

Foster Care & Education

Issue Brief

MAKING IT WORK: CHILD WELFARE AND EDUCATION AGENCIES COLLABORATING TO ENSURE SCHOOL STABILITY FOR CHILDREN IN FOSTER CARE

Introduction

Full implementation of the education mandates in the Fostering Connections Act requires close and effective collaboration between education and child welfare agencies.¹ This issue brief **offers guidance, resources, and examples on how to begin a collaboration and how collaborations can be structured to ensure school stability and educational continuity for children in care.**

Enacted in October 2008, the “Fostering Connections to Success and Increasing Adoptions Act of 2008,” (the Fostering Connections Act) is a comprehensive law designed to promote permanent family connections and improve the lives of youth in the child welfare system. Among other important provisions, the Act requires child welfare agencies to create “a plan for ensuring the education stability of the child while in foster care.” The Act emphasizes the importance of school stability as well as the need for collaboration between child welfare and education agencies.

This brief is part of a series of materials designed to be used together to support all stakeholders in implementing the education provisions of the Fostering Connections Act. To access the full series, please visit [The Legal Center for Foster Care and Education's Fostering Connections Toolkit](#).

¹ Fostering Connections to Success and Increasing Adoptions Act of 2008 (hereinafter the Fostering Connections Act), Pub. L. 110-351, 122 Stat. 3949 (codified as amended in scattered sections of 42 U.S.C.).

Step One: Create a Common Knowledge Base

Each agency must do its “homework.” Before the agencies can begin to work together, each agency must understand its own laws, policies, practices, challenges, and goals relating to education. Educators and child welfare staff must determine if there are current challenges or barriers within their own agencies that hinder their ability to improve educational success for children in care. Each agency should then identify the issues that need to be changed or clarified to improve its own system in the short and long run and as well as its goals for collaborating with its partner system. Finally, each agency must have a leader identified to promote the cross-agency collaboration.

Each agency must understand the other. Child welfare and education agencies have different perspectives, structures, laws, policies, practices, and methods of operating. In order to collaborate as partners, each agency must increase its understanding of the role, practices, and laws governing the other agency. The more child welfare and education agencies learn about each other, the better the opportunity for informed, productive, and ongoing collaboration.

The Legal Center for Foster Care and Education can help you identify what other states are doing – including new court rules, local interagency agreements, and special arrangements for transporting children to maintain school stability. Examples from around the country can be found in the Legal Center for Foster Care and Education’s Blueprint for Change’s searchable online database.²

For many *education agency professionals*, the lives of children in foster care, and the challenges these youths face, are unfamiliar. Teachers and administrators often do not know how the child welfare system works – including what happens when legal custody transfers to a state or local child welfare agency, how juvenile courts and attorneys interact with children in care, the role of biological parents, foster families or residential facility staff, or the state or federal laws that govern the child welfare process. Educators often have little knowledge of the life experiences of children in care or the implications of those experiences on a child’s development and learning.

² Legal Center for Foster Care and Education’s *Blueprint for Change Foster Care and Education Database*, available at <http://new.abanet.org/blueprintforchange/pages/default.aspx>. Similarly, if you have best practices to share and add to our database, please email ccleducation@staff.abanet.org.

There are several resources that can help to educate and support teachers, counselors, and school administrators to meet the educational needs of children in foster care:

[Endless Dreams](#), a video and training curriculum for teachers about children in foster care.

Articles:

[What Teachers and Educators Can Do to Help Youth in Foster Care](#)

[Why Special Education Teachers Should Care About Foster Care](#)

[How the Child Welfare System Works](#)

[Helping Traumatized Children Learn](#)

Factsheets, issue briefs and other information on the educational needs and rights of youth in care can be found at the Legal Center for Foster Care and Education's website at www.abanet.org/child/education/publications.

