

IMPROVING EDUCATION OUTCOMES FOR FOSTER YOUTH

WHAT WE CAN ALL DO

Three Branch Institute on Child Social and
Emotional Well-Being
July 24, 2013



LEGAL CENTER FOR

FOSTER CARE & EDUCATION



LEGAL CENTER FOR

FOSTER CARE & EDUCATION

- Collaboration of
 - American Bar Association Center on Children and the Law
 - Annie E. Casey Foundation
 - Casey Family Programs
 - Education Law Center (PA)
 - Juvenile Law Center
- A national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children and youth in foster care
- Listserv, Training Materials, Conference Calls and Webinars, Publications, Searchable Database (includes state laws & policies)
- Website: www.fostercareandeducation.org

A Majority of Children in Foster Care are School Aged

Number of children and youth in foster care on September 30, 2010		408,425	
Characteristics of children and youth in foster care on September 30, 2010		Number	Percentage
Age			
Young children (age 0-4)		108,729	31
School age children and youth (age 5-17)		260,558	64
Young adults (age 18-20)		16,712	5

- 60% will return home[^]
- 50% stay in care for less than a year[^]

2011 National Working Group on Foster Care and Education

[^] U.S. Department of Health and Human Services AFCARS report

The Whirlwind of Foster Care

Removed from home/parents/siblings

- May not have had chance to say goodbye
- Uncertain about where parents/siblings are

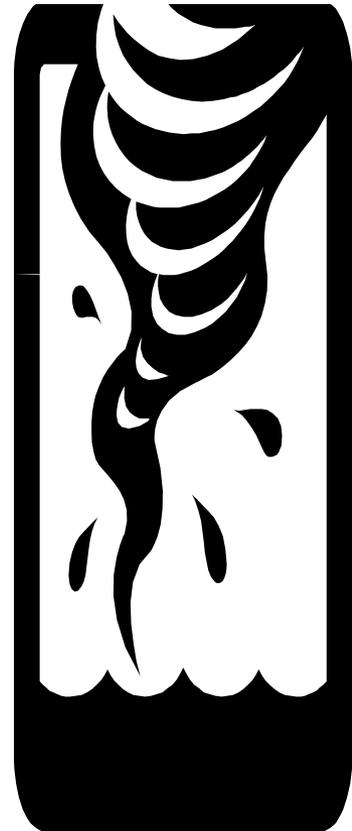
Living with strangers

- In strange house/room/bed
- Different customs/routine, other children in home

Few or no possessions

Uncertainty about future

- How are my siblings and parents
- Where will I live?
- Will I return home?
- Where will I go to school?



Studies across the country, show children in foster care are struggling academically

- Estimated about ½ of youth in foster care complete high school by age 18 (compared to 70% of youth in the general population).
- Fifteen-year-olds in out-of-home care were about half as likely as other students to have graduated high school 5 years later, with significantly higher rates of dropping out (55%) or incarcerated (10%).
- Midwest Study showed youth in foster care on average read at only a seventh grade level after completing 10th or 11th grade.
- Two to four times more likely to repeat a grade.
- Far less likely to enter into, and complete, post secondary education.

Children in Foster Care are Often Mobile

- Federal data indicate that school age children in foster care in FY 2009 experienced an average of 3.38 living placements.
- One study showed that over two thirds of children in care changed schools shortly after initial placement in care.
- Studies have found that highly mobile children score lower than stably housed children on standardized tests in reading, spelling and math.
- In a national study, youth who had even one fewer placement change per year were almost twice as likely to graduate from high school before leaving care.

Barriers to Educational Achievement for Children in Care

- Lack of placement stability
- Delayed enrollment
- Children with special education needs do not access/receive services
- Over-representation in alternative education
- Confusion about legal rights

Blueprint for Change: Education Success for Children in Foster Care



- **8 Goals** for Youth
- **Benchmarks** for each goal indicating progress toward achieving education success
- National, State, and Local **Examples**

Blueprint for Change: Goals for Youth

Goal 1: Remain in the Same School

Goal 2: Seamless Transitions Between Schools

Goal 3: Young Children Are Ready to Learn

Goal 4: Equal Access to the School Experience

**Goal 5: School Dropout, Truancy, and
Disciplinary Actions Addressed**

Goal 6: Involving and Empowering Youth

**Goal 7: Supportive Adults as Advocates and
Decisionmakers**

Goal 8: Obtaining Postsecondary Education

Direct Fostering Connections Questions:

What do we do when...

- **Children come into care and need a living placement?**
 - Identify placements that keep child within school catchment area/district
 - Stabilize living placements and minimize placement disruptions
- **Living placements do change and child is placed outside of school catchment area/district?**
 - Make best interest determination about which school a child should attend (factors to consider, individuals to involve)

Direct Fostering Connections Questions: What do we do when...

