in postsecondary education; (6) help students apply for and get adequate financial aid; (7) engage young adults who have missed out on postsecondary preparation; and (8) help students adjust to and complete their college or training program. See www.casey.org for more information about this resource.

8-A; 8-B; 8-C; 8-F

Casey Family Scholars Program of the Orphan Foundation of America (OFA) provides scholarships for youth currently or formerly in foster care to provide ongoing support for college success. The program provides scholarships of up to \$10,000 for postsecondary education, including vocational or technical training. Participants in this program receive ongoing support through a toll-free number and regular email contact with an adult mentor from OFA's vMentor Program. See www.orphan.org for more information.

8-B; 8-F

The **vMentor Program**, sponsored by the Orphan Foundation of America, is a national online mentoring program that provides youth in care with personal support and academic and career guidance through their college years. Mentors are carefully screened, trained, and matched with youth according to their mutual career and personal interests. Mentors work with youth on goal setting, strategies for success in the workplace and school, time management, and other career-related skills. Information about the vMentor Program can be found at vMentor@orphan.org.

8-A; 8-B; 8-F

The **College Cost Reduction and Access Act of 2008 (H.R. 2669)** amended student loan programs. Included within this legislation are amendments to expand the definition of an independent student in the Free Application for Federal Student Aid (FAFSA) to include the following: (1) unaccompanied homeless youth; (2) youth who are in foster care at any time after the age of 13 or older; or (3) youth who are emancipated minors or are in legal guardianships as determined by an appropriate court in the individual's state of residence. For the text of the legislation, see <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:h.r.02669>.

8-B

GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs) is a program for low-income elementary and secondary school students, including children in out-of-home care, and includes a scholarship component. Under the newly reauthorized Higher Education Act, children currently or formerly in foster care are given priority in these programs. This discretionary grant program is designed to increase the number of low-income students who are prepared to enter and succeed in postsecondary education. GEAR UP provides six-year grants to states and partnerships to provide services at high-poverty middle and high schools. GEAR UP grantees serve an entire cohort of students beginning no later than the seventh grade and follow the cohort through high school. GEAR UP funds are also used to provide college scholarships to low-income students. For more information, see <http://www.ed.gov/programs/gearup/index.html>.

8-A; 8-B; 8-C

BENCHMARKS

TRIO is a program that provides financial aid counseling and work-study employment for students who are low-income (including children in out-of-home care), first generation college, or disabled. The recent reauthorization of the Higher Education Act includes a provision providing priority entrance to these programs for current or former youth in care. Current existing programs under TRIO include the following: (1) **Educational Opportunity Centers** provide counseling and information on college admissions to qualified adults who want to enter or continue a program of postsecondary education. (2) **Ronald E. McNair Postbaccalaureate Achievement Program** prepares participants for doctoral studies through involvement in research and other scholarly activities. Participants who are from disadvantaged backgrounds and have demonstrated strong academic potential are selected. (3) **Student Support Services** provide opportunities for academic development, assist students with basic college requirements, and serve to motivate students toward the successful completion of their postsecondary education. This program seeks to increase the college retention and graduation rates of its participants and help students make the transition from one level of higher education to the next. (4) **Talent Search** identifies and assists individuals from disadvantaged backgrounds who have the potential to succeed in higher education. **Talent Search** provides academic, career, and financial counseling to its participants and encourages them to graduate from high school and continue on to the postsecondary institution of their choice. (5) **Upward Bound** provides fundamental support to participants in their preparation for college entrance and opportunities for participants to succeed in their pre-college and higher education pursuits. The program serves high school students from low-income families, high school students from families in which neither parent holds a bachelor's degree, and low income, first-generation military veterans preparing to enter postsecondary education. Current and former foster youth are now also given priority. The goal is to increase the rate at which participants complete secondary education and enroll in and graduate from institutions of postsecondary education. (6) **Upward Bound Math-Science** allows the Department of Education to fund specialized Upward Bound math and science centers designed to strengthen the math and science skills of participating students. The specialized Upward Bound Program helps students recognize and develop their potential to excel in math and science and encourages them to pursue postsecondary degrees in math and science. For additional information about TRIO programs, see <http://www.ed.gov/about/offices/list/ope/trio/index.html>.