Child welfare professionals have similar knowledge gaps with respect to the education system. Some may not be aware of the many barriers to effective education children in care experience. Child welfare workers and administrators need to understand, at a minimum, the state's laws and policies regarding residency, enrollment, school discipline, and special education. They also need to learn how their state gives direction to local education agencies on key topics and laws.

State and local child welfare agencies must understand the organizational structure and responsibilities of the local school districts and school boards. Child welfare agencies need to know which school districts are in their county, whether different schools have different enrollment requirements, curricula or graduation requirements, and the transportation available in each district and to each school. Reviewing the website for the State Department of Education and then contacting an individual at that agency can be a useful starting point. The obligation to collaborate to ensure school stability and continuity under the Fostering Connections Act is an important incentive for state and local child welfare agencies to bridge the information gap with the education system and to build long-term partnerships and effective reforms.

[Research Highlights on Education and Foster Care](#) provides background information on the education obstacles facing youth in care, along with some promising practices.

[How Schools Work and How to Work with Schools](#), a primer for health and other professionals who seek to serve children and youth in school settings, available at

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Step Two: Set a Process and Goals for the Collaboration

Collaborations are successful when staff and leaders in all affected agencies recognize that an effective partnership is in each agency's self-interest – that is, it will help agency staff meet important agency goals and benefit the children they serve.

Establish a process for collaboration. Some examples of things to address include:

- Who else should be involved in the collaboration? For example, the juvenile court often has a role to play. Other agencies or community organizations may be important participants as well.
- Is there an existing structure that can facilitate the collaboration (*e.g.*, a workgroup, committee, or task force)?
- Are there particular leaders (such as a legislator or judge) who will champion the effort?
- Are there particular individuals who are necessary for the effort to succeed (*e.g.*, the agency director, school superintendent, or the director of special education)?
- How will the collaboration be institutionalized and sustained (*e.g.*, through a law or regulation, an interagency agreement or joint protocol, ongoing training, workgroups or committees)?
- How will progress be measured, evaluated, and updated (*e.g.*, data systems, updated protocols or policies)?

Establish and prioritize goals for the collaboration. Children in care face many educational challenges and the agencies should – collectively – prioritize their objectives and starting points. As a starting point, agencies can look to a framework established by the Legal Center for Foster Care and Education – and set forth in the *Blueprint for Change: Educational Success for Children in Foster Care*.³ This publication sets out eight goals that youth in care need to succeed in school:

³ BLUEPRINT FOR CHANGE: EDUCATIONAL SUCCESS FOR CHILDREN IN FOSTER CARE (2008) [hereinafter *the Blueprint*], available for download at http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/blueprint_second_edition_final.authcheckdam.pdf.

GOAL 1	Youth are entitled to remain in their same school when feasible
GOAL 2	Youth are guaranteed seamless transitions between schools and school districts when school moves occur
GOAL 3	Young children enter school ready to learn
GOAL 4	Youth have the opportunity and support to fully participate in all aspects of the school experience
GOAL 5	Youth have supports to prevent school dropout, truancy, and disciplinary actions
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
GOAL 7	Youth have an adult who is invested in his or her education during and after his or her time in out of home care
GOAL 8	Youth have supports to enter into, and complete, postsecondary education¹

Agencies should consider the strengths, weaknesses, and opportunities in their own state to determine which of these goals to address and what to prioritize. For example, because of the requirements of the Fostering Connections Act, many child welfare agencies have found “school stability and continuity” (Goals 1 and 2 of the Blueprint for Change framework) to be priority areas. The Blueprint also sets forth benchmarks that agency staff and other advocates can use in determining whether progress towards a goal is being made in the relevant state or locality. Also included are national, state and local examples of how the goals have been achieved in other parts of the country.⁴ These benchmarks and examples can provide additional guidance for states and localities that are in the process of developing collaborations. Many states, including Nebraska, Florida, Texas and the District of Columbia, have used the Blueprint to guide conversations and launch collaborative efforts.⁵

Collaboratively identify obstacles, challenges, and solutions. Too frequently, each system sees the other as the source of the problem. But more often than not, both agencies will need to make changes. Working together to identify not only the barriers but possible solutions ensures that all partners have a common understanding of the mission and the plan for moving forward.

