

Technical Assistance Brief



Asking the Right Questions II: Judicial Checklists to Meet the Educational Needs of Children and Youth in Foster Care

Permanency Planning for Children Department

National Council of Juvenile and Family Court Judges

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Introduction

Why Focus on Foster Care and Education?

According to a recent report by Casey Family Programs,¹ some of the best predictors of success for alumni of foster care are education-related. These include whether the youth has acquired basic reading skills, has taken the courses needed for college admission, and has graduated from high school. Studies from Chapin Hall Center for Children reveal that, in general, children in foster care enter school academically behind their peers, and often fall even further behind when changes in their foster care placements result in school changes.²

The statistics are troubling...

- Over a third of young adults, in a three-state study, who aged out of foster care, reported having had five or more school changes.³
- In a Washington State study, students in foster care scored 16 to 20 percentile points below others in state-wide standardized tests.⁴
- A three-state study of youth in foster care, interviewed primarily after completing 10th or 11th grade, on average read at only a seventh grade level.⁵
- 36% of the alumni of foster care interviewed in one national study had repeated a grade.⁶
- A national study found that youth in foster care are more than twice as likely to have dropped out of high school as youth not in foster care.⁷
- Only about three percent of youth obtain a bachelor's degree within a few years of emancipation.⁸

And the outcomes don't get better later in life...

According to the Casey Family Programs' Northwest Alumni Study, alumni of the foster care system experience difficult employment and financial situations once they become 18 and age out of the system.⁹

- One-third (33%) lived at or below poverty (about three times the national rate).
- One-third (33%) had no health insurance (almost twice the national rate of 18%).
- Their employment rate was 80% (compared with 95% of same-aged members of the general population).
- 17% were currently receiving cash public assistance (compared to 3% of the general population).

Clearly, concrete, practical interventions are needed to ensure that children and youth who are placed in foster care, or who are living with their parents under the supervision of child protective services, will be as successful in school and prepared for the future as their peers. Collaborations among child welfare, educational systems, and juvenile and family courts are essential to ensure the educational needs of children and youth in foster care are met and that their educational outcomes are improved.

What Judges Can Do

Decisions made by juvenile and family court judges set standards within the community and in the systems connected to the court, the families, and the children.¹⁰ The juvenile court judge, who inquires about the educational needs and outcomes of children and youth in foster care from the bench, is setting expectations and standards for practice which may have a significant impact on how social workers, educators, and other service providers respond to young people in the future.

Background

Asking the Right Questions I

In December 2002, TeamChild, with support from Casey Family Programs, developed an education checklist for use by judges within the state of Washington. Then, in 2005, The National Council of Juvenile and Family Court Judges (NCJFCJ) and Casey Family Programs published “*Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed*”.¹¹ This publication contained an Education Checklist based heavily on the original TeamChild/Casey checklist, outlining the array of questions that may be asked in a courtroom with respect to the educational needs of children and youth in foster care.

The Education Checklist (Checklist) is a tool that judges can use to make inquiries about the educational needs of children and youth under their jurisdiction, with the goal of positively impacting their educational outcomes and preparing them for successful adulthood. The Checklist was extensively field-tested by judges from around the country who evaluated its practical utility, content, and comprehensiveness by using the Checklist in their dependency court hearings. The judges also provided their perceptions of the Checklist’s impact on parties’ attention to educational issues – See the *Critical Areas of Focus* section of this publication for their Checklist implementation insights.

What We’ve Discovered Since the First Checklist Publication

The original Checklist was designed to be a tool, not only for judges, but also for different system stakeholders to collaborate in improving educational outcomes for children and youth in foster care, and to ensure that educational issues within the courtroom and beyond are prioritized. The NCJFCJ alone has distributed more than 10,000 copies of the original Checklist publication for use on the bench as well as for multi-disciplinary trainings with social workers, attorneys, child advocates, education specialists, and judges.¹²

The Checklist has been used to help spearhead system-wide educational reform efforts. The leadership exercised by one jurisdiction to bring education issues to the forefront and engage all system stakeholders was chronicled in *Court-based Education Efforts for Children in Foster Care: the Experience of the Pima County Juvenile Court (Arizona)*.¹³ Stakeholders in Pima County¹⁴ began to understand the issue, recognized the leadership

role the Juvenile Court could have in advancing change, agreed to field-test the original Education Checklist, and formed a collaborative team to take further action. In a relatively short time, the county went from simply having an interest in improving educational outcomes for children and youth in foster care to making real improvements in courtroom policy and practice.