- **It is best for a child to stay in the same school even when living out of district?**
 - Address barriers to keeping a child in that school
 - Address transportation issues
- **It is best for a child to be re-enrolled in a new school?**
 - Make that enrollment immediate and seamless
 - Make sure records follow accurately and timely

Some Additional Questions that Emerge from Fostering Connections

What are the unique needs of our youngest children in foster care and how do we meet those needs?

How do we ensure the right supports are in place for children in care, in particular supports that are trauma informed?

How do we support children in foster care who have special education needs?

How do we put children in care on track for completing high school and entering post secondary or training opportunities?

How do we ensure that children in care who enter post secondary education successfully complete their education

Everyone Has a Role

- Legislature
- Courts
- Executive

Together, the difference that can be made in the lives of children is limitless

Cross System Collaboration is...

- necessary to the implementation of the education provisions of the Fostering Connections Act.
- not new. Has been happening across the country, since before 2008.
- hard work.
- necessary to achieve stability and success for children in care.

State Legislative Actions

- Legislative action
 - Pre-Fostering Connections (ex. California, Washington State)
 - Post Fostering Connections (ex. Connecticut and New Jersey)

*See complete chart all state school stability provisions at

http://www.fostercareandeducation.org/portals/0/dmx/2012/09/file_20120924_150806_EOwF_0.doc

Court Leadership and Attention

- **EXAMPLE: Supreme Court leadership- Texas:** Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families, Education Committee
 - Commitment of statewide resources to examine issue, identify challenges and make recommendations for improvements related to: judicial practices, cross-disciplinary training needs, improved collaboration, and data and information sharing- final report March 2012
 - Coordinated effort of numerous agencies and systems involved with child protection and education

Executive Action

- Executive Action
 - Required collaboration and coordination across agencies
 - Agency (and joint agencies) practice and policy changes; training and curriculum development

Child Welfare Agency Actions

Policy Changes - Pennsylvania

- Child welfare agency guidance and screening tool to assist caseworkers identify and address education issues
- County based liaisons in each child welfare agency county office
- New judicial rules

Everybody is a Teacher Campaign-Florida

- State child welfare agency lead campaign to reenergize local level collaboration; builds on prior state law requiring interagency collaboration in all counties.

Education Agency Actions

Foster Youth Services Program - California

- Long-term statewide program to support youth in foster care, including education-based liaisons.

Compassionate Schools Initiative – Washington

- Provides training, guidance, referral, and technical assistance to help educators more effectively reach and teach vulnerable students
- Not a program, but a process to cultivate a culture and climate that benefits all students.

Joint Agency Actions

Policy Changes- Virginia

- ❑ Joint policy release by both DOE and DSS including definitions of “immediate” and “enrollment” and establishing a best interest determination process
- ❑ Standardized enrollment & best interest forms
- ❑ Joint trainings, webinars
- ❑ Liaisons for each school division

State Agency Collaboration- Michigan

- State agencies collaborating since revised school code in 2009; includes 14 regional education planners in CW agency and strong state education guidance.

Data and Information Sharing

Different types of data and information sharing are taking place to support children in foster care:

- **State level efforts to identify aggregate level data on the outcomes for children in care**

Example: West Virginia - Reaching Every Child Report

- **Local level real time data sharing across agencies** designed to be tool to front line staff who work directly with children and youth. Also separate data system that identifies living placement options in school districts

Example: Foster Focus database and School Connect-Sacramento, CA

What Collaboration Looks Like

- Increased attention and focus on education issues within state and local child welfare agencies, as well as the courts
- Full engagement of education partners in efforts related to children in foster care
- Individual agency and court responsibilities clearly identified
- Education, coordination, and collaboration across agencies and courts-ongoing and meaningful interactions
- Support from leadership in child welfare and education agencies, and the court
- Revised policies, procedures and practice to reflect the collaboration
- Tracked efforts and improvements- refine collaboration based on real impact on children and families

Key Components of Successful Collaborations

- Creating Common Knowledge Base
- Setting Clear Goals-short and long term
- Establishing a structure and process
- Maintaining communication and momentum

For more detail see *Making It Work* issue brief, part of a Fostering Connections Implementation Toolkit series, found at http://www.americanbar.org/groups/child_law/projects_initiatives/education/state_implementation_toolkit.html