⁴ *Id.*

⁵ For more information on using the *Blueprint* to guide your state efforts in this area, please contact the Legal Center for Foster Care and Education at ccleducation@staff.abanet.org.

Example:

In **Philadelphia, Pennsylvania** the child welfare and education agencies developed a detailed joint protocol to promote educational stability for all children in out-of-home placement.⁶ The protocol addresses how school stability decisions will be made and reviewed and tackles the difficult issue of transportation to the current school.⁷ To eliminate any confusion or conflict, the agreed-upon protocol provides transportation guidelines for short-term placements, identifies who will initiate transportation requests, and explains the types of transportation that will be provided in specific situations.⁸

Start simple. A simple, easy to achieve objective can be the perfect vehicle to start good cross-agency relationships and spur further collaboration.

Examples:

In **Iowa**, in 2009 the former state Director of Education issued a memo to all school superintendents in the state stressing the urgent education needs of children in foster care and highlighting the resources available in the state and elsewhere that could assist school districts in collaborating with their child welfare counterparts.⁹

Recognizing the challenges that schools face in identifying who is the child’s caretaker or whether that child is involved in special education, the **Washington, D.C.** Child and Family Services Agency created a simple “enrollment form” to be used whenever a child in care is enrolled in a new school.¹⁰ The form includes information about the child’s parent, living placement, previous school, and whether the child is receiving special education.¹¹ Caseworkers complete this form and makes sure that whoever is enrolling the child brings it to the school.¹²

Start small. Creating large-scale protocols or programs for all children in care may seem daunting – even though the number of children in foster care is generally a small percentage of the total number of children in school. Child welfare and education agencies have been successful in starting with more targeted efforts or

⁶ Joint Guidance and Policy and Procedure Guide Governing Implementation of the Educ. Stability Provisions of Fostering Connections, Philadelphia DHS and Philadelphia School Districts (Jan. 2010) (on file with the Legal Center for Foster Care and Education).

⁷ *Id.*

⁸ *Id.*

⁹ Memo from Judy Jeffrey, Director, Iowa Department of Education to School Superintendents (Sept. 25, 2009), available for download at http://www.iowa.gov/educate/index.php?option=com_docman&task=doc_download&gid=8525&Itemid=1507.

¹⁰ District of Columbia Child and Family Services Agency School Enrollment Process, <http://cfsa.dc.gov/DC/CFSA/For+Partners/Social+Workers/School+Enrollment+Process> (last visited May 12, 2011).

¹¹ *Id.*

¹² *Id.*

pilot sites to build momentum and work out problems before taking policies and practices to scale in a school district, county, or state..

Example:

In *Cincinnati, Ohio*, the Kids in School Rule! (KISR!) pilot project grew out of a Memorandum of Understanding (MOU) between six partner agencies.¹³ These agencies committed staff and resources to improving educational outcomes and promoting school stability for approximately 100 children in care who attended 22 schools within the Cincinnati Public School system (the schools with the highest percentage of children in care).¹⁴ This pilot project has a detailed plan to collect controlled data to document the impact of these interventions.¹⁵

But do not avoid the biggest challenges. While it is important to identify some smaller, short term goals or projects that can produce results quickly, it is also imperative to address more complex issues that will otherwise thwart more ambitious plans or impede long term successful implementation of more modest ones. Confront the inevitable challenges – such as who will pay to transport a child to maintain school stability or how to overcome confidentiality concerns to share necessary data and information across agencies – by breaking down the complex issues into smaller parts. Success will depend on each agency listening to – and addressing – the other agency’s concerns and jointly dedicating sufficient staff time and resources to assess and solve more complex problems.