8-A; 8-B; 8-C; 8-F

In August 2008, President Bush signed the **Higher Education Opportunity Act, H.R. 4137**. This legislation reauthorizes the Higher Education Act. It includes numerous amendments designed to increase homeless and foster students' access to postsecondary education. For more information about the provisions of the new law relating to homeless and foster students, please see the summary developed by the National Association for the Education of Homeless Children and Youth at www.naehcy.org.

8-A; 8-B; 8-C; 8-F

The Workforce Investment Act (WIA) provides federal funding to states for education and occupational training of youth and adults who face barriers to completing their education and entering the workforce. WIA-funded youth services prepare qualifying low income youth for postsecondary education and employment. Youth in out-of-home care are specifically listed as potentially eligible youth. Services include paid and unpaid work experience, summer jobs, occupational skills training, and tutoring. See www.dol.gov/dol/location.htm for more information.

8-B; 8-F

Continuing Court Jurisdiction in Support of 18 to 21 Year-Old Foster Youth, a paper by the American Bar Association Center on Children and the Law, discusses the need for juvenile court jurisdiction over foster care youth to continue at a minimum until the age of 21, as long as continuation of jurisdiction is done with the consent of the child. To obtain a copy of this paper, please see www.abanet.org/child/education.

8-E

BENCHMARKS

Supporting Success: Improving Higher Education Outcomes for Students from Foster Care, written by Casey Family Programs, highlights the need for postsecondary education and training programs for youth in care. This publication provides recommendations for direct support to youth, including designated adults to assist student with planning, and other financial and academic supports. To review this document, see <http://www.casey.org/Resources/Publications/HigherEdFramework.htm>.

8-A; 8-B; 8-C; 8-D; 8-F

The New York State Permanent Judicial Commission on Justice for Children has developed a comprehensive checklist for use by judges, advocates, and child welfare professionals when considering the education of children in foster care. This publication, **Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals**, contains ten basic questions to focus on a child's educational needs and integrate those needs with permanency planning and review. It covers the educational and medical needs of children in foster care, special education issues, and information on educational decision making. This checklist can be found at <http://www.nycourts.gov/ip/justiceforchildren/PDF/EducationalNeeds.pdf>.

8-A; 8-C; 8-F; 8-G

The Legal Center for Foster Care and Education developed a fact sheet, **Q & A: Tuition Waivers and Financial Incentives to Support Postsecondary Education**, which discusses financial incentives that exist to support children in out-of-home care in their postsecondary education pursuits. To access the fact sheet, visit www.abanet.org/child/education/publications.

8-B

The Heritage Foundation developed an issue brief, **Foster Care Children Need Better Educational Opportunities**. This brief examines the issues contributing to poor education outcomes for youth in care and outlines recommendations for reform and education advocacy. It also addresses the need for better special education services, teaching life skills to youth in care, and providing more scholarships. It can be found at <http://www.heritage.org/Research/Education/bg2039.cfm>.

8-B; 8-F; 8-G

The National Conference of State Legislators, through the Children's Policy Initiative, published **Educating Children in Foster Care**. This report provides a brief overview of the issue of meeting the educational needs of children in the child welfare system, background about the academic performance of children in foster care, major systemic obstacles to these children's success, and what the CFSRs are saying about state performance. The report also addresses the need for additional assistance for youth in postsecondary education, and can be found at http://www.abanet.org/abanet/child/education/open_file.cfm?id=49.

8-A; 8-B; 8-C

Published by the Youth Law Center, **Getting Out of the Red Zone** is a result of a series of focus groups that included youth who had been in the juvenile justice and/or child welfare system, parents, and foster parents. The report's purpose is to identify educational barriers and consider pragmatic approaches to improving their educational experience from elementary school through college. One issue considered was the need for better postsecondary support. For more information, see <http://www.ylc.org/pdfs/GettingOutOftheRedZone.pdf>.

8-A; 8-B; 8-C; 8-F

State and Local Examples

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ARIZONA

Pima County Juvenile Court is bringing education issues to the forefront. The publication chronicling these reforms, **Court-Based Education Efforts for Children in Foster Care**, offers suggestions to other jurisdictions that want to design and implement their own reform initiatives. One goal of Pima County is to address the importance of exposure to and knowledge of postsecondary education for youth in care. For more information, see <http://www.casey.org/Resources/Publications/pima.htm>.

