Blueprint for Change
Education Success for Children in Foster Care
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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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Who We Are

The Legal Center for Foster Care and Education 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 Blueprint for Change sets forth 8 Goals for Youth, as well as specific, correlating Benchmarks for each Goal that would indicate progress toward achieving education success. 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. This edition is an initial attempt to collect information and categorize these examples under the various Goals and Benchmarks. Each example is coded to reflect which of the Goals and Benchmarks are addressed.

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.

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;
- 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, 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.
What Next?

The Legal Center for Foster Care and Education plans to build on this existing framework, and design products and activities that will promote these issues and assist advocates and system reformers. The Legal Center FCE will tailor the Blueprint to specific categories of individuals working with children in out-of-home care, including caseworkers, caretakers, legal advocates, and judges. The Legal Center FCE will continue to collect examples of policies and practices advancing each goal.

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.

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.

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
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.

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.

Youth have sufficient foster home and permanent living options available in their home communities to reduce the need for school moves.

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.

Youth are entitled to necessary transportation to their school of origin, with responsibilities clearly designated for transportation costs.

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.

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).

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-B Youth have sufficient foster home and permanent living options available in their home communities to reduce the need for school moves.

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-D Youth are entitled to necessary transportation to their school of origin, with responsibilities clearly designated for transportation costs.

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-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).
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” placements, 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.

**Title IV-E of the Social Security Act** requires that child welfare agencies document in a child’s case plan that his or her educational placement has been taken into account when foster care placement decisions are made. 42 U.S.C. §§ 670 – 679.

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 includes information about children remaining in their school of origin and can be found at www.abanet.org/child/education.

The American Bar Association’s Commission on Homelessness and Poverty has produced a new 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.

*Lessons Learned*, a publication of the Juvenile Law Center and the Education Law Center, 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.
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/NCJFCJChecklist.pdf.

**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.

**State and Local Examples**

**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.

**ARKANSAS**

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. Welf. & Inst. Code § 48853.5.

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/rcjli/education/sloagreement.doc.

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.

DELAWARE

FLORIDA
Under Florida’s statute, the Department of Children and Family Services or agencies acting on its behalf shall enter into agreements with district school boards or other local educational entities. The agreement 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).

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 Family Services, 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 (at existing stops or at new stops on existing routes such as those for magnet schools, ESE cluster programs, or local schools); 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.

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.

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).

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.
NEW YORK

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.

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.

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 interests. Or. Rev. Stat. § 339.133(5). Best interests factors include distance from foster home to school of origin, student’s connection to other students and faculty, 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 at 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.

WASHINGTON

According to Washington State law, “it 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.
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.

**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).

**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.

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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” placements, 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. This 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.

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 www.abanet.org/child/education.

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.

The American Bar Association’s Commission on Homelessness and Poverty has produced a new 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.

Lessons Learned, a publication of the Juvenile Law Center and the Education Law Center, 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.
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](http://www.abanet.org/child/education/NCJFCJChecklist.pdf).

### State and Local Examples

**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](http://www.abanet.org/child/education/NCJFCJChecklist.pdf).

**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)*.

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)*.
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. 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 coursework 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, see http://www.abanet.org/child/rclji/education/ab490overview.pdf.

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/rclji/education/sloagreement.doc.

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/.

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).
### 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.

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 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.

### New York

The New York 2005 Governor’s Permanency Act requires that the local child welfare agency overseeing the child’s care 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 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.

### 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).
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.

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.

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.

WASHINGTON

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 preschool 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.
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).

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 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/.

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.

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.brookespublishing.com.
State and Local Examples

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, based on Questions Every Judge and Lawyer Should Ask About Infants and Toddlers in the Child Welfare System, was implemented in 2004 as part of the 30-day record review. The checklist includes information about essential services for the community’s most vulnerable children, delineating the responsibilities of each stakeholder. The B4B project 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.

FLORIDA

Florida law requires the Department of Child and Family Services 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.

The Zero to Three Program 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 childcare, behavioral and developmental assessments, therapeutic services, and frequent visits with parents. For more information, see http://www.zerotothree.org/site/PageServer?pagename=ter_pub_courtteams.

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.
ILLINOIS (continued)

In 2006, Illinois became the first state in the nation to enact 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 will give 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 about Illinois Senate Bill 1497 at http://72.14.205.104/search?q=cache:e01m-ALeJcgJ:www.earlylearningillinois.org/+Illinois+and+Preschool+for+All&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.acom.yu.edu /cerc/pdf/ Developments/develF.pdf.

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 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.

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.

Pennsylvania Child & Youth Regulations require all children in care to be enrolled in, to be screened, and to receive treatment in accordance with EPSDT. 55 Pa. Code § 4226.61; 55 Pa. Code § 4226.72.
PENNSYLVANIA  (continued)
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, known as 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 custodial 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/dcguides/DCS_PracticeModel11.24.03.pdf.

TEXAS
Recognizing the importance of early learning opportunities for at-risk children, Texas is now seeking 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/SB0113F.htm.

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. While not specific to young children in foster care, they, in particular, will benefit from this network. Vt. Stat. Ann. tit. 18, § 5087. For more information, see http://www.dcf.state.vt.us/CDD/programs/prevention/index.html.

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. See http://www.del.wa.gov for more information.
GOAL 4
Youth Have the Opportunity and Support to Fully Participate in All Aspects of the School Experience

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.

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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 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.

### State and Local Examples

#### 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.
ARKANSAS (continued)
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/DISTRICT/Elementary%2520Handbook.pdf+hamburg+School+District+and+foster+children&hl=en&ct=clnk&cd=1&gl=us.

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.

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.

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.

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.