Impacts Jurisdictions Have Seen Upon Implementing the Original Education Checklist

From several years of implementing the Checklist, judges identified the following impacts:

Change in Practice

- A changed court culture that now includes a focus on education (e.g., social workers that highlight education in their reports, attorneys and child advocates who anticipate the judge's educational questions and obtain the answers before being asked)
- Education issues are addressed as part of routine court practice regardless of whether there is an identified educational issue in the case

Accountability

- Children and parents know that someone is going to ask about educational progress and that education is a high priority
- Stakeholders know that the bench has clear expectations with respect to educational achievement and advocacy and the information needed to ensure educational progress and success

Motivation

- There is a new focus on educational achievements and aspirational goal-setting

Collaboration

- Sharing the Checklist with all stakeholders has provided a forum for dialogue between the court and agency about what information is lacking in reports to the court

- Use of the Checklist in multi-disciplinary trainings has helped to identify education champions in each stakeholder group who can carry the message forward
- Better articulation of the roles and responsibilities of what each stakeholder can do to ensure educational needs are met

Reforms

- Better identification of areas of need and community barriers that are due to a lack of attention, resources, and educational advocacy
- Identification of additional necessary reforms and where buy-in and motivation is needed

Outcomes

- Identification and resolution of educational issues prior to the permanency hearing¹⁵

Asking the Right Questions II

Why Revise the Original Publication?

Asking the Right Questions II (Brief) is a revision of *Asking the Right Questions: A Judicial Checklist to Ensure that the Educational Needs of Children and Youth in Foster Care Are Being Addressed*, first published in 2005. It incorporates the guidance and recommendations of an expert committee of judges, child welfare experts, educational advocates, and others, for improvements to the original publication. This committee of experts shared their experiences with the original Education Checklist and perspectives about improvements based on several years of using the judicial Checklist tool, either from the bench, as legal representatives, or in multi-disciplinary trainings, to improve educational outcomes for children and youth in care.

Everyone agreed that the original Checklist publication comprehensively outlined the questions that judges should ask to ensure that the educational needs of children and youth in foster care are being met. They also reinforced the value of the publication and the accompanying Checklist as a tool for multidisciplinary training purposes. In particular, the committee stressed the need to train stakeholders and new dependency court judges, with a comprehensive and far-reaching Checklist tool that encompasses the array of questions that may arise regarding the educational needs of children and youth in foster care.

The committee, however, recommended that the original publication could be revised and improved by the addition of two specific, user-friendly checklists: a checklist of the 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. Drawing on their collective experience implementing the original Checklist and participating in collaborative efforts to improve educational outcomes, the committee drafted these Critical Questions Checklists, which were then extensively vetted with other judges and education advocates, including members of the National Working Group on Foster Care and Education.¹⁶

What Tools Are Included in This Publication?

This Brief includes the following judicial checklists and tools related to education:

- The tip sheet, *Steps Judges Can Take to Meet the Educational Needs of Children and Youth*, which provides an outline of the process judges can use to address educational issues from the bench.
- The original judicial Education Checklist, *Questions to Ensure that the Educational Needs of Children and Youth in Foster Care Are Being Addressed*, in a new format that should prove to be more readily accessible as a bench tool.
- The new judicial checklist, *Critical Questions Every Judge Should Ask About Education in Every Case*.
- The new judicial checklist, *Critical Questions Every Judge Should Ask About Education and Older Youth*.