Contact Information

Kathleen McNaught

kathleen.mcnaught@americanbar.org

BUILDING SYSTEMIC REFORM
POLICIES, PRACTICES &
COLLABORATIONS THAT
MAKE A DIFFERENCE

Pennsylvania

Who We Are

- **Cindi Horshaw**, Acting Bureau Director
Office of Children, Youth and Families
Department of Public Welfare
- **Dan Iser**, Advisor
School Services Unit
PA Department of Education
- **Maura McInerney**, Senior Staff Attorney
Education Law Center

Cross Systems Reform: The Landscape

CHILD WELFARE: State/County

EDUCATION: State/School District

COURTS

LEGISLATURE

Effectuating change through

Law: Statutes, regulations, Judicial Rules

Policies/Guidance: State and local policies

Practices/Infrastructure: Embedding reform

Strategies for Reform

Trigger:

- **Legislation – federal & state**
- **Improve well being & permanency**
- **Improve educational outcomes**

Leaders

- **Three Branches**

Infrastructure – liaisons in agencies & crossagency

- **Ongoing collaboration - MOUs, meetings**
- **Tools (e.g., Child Welfare Education Screen)**

Track Outcomes

- **Data collection & analysis » Change**

Embedding Reform in Pennsylvania

- **Executive:**

- Child Welfare: Prompt policies/guidance, Joint guidance, Child Welfare Education Screen, County Education Liaisons, multi-agency roundtables & workgroup, innovative county practices & data sharing
- Education: Joint guidance, FAQ on Children in Foster Care, enrollment, special education, multi-agency workgroup & data sharing

- **Judicial:** Judicial Court Rules, ongoing trainings, court-led state & local roundtables & multi-agency workgroup, Dependency Benchbook

- **Legislative:** School stability, credit transfer & statewide diploma;

- Multi-agency collaborations & coordination

- Consider: Infrastructure, laws & rules, data sharing, policies/practice

Overview

- Courts
 - Juvenile Court Rules
 - State & Local Roundtables
 - Statewide Workgroup & PA Action Team
- Child Welfare
 - Issued significant guidance & joint guidance
 - Appointed Education Liaisons in each county C&Y
 - Child Welfare Professional Education Screen
 - Statewide Workgroup & PA Action Team
- Education
 - Issued significant guidance & joint guidance
 - Assigned staff
 - Statewide Workgroup & PA Action Team

Juvenile Court Rules: Education

- Requires courts to inquire about education at every stage of adjudicatory process
- Focus on **three key issues**:
 - Minimizing school changes
 - Ensure that youth is attending school in appropriate placement, receiving services & making progress
 - Ensure that youth has a legally authorized “educational decision maker”

Juvenile Court Rules: Education



- Attendance
- “School stability”
- Appropriate ed placement
- “Educational Decision Maker”
- Progress towards graduation
- Special education or need for accommodations
- School discipline issues
- Graduation & transition

Juvenile Court Rules: Educational Decision Maker

- At any proceeding or upon motion, the court shall appoint an education decision maker for the juvenile if the court determines that:
 - The juvenile has no guardian; or
 - The court, after notice to the guardian and an opportunity for the guardian to be heard, has made a determination that it is in the juvenile's best interest to limit the guardian's right to make decisions regarding the juvenile's education

Who Can Be an Education Decision-Maker?

*Presumption in favor of the parent continuing in role.
Limit rights only after notice & based on findings.*

- Family member
- Family friend
- Mentor
- Former foster parent
- CASA (EDM Project)
- GAL
- Child welfare professional**

****ONLY IF CHILD HAS NO SPECIAL
EDUCATION NEEDS**

Juvenile Court Rules: Education



- Consider educational needs of the child at **every stage** of adjudicatory process
- Ask the right questions to identify the real problems
- Consider impact on child's education when placing child
- Direct child welfare to address specific needs
- Clarify who has educational rights for the child
- *See model findings & court orders*

Court-Agency Collaboration

- ***Local Children's Roundtable*** - Convened by the county dependency judge & co-chaired by C&Y administrator.
- ***Leadership Roundtables*** - Our 67 counties are divided into seven Leadership Roundtables based on county size. Convened by dependency judge, C&Y administrator plus one additional designee from each county.
- ***State Roundtable*** - Chaired by the Supreme Court Justice; Meets once per year. This group reviews statewide trends, concerns, solutions and sets the course for future Court Improvement activities.