8-A; 8-C; 8-F

CALIFORNIA

Assembly Bill 2463 (AB 2463) includes instructions to the Board of Governors of the California Community Colleges and the Trustees of the California State University to expand access and retention programs for foster youth, including outreach services to encourage enrollment and technical assistance in the admission and financial aid application process. *Cal. Educ. Code § 89341(b)(1)(2)*. The bill requires the Board of Trustees to review housing issues for emancipated youth living on campuses and ensure basic housing during the school year, provide technical assistance and advice to campuses on how to improve the delivery of services to emancipated foster youth, and track retention rates of students who voluntarily disclose their status as emancipated foster youth. *Cal. Educ. Code § 89342(a)(b)(c)*. **AB 2463** also includes the following requirements: 1) representation on appropriate State University Advisory Councils is to be expanded to include at least one former emancipated foster youth who is either a current or former student at the State University; 2) identifying emancipated foster youth are to be informed of the State University and Community Colleges Opportunity Program and Services; 3) the Student Aid Commission will provide outreach and technical assistance programs to foster youth at the two grade levels designated jointly by the State University and Community Colleges; 4) the State Department of Social Services and county welfare departments, in coordination with the Community Colleges, the State University, and the Student Aid Commission, will communicate to foster youth in the designated grade levels to make them aware of the outreach and technical assistance programs available.

8-A; 8-C; 8-D

The **Guardian Scholars Program** at California State University is committed to supporting ambitious, college-bound students exiting the foster care system. It is a comprehensive program that contributes to the quality and depth of the student's university experience by equipping them with the educational and interpersonal skills necessary to become self-supporting citizens, community leaders, role models, and competent professionals in their selected fields. Cal State Fullerton, private foundations, public agencies, and private citizens partner to assist deserving youth achieve their dreams of a college education, realize true independence, and reach their full potential in an effective and cost-efficient way. The program aims to admit 10 new students each fall with an ultimate goal of reaching 50 scholars in the program at one time. For more information, see <http://www.fullerton.edu/guardianscholars>.

8-A; 8-B; 8-F

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The **Fostering Futures Scholarship Program** has three primary components: Renewable Scholarships, a Computer Program, and a Mentoring Program. The Fostering Futures Renewable Scholarships are scholarships ranging from \$1,000 to \$5,000 per year provided to youth formerly in foster care. These scholarships are renewable upon proof of academic performance and meeting program requirements. Grant recipients represent a wide range of educational pursuits, from certifications through trade schools to degrees from community colleges and universities to post-graduate degrees. The **Fostering Futures Computer Program** provides students with notebook computers and printers. The **Fostering Futures Mentoring Program** assures students that their community believes in them and that “although they are on their own, they are not alone!” Volunteer mentors provide ongoing support to the students. For more information, see the program’s website at <http://www.fosteringfuturesfoundation.org>.

8-A; 8-B; 8-C; 8-F

California developed fact sheets addressing national and California state laws that relate to the education needs of children in out-of-home care, including the Individuals with Disabilities Education Act and AB 490. The fact sheets note the importance of career and college counseling for youth in care. To review these fact sheets, go to www.ylc.org.

8-A; 8-F

FLORIDA

The **Florida College Reach-Out Program** is a program to increase the number of low-income, educationally disadvantaged students who are admitted to and successfully complete postsecondary education. Participants are students in grades 6 - 12 who would be unlikely to seek admission to a postsecondary institution without special support and recruitment efforts. The State Board of Education shall adopt rules that require participating colleges to provide continuous contact with students from the time they are selected for participation until they enroll in college. Students must receive assistance in selecting courses required for high school graduation and admission to college. Participating colleges must provide on-campus academic and advisory activities during summer vacation and provide opportunities for interacting with college and university students as mentors, tutors, or role models. *Fla. Stat. Ann. Title XLVIII. K-20 Education Code § 1007.34.*

8-A; 8-B; 8-C; 8-D; 8-F

Florida statutes provide services to ensure that each child in foster care will gain postsecondary educational and work experience. *Fla. Stat. Ann. § 409.1451(3)(b)*. Upon entering ninth grade, children in foster care, along with their foster parents and the Department of Children and Families or a community-based provider, will be active participants in choosing postsecondary school goals, according to the needs of each individual child. *Id.* at *§ 409.1451(3)(b)(1)*. Depending on the postsecondary education goals selected, the Department or community-based provider will, with the participation of the child and foster parents, identify: (1) the core courses necessary to qualify for a chosen goal; (2) any elective courses which would provide additional help in reaching a chosen goal; (3) the grade point requirement and any additional information necessary to achieve that goal; and (4) a teacher, staff member, employee of the department, or community-based organization, or community volunteer that would be willing to serve as an academic advocate or mentor if foster parent involvement is insufficient. *Id.* at *§ 409.1451(3)(b)(2)(a)-(d)*. The Department or community-based providers are to ensure that children and foster parents are aware of the different postsecondary goals available to assist child in reaching that goal. *Id.* at *§ 409.1451(3)(b)(4)*. Finally, children in foster care and young adults formerly in foster care will be provided with the opportunity to change their goals, and if that change requires other steps to achieve the goal, the Department or a community-based provider will assist that person. *Id.* at *§ 409.1451(3)(c)*.