How to Use These Tools

Each of the three checklists provides juvenile and family court judges with valuable guidance to ensure that necessary information is obtained in every case to meet the educational needs of children and youth in care. Judges should determine which checklist is most appropriate to use dependent upon the particular stage of the case and any issues that have arisen.

The original Checklist tool comprehensively outlines the array of questions that may be asked in a courtroom with respect to educational needs of children and youth in foster care. This Checklist may be utilized in any hearing to focus on educational issues, but may be particularly useful for status review and permanency hearings. The Critical Questions Checklist is a sub-set of the original tool that may be utilized at the initial hearing, as well as subsequent hearings, to identify and address educational issues and to ensure continued educational success. The Checklist for Older Youth builds upon the other two Checklists, providing detailed questions addressing the specific needs of older youth in care, and it may be used at any hearing to ensure timely high school

completion, successful pursuit of post-secondary education and training goals, as well as successful transitions to adulthood. The use of the Critical Questions Checklists allows judges to comprehensively address educational issues, even when there may not be sufficient time allotted for a particular hearing.

The questions posed in each of these checklists are informed by an extensive review of education research and practice, and the experiences of experts. The original Checklist and technical assistance material, as well as the two Critical Questions Checklists and the Tip Sheet, were reviewed in light of the *Fostering Connections to Success and Increasing Adoptions Act of 2008*,¹⁷ which is intended to promote well-being and permanency for children and youth who are in the nation's foster care system, and includes specific provisions on school enrollment, attendance, and transportation.

The *Fostering Connections Act* requires a state to provide assurances of the following:

- The child's foster care placement take into account the appropriateness of the child's educational setting and the proximity to the school in which the child is enrolled at the time.
- The child welfare agency has coordinated with appropriate local educational agencies to ensure the child remains in the school in which he or she is enrolled at the time of placement; or if this is not in the child's best interest, assure that the child will be immediately and appropriately enrolled in a new school with all of the child's education records provided to the school.
- Each school-age child who receives federal (Title IV-E) assistance is enrolled in school full-time or has already completed high school.

Each of the tools presented in this publication are intended as *collaborative tools* so that judges, child welfare professionals, attorneys and education advocates, can critically examine educational issues in the foster care system and engage in better decision-making, better case planning and better service provision, as well as positive changes in educational outcomes for children and youth. The goal is to ensure children and youth have a successful education experience while in foster care so that they are able to ultimately complete high school at the same rate as their non-foster care peers.

The Checklists and Tip Sheet are intended to:

- Increase awareness and knowledge among judges and practitioners about the educational needs of children and youth in foster care and the requirements of federal law regarding educational stability
- Assist judges in making specific inquiries that will help identify and address educational issues
- Expand options for judges in order to make an impact on educational outcomes
- Encourage judges and practitioners to seek further information about educational needs, issues and outcomes
- Suggest opportunities for advocacy and collaboration to develop and support system responses and interventions to improve educational outcomes
- Improve practice by professionals by creating an expectation that lawyers, social workers, and others will be prepared to report and respond on educational issues.

Whether utilized as bench tools in the courtroom, as a training component to promote educational advocacy, or a collaborative mechanism to improve court and child welfare practice, the Checklists included in this publication provide judges and stakeholders with the necessary tools to ensure that education is prioritized and addressed as a key component of a child or youth's overall well-being. Utilization of the Checklists in case planning and decision-making also provides a valuable opportunity to actively involve foster children and youth in the dependency court process by giving them a voice to express their educational goals, challenges, and interests. By working collaboratively to support the academic achievement of children in care, judges and child welfare practitioners play a vital role in improving educational outcomes for foster children and youth, as well as ensuring their successful transitions to adulthood.

Questions to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed



Education is one of the best barometers of a child's future. It is absolutely essential that we pay attention to it. People need to become more aware of these issues – repetitive use of the Checklist aids in that awareness.

—Judicial Officer

Critical Areas of Focus

The following areas of focus that were addressed in the original *Asking The Right Questions Brief*¹⁸ continue to be relevant in the use of both the original and new Education Checklists, and hence are reprinted here.