Child Welfare: *Infrastructure*

- **State Leadership**
- **County Leadership**
- **County C&Y Education Liaison**
 - Designated contact
 - Provide technical assistance to caseworkers on ed issues;
 - Train caseworkers on Education Screen
 - Build relationships with school districts & offer cross trainings
 - Participate on local roundtables
 - Advocates in the community

Child Welfare:

Policy & Practice Reforms

- ***OCYF Bulletin on Educational Stability and Continuity Enrollment***
 - Requires education contacts in each county agency
 - Clarifies rules on surrogate parents
 - Explains school stability rules
 - Requires maintenance of education records
- ***OCYF Special Transmittal on Fostering Connections***
- ***Child Welfare Education Screen*** to collect education data, identify and solve education problems
- ***Joint Guidance***

Child Welfare Education Screen

- Tool to **identify & address** education issues
- Supported by action steps guide & training
- Completed every 6 months & **when child moves**
- Serves as **school stability worksheet**
- **Informs court decisions & practice**
- Useful as **data collection tool** (student I.D.#)
- Improves collaboration with school districts
- **Measures accountability** - Reviewed/signed by supervisor and subject to audit

Education Screen: Overview

- Education Records & FERPA Consent
- School Stability & Prompt Enrollment
- Need for Educational Decision Maker
- Special School Settings/Situations
- Attendance & Progress Towards Graduation/Promotion
- **Need for Special Ed Evaluation**
- **Adequacy of Special Ed Services**
- **Need for Accommodations for Disability**
- Transition & Preparation for Post Secondary Ed

Education:

Policy & Practice Reforms

- ***FAQ on Children in Foster Care***
- ***Basic Education Circular on Enrollment of Students***
- ***Guidance on Surrogate Parents***
- ***PennLinks***

Joint Initiatives

- **State Roundtable** - Workgroup on Educational Success & Truancy Prevention (ESTP) includes ALL stakeholders; monthly meetings; Annual Report & Recommendations; Dependency Benchbook; Sample topics – education of youth in residential settings and congregate care reduction; cyber school; credit/graduation requirements.
- **Pennsylvania State Action Team** – Court, Child Welfare & Education (outgrowth of Nov. 2011 convening); meets monthly; currently working on data sharing.
- ***Joint Guidance on Educational Programs for Students in Non-Educational Placements***
- ***Joint Guidance on Uninterrupted Scholars Act***

Education Records:



Family Educational Rights and Privacy Act (FERPA)

AMENDMENT: On January 14, 2013, the **Uninterrupted Scholars Act** (USA) made two important changes to FERPA:

- Created a new “child welfare exception” authorizing representatives of child welfare to obtain immediate access to education records;
- Eliminates duplicative notice to parents under “court order exception”

Education Records: Pennsylvania's Joint Guidance



- **Joint Guidance** issued by DPW & PDE clarifies:
 - Child welfare exception applies to children in out-of-home placements and those dually adjudicated;
 - Applies to representatives of child welfare & their agents (e.g., private providers);
 - Child Welfare need only provide “minimal” documentation to schools to establish right to access records
 - Law prohibits re-disclosure by child welfare unless sharing of education records will address educational needs of child.

Educational Outcomes

- Reduce enrollment delays
- Improve attendance
- Increase school stability
- Expand access to public school for children/youth in residential settings
- Expand access to needed services
- Increase engagement of students
- Increase support of child welfare and school

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Increase in academic achievement & graduation rates

- *Ripple effect: changes in school district policies, court practice, child welfare & private provider conduct*

Changes in Practice → Changes in Law

- **Proposed Legislation**
 - Children & Youth Committee
 - Education Committee
- **Current Topics:**
 - School Stability
 - Credit transfer & statewide diploma (Maine)
 - Truancy
 - Tuition Waiver

Resources

- **Office of Children & Families in the Courts, AOPC**
 - <http://www.ocfcpcourts.us/about-ocfc/agency-court-collaboration>
- **DPW, OCYF Bulletins**
 - *School Stability & Continuity*
 - http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/bulletin_admin/d_006326.pdf
 - *Educational Portions of Non-Educational Placements*
 - http://www.dpw.state.pa.us/publications/bulletinsearch/bulletin_selected/index.htm?bn=OMHSAS-10-02&o=N&po=OCYF&id=01/04/2010
- **PDE Basic Education Circulars**
 - http://www.portal.state.pa.us/portal/server.pt/community/basic_education_circulars/7497

Contact Information

- **Cindi Horshaw, Deputy Secretary**
Acting Bureau Director
Bureau of Policy, Programs and Operations
Department of Public Welfare
Office of Children, Youth and Families
625 Forster Street | Harrisburg, PA 17120
Phone: 717.783.7287
chorshaw@pa.gov
- **Daniel Iser | Advisor**
Department of Education | School Services Office
333 Market Street | Hbg PA 17126
Phone: 717.783.8088
- diser@pa.gov
- **Maura McInerney, Senior Staff Attorney**
Education Law Center
215-238-6970 (Ext. 316)
mmcinerney@elc-pa.org