8-A; 8-F

The **Road-to-Independence (RTI) Scholarship Program** is available to Florida chil-

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dren in foster care. Each child learns about the program when they turn 14, and the child welfare agency provides each child with information about how to access the program, including information about eligibility, and other grants, scholarships, and waivers that are available to the child. *Fla. Stat. Ann. § 409.1451(4)(a)(4)*. The RTI Scholarship is available to former foster children to receive educational and vocational training needed to achieve independence. The amount of the award will be based on the need of the individual, and will not exceed the federal minimum wage for a person working 40 hours per week. *Id.* at *§ 409.1451(5)(b)(1)*. A person is eligible for the initial award if they are between the ages of 18 and 21, and eligible for a renewal award if they are under 23. The young adult must have earned a high school diploma or equivalent, or is enrolled full time in an accredited high school. *Id.* at *§ 409.1451(5)(b)(2)(d)*. The young adult applying for the RTI Scholarship must also apply for any other grants and scholarships for which he/she may qualify, and the department assists him/her in that application process.

8-A; 8-B; 8-C

IDAHO

Idaho developed an **Educational Needs Checklist** with special focus on school stability, school enrollment, advocacy, special education and services under § 504, and transitioning and independent living plans. The checklist can be reviewed at <http://www.abanet.org/child/education/IdahoEducationalNeedsChecklist.pdf>.

8-A; 8-C; 8-F; 8-G

KANSAS

The **Kansas Foster Child Educational Assistance Act (Senate Bill 85)** provides free tuition at all Kansas schools to youth up until 23 years of age. Youth who age out of foster care, graduate from high school or complete a GED while in foster care, or have been adopted or placed in permanent guardianship/custodianship after the age of 16 are eligible. For the full text of the bill, see <http://www.kslegislature.org/bills/2006/2730.pdf>.

8-B

MARYLAND

Maryland offers a college tuition waiver for youth in foster care. Certain students under the age of 21 who have resided in out-of-home placement in Maryland and who are attending a Maryland public two-year or four-year institution are exempt from paying tuition and mandatory fees. The program is administered through the Maryland Higher Education Commission, see http://www.mhec.state.md.us/financialAid/ProgramDescriptions/prog_fostercare.asp.

8-B

OREGON

The **Fostering Futures Project** conducts research on the educational performance and quality of transition planning for high school youth with disabilities in foster care. There are two reports currently available online that offer suggestions for the improvement of educational outcomes and transition planning for youth with disabilities in the foster care system. For more information, see http://www.rri.pdx.edu/fostering_futures.php.

8-G

WASHINGTON

The **Foster Care to College Program** is a partnership of private and public agencies designed to support adolescents in foster care in Washington to prepare for, pursue, persist in, and succeed in postsecondary education and training programs statewide, regionally, and nationally. The partnership provides targeted outreach to youth in foster care between the ages of 13 and 21 to convince them a college education is possible and to provide them with the resources necessary to achieve their postsecondary aspirations. They offer an all-expenses paid summer program with workshops and activities to help high school students between 10th and 12th grade or in a GED program prepare for postsecondary education. They also pair positive, professional adults with youth who have similar vocational interests. These adults help young people complete necessary college or training program entry paperwork and provide motivation, encouragement, and support throughout the college experience. For additional information, see

<http://www.independence.wa.gov/partner/contact.asp>.

Get Set (Summer and Employment Training) provides transitional skills development for youth in out-of-home care in the Yakima and Pasco areas. **Get Set** is a four-week summer program for teenagers in care. Youth learn to develop daily living skills and study skills, increase self-sufficiency skills, and use community resources. They may also spend a portion of each day in supervised community activities, for which they earn a daily stipend. More information can be found through Casey Family Programs Yakima Field Office and www.casey.org.

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8-A; 8-B; 8-C; 8-F

8-A; 8-B; 8-F