Enrollment

If a child or youth has a change in placement which also requires a change in schools, it is critical to expedite the enrollment process. A child or youth cannot begin school until they are successfully enrolled. In order to do this, it is important to determine that children and youth have all of the necessary information or records to enroll in school (e.g., proof of immunization to enroll). A birth certificate might also be required for first-time enrollment in a public school. Children and youth in foster care experience delays in school enrollment when they move from placement to placement. Judges in the field-test study of the Checklist reported that delays were often the result of transferring records. Children and youth in foster care should have documents that detail health and educational history. *Asking schools to expedite transfer of records for children in youth in care can reduce delays in enrollment.*

Homelessness should not be a barrier to enrollment. Schools can:

- Waive requirements or parental signature
- Arrange for vaccinations at community clinics
- Enroll a homeless child or youth without proof of legal residence
- Allow a homeless child or youth to stay in his/her prior school or assist with transportation to a new school

Provision of Supplies and Transportation

A child's or youth's success in school may be dependent on the resources provided to that young person. Provision of the appropriate school supplies (e.g., books, music instruments, uniforms) and transportation to and from school, can greatly impact the child's educational success. Lack of reliable transportation is often a barrier to a child attending school regularly. If the child or youth is homeless (which includes awaiting foster care placement) or has needs for specialized transportation because of a disability, the school district may be responsible for providing door-to-door transportation.¹⁹

Attendance and Performance Level

Attendance records and reports on academic performance can provide beneficial information to the court. Also, *schools might not be aware that a child or youth is missing school because of juvenile or family court matters.* Children or youth experiencing multiple moves during a school year may also be struggling academically and lose incentive to attend. Lack of attendance may be symptomatic of other problems and indicate to the court that more information about underlying issues may be important to obtain. Through collaboration, courts and schools have been able to successfully tailor and implement interventions to prevent a school from filing a truancy petition on a child or youth in foster care.

Tracking Educational Information

Initially, judges field-testing the original Checklist not only experienced hesitancy and disbelief from stakeholders when they asked for educational information, but they also found that stakeholders did not know who should provide the court with such information about a child. *It is important to identify one key individual to be responsible for collecting information, tracking information, and reporting information to the court.* Most educational rights flow through the natural parents or guardians of a child or youth. If a child or youth is involved in a dependency or in a parenting or domestic relations matter, the court may need to designate a person responsible for educational decision-making, at least on a temporary basis. This responsible adult can help follow through on basic tasks necessary for enrollment, transportation and monitoring the progress of a child or youth. Ensuring that the designated person has authority to act can improve stability and success in school.

Change in Placement/Change in School

9 *Far too often, youth in foster care are put in special education classes because of labeling or being behind in school work, but what is overlooked is the amount of changes in school placement the youth has had.*

—Judicial Officer

School stability should be a central consideration anytime a placement change is being made. A change in schools can have a dramatic impact on a child or youth. Young people spend a majority of their day in a school setting, establishing friendships, bonding with teacher/mentors, and participating in any extracurricular activities that they may enjoy. *It is crucial that all stakeholders involved in a case are sensitive to the fact that a disruption in schools may be just as damaging to a child or youth as a change in home-setting.*

9 *I try to touch base with the youth and say ‘I understand that you are switching schools. How do you feel about that? What’s good about that? What’s bad about it? Then I inquire about the IEP, if there is one, and whether it is being transferred.*

—Judicial Officer

Physical Health, Mental Health and Emotional Issues

Children and youth eligible for special education services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504) should have a written plan that describes the individualized instruction relating to the child's or youth's needs. *Educational plans should be reviewed at least annually.* At any time, schools may convene meetings to review the child's or youth's progress, repair or adjust a deficient plan, or re-examine the workings of a poorly implemented plan. Individualized plans should be developed by a team that includes a school administrator, special education and regular education teachers, someone who can interpret evaluation data, a parent, a person meeting the definition of parent under IDEA or a surrogate parent, and the child or youth if appropriate. *A child's or youth's needs must be re-evaluated at