Using the issue of transportation as an example, a first step is to understand the relevant legal framework. For detailed information about transportation costs, see the Legal Center for Foster Care and Education’s brief on this topic, [When School Stability Requires Transportation: State Considerations](#). To understand the overlap between the McKinney-Vento and the Fostering Connections Acts, see the Legal Center for Foster Care and Education’s factsheet, [Questions and Answers: The Overlap Between Fostering Connections and McKinney-Vento Acts](#). To avoid continuing problems and disputes, it is best for education and child welfare to identify jointly the factors to be used to determine if it is in a child’s best interest to change schools and to develop a protocol for how these decisions will be handled, who will pay, and under what circumstances education or child welfare agencies will be reimbursed.

¹³ Kids in School Rule! Project Description, *available for download at* http://www2.americanbar.org/BlueprintForChange/Documents/kisr_project_082609.doc.

¹⁴ *Id.*

¹⁵ *Id.*

Examples:

Prior to 2008, efforts to promote school stability for children in care in **Connecticut** floundered because no agency was willing to assume the cost of transporting children to support school stability. After the passage of the Fostering Connections Act, advocates, working together with the State Department of Family Services and the State Department of Education, secured Senate Bill 31 which provides that the child welfare system is responsible for the costs of transporting a child from a placement to school, with a \$3 million line item in the state budget to support this transportation.¹⁶ Many school districts and child welfare agencies have now developed agreements for addressing transportation, best interest determinations, and school enrollment.

Transportation costs and responsibilities were initial “barriers” to implementation of the Fostering Connections Act in **Virginia**. But recognizing the importance of school stability and continuity for youth in care, the state child welfare agency agreed to fund transportation.¹⁷ The two agencies were then able to move forward with other critical pieces of the collaboration such as school-based liaisons to support children in care.

Step Three: Keep the Conversation Going and Maintain Momentum

Once the collaboration has begun, the next challenge is to ensure that it continues with the same energy and enthusiasm. Below are some strategies to help ensure that the work continues, that change is institutionalized, and that the collaboration produces long term benefits for youth.

Ensure that staff resources within all agencies support the ongoing work. Child welfare and education agencies, as well as the courts and other community partners, need to devote time, attention, and resources to these issues. While this can be a challenge in tough fiscal times, the creation of dedicated expertise within each agency will help with efficiency and coordination, which ultimately can lead to a cost savings. Child welfare agencies need to lead by example by establishing internal expertise and a single point of contact around education issues at the state and local level. These staff can also reach out to education partners and providing training and support within and between agencies.¹⁸ Similarly, state and local education agencies should identify staff to be a single point of contact within the schools; they can assist students to enroll and get needed supports and services. These staff can be the liaisons to child welfare staff and can assist and train other school staff.¹⁹ Many courts around the country also have education liaisons who work with juvenile court judges and ensure that the judges have access to education records and other relevant information needed to

¹⁶ 2010 Conn. Pub. Acts 10-160.

¹⁷ See Va. Dep’t of Educ. & Va. Dep’t of Soc. Servs., Joint Guidance on School Placement for Children in Foster Care, 1 (Dec. 2, 2010), available at http://www.dss.virginia.gov/family/fc/school_placement.pdf.

¹⁸ See Washington, DC, Michigan, Pennsylvania.

¹⁹ California, Colorado and Missouri are three states that have foster care liaisons in each school district in the state.

make informed child-specific decisions. For more information on this issue see our forthcoming Legal Center for Foster Care and Education issue brief [The Role of Points of Contact in Helping Youth Succeed Educationally](#). (Available Fall 2011).

Celebrate early successes and victories and continue to collect best practices. There will always be more challenges and new issues to address as the collaboration moves ahead. Take time to celebrate the successes within each agency and those resulting from the multi-system collaboration. Collect promising practices around your jurisdiction and be sure to share successful strategies with the team.