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 Countywide 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 county-wide 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 http://64.233.167.104/search?q=cache:cnTW-Gm_eDIJ:www.sdcoe.k12.ca.us/student/ss/fys.asp+Michelle+Lustig+and+Foster+Youth+Services&hl=en&ct=clnk&cd=1&gl=us.

In addition, San Diego FYS provides a training curriculum to educators entitled Endless Dreams from Casey Family Programs. This curriculum educates teachers and school administrators about the unique needs of youth in care and the importance of full participation in the school community. For more information, see www.casey.org.

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.

In Los Angeles County, an Education Coordinating Council helps collect and analyze data on youth in care throughout the county and facilitates data matching between the Unified School District and the Department of Children and Family Services. 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.

FLORIDA

Florida law requires that the Department of Child and Family Services 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, in order 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.
FLORIDA (continued)
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/.

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.

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.

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/speced/kmcc/index.htm.

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.
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.

UTAH

The state Department of Education and Department of Child and Family Services connected the databases of both departments, enabling these agencies to effectively evaluate disaggregated data regarding the educational outcomes of youth aging out of foster care. For more information, see http://www.dataqualitycampaign.org/files/meetings-dqc_quarterly_issue_brief_091807.pdf.

WASHINGTON

Washington has mandated that the educational outcomes of youth in care be tracked under the auspices of a committee established by the Department of Social and Health Services. Wash. Rev. Code Ann. § 74.13.570.
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 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 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/juvjust/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.
State and Local Examples

**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 Functional Behavioral Assessment and Behavior Intervention Plans; School Discipline; and Special Education School Discipline. Fact sheets can be found at [http://www.abanet.org/child/rcjli/education/californiafactsheets082205.pdf](http://www.abanet.org/child/rcjli/education/californiafactsheets082205.pdf).

**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 reenrolls 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](http://www.asnchicago.org).

**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](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](http://www.elc-pa.org/foster/publications.html).

**WASHINGTON**

The 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 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 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](http://www.teamchild.org).
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

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*, which reauthorizes the Promoting Safe and Stable Families program, 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. *P.L. 109-288; Child and Family Services Improvement Act of 2006; 42 U.S.C.A. § 675(5)(c).*

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](http://www.abanet.org/child/education/NCJFCJChecklist.pdf).

**State and Local Examples**

**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).*

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.

**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.

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.
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 own educational needs.

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

NEW MEXICO
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.

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 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.
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.
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.

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).

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.

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.

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

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](http://www.dfps.state.tx.us/Child_Protection/Preparation_For_Adult_Living/chafee.asp).

**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](http://www.abanet.org/child/education).

**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](http://www.abanet.org/abastore).

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.cwl.org/programs/trieschman/pride.htm](http://www.cwl.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](http://www.nfpainc.org).
The Orphan Foundation of America administers scholarships for college and postsecondary education, oversees education and training voucher 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.

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.

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, see the National CASA website at www.nationalcasa.org.

The Foster Care Mentoring Act of 2007, proposed federal legislation that has not yet passed, would provide $15 million in grants to states to develop or expand statewide academic mentoring programs for children in foster care. In addition, the legislation authorizes $4 million to fund a national coordination and media campaign aimed at the need to get involved in the life of a waiting child. Finally, under the legislation, eligible students who have completed at least one year of graduate or post-graduate work will be recruited to serve as mentors to children living in foster care. Participating college and graduate students would be eligible to have their student loans discharged up to $2,000 for every 200 hours they serve as mentors to children living in foster care. More information about the bill can be found at http://www.govtrack.us/congress/bill.xpd?bill=s110-379.

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.
State and Local Examples

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).

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.

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.

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 depend-
ent 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 edu-
cation 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 identi-
fy 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.

**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.sddoc.net/stu-
dents/ss/fys.asp.

**FLORIDA**

Florida law requires that the Department of Child and Family Services must enter into
agreements with district school boards or other local educational entities regarding educa-
tion 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.

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 shall 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 shall 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
FLORIDA (continued)

Florida has a district-by-district surrogate parent appointment practice where, if the schools have an active surrogate program, the courts have deferred. In districts where schools are not active in appointment, judges have been much 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. 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.

Proposed legislation 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.


A GAL in Florida who saw a need for mentors started 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.

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 service that addresses 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.

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 every day during school. Contact information can be found at http://www.asnchicago.org/Index.aspx.

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 provide them with continuous support, share their life experiences, and have fun. Mentor support can extend to education matters. More information about this program is found at http://www.bigsnyc.org/a-p3.htm#BUILDING.

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.
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.

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.

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.

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.

The Texas Mentorship Pilot Program establishes 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.

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
TEXAS (continued)

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.

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&Ccategory=Programs.

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%20EDUCATON%20ADVOCACY%20PROGRAM.pdf and http://www1.dshs.wa.gov/pdf/ca/Final%20EA%20Memo1.pdf.
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 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. See www.nrcys.ou.edu for more information.

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. 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, 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.

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.
Casey Family Scholars Program of the Orphan Foundation of America 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.

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.

The recently enacted College Cost Reduction and Access Act, H.R. 2669, would amend 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.

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. 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.

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. 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 Program provides fundamental support to participants in their preparation for college entrance and opportunities for participants to succeed in their pre-college and higher edu-
cation 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. 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.

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.

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.

State and Local Examples

CALIFORNIA

The Guardian Scholars Program at California State 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. See http://www.fullerton.edu/guardianscholars/ for additional information.

The Fostering Futures Scholarship Program has three primary components: Renewable Scholarships, Computer Program, and 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, 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/.
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.

FLORIDA

The Florida College Reach-Out Program establishes 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.

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.

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.

WASHINGTON

The Foster Care to College Program is a partnership of private and public agencies designed to support adolescents in Washington State foster care 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.
WASHINGTON (continued)

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, 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.