Keep leadership (agency leaders and the courts) engaged and informed of ongoing work and use their authority to keep the momentum going. Initial buy-in by agency and court leaders is just the beginning. These leaders need to believe in and support the work over time. Leaders must understand the value of the collaboration and understand that real change takes time. Leadership changes can pose yet another challenge. It will be critical to engage the new leaders quickly and demonstrate the success the collaboration has achieved to date. Judicial champions can help to start conversations with old and new agency leaders and to maintain efforts over time. Ask your court to use its leadership and authority to get and keep educators and child welfare agencies working together.

Courts must also review court policies and practices that have an impact on school success for children in care. Sometime a change in court rules may be needed to ensure that juvenile court judges consider the education needs of children in care.²⁰ Several jurisdictions have used judicial “education checklists” to encourage judges to make education related inquiries at every hearing.²¹

Data drives change and supports progress. Initially, data can help engage new partners and start the conversation about the education needs of children in care. But data can also be tool to maintain the collaboration’s momentum over time because it provides ongoing information on the strengths and weaknesses of the system and the collaboration. Education and child welfare agencies, as well as the courts, are increasingly data-driven and outcomes-based. Everyone wants to learn what works and to show improved student achievement (as well as compliance with federal and state mandates). Increasingly, agencies and systems have sophisticated tools for achieving these objectives. This can be achieved separately by the agencies and courts, or processes can be devised to share data among systems. Many states and localities have developed

²⁰ For example, in April 2011, Pennsylvania’s Supreme Court approved court rules that require juvenile court judges to inquire into education issues for each child at each stage of the child welfare proceeding. LINK?

²¹ The National Council of Juvenile and Family Court Judges developed Asking the Right Questions II: Judicial Checklists to Meet the Educational Needs of Children and Youth in Foster Care which includes a checklist of critical questions every judge should ask about education in every case, and a checklist of critical questions every judge should ask about education and older youth. The checklist is available at <http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/EducationalOutcomes/education%20checklist%202009.pdf>.

²⁷ For a list of many state-specific judicial education checklists, please see <http://new.abanet.org/blueprintforchange/pages/SearchResult.aspx?k=checklist>.

ways to collect, share, and track important data on education needs and school progress while still complying with applicable confidentiality rules.²²

Memorialize good practice with changes to laws and policies. Key to successful collaboration is a willingness to review any policy or practice, whether new or long standing, to determine whether it is working for children in care. Often, state or local laws or policies serve as barriers to success for children in care. Pursuing changes to laws or policies helps ensure that the work being done to overcome barriers is institutionalized.

Institutionalize collaboration through ongoing communication, documentation, and trainings. Collaboration takes time to develop. Unless those involved build systems for ongoing relationship building and teamwork, it will end with a change in leadership or a shift in priorities. Be sure to establish long-term structure and process for the collaboration (i.e. ongoing workgroup or task force); document agreed upon procedures (if not in law and policy, then through reports, manuals and guidance); and provide ongoing training for new and old staff and leadership.

Conclusion

Improving school stability and educational outcomes for children in care requires changes in how education and child welfare agencies, courts, and other community partners do business, separately and together. Many states have found ways to work together to help specific students and to change entire systems. Successful collaboration is not easy – it is both one of the most challenging tasks that agencies and advocates can undertake and one of the most rewarding. Ultimately, the mandates of the Fostering Connections Act cannot be met unless systems learn to work together. The key to building a successful collaboration is simply to start the conversation. The best time to start is now.

²² See, e.g., the discussion of confidentiality in *Solving the Data Puzzle*, available at <http://new.abanet.org/BlueprintForChange/Documents/solvingthedata puzzle.pdf>.

²⁹ For a full list of state laws that have been enacted to support school stability and continuity for children in care, see http://www.abanet.org/child/education/publications/state_legislation_chart_10_5_10_final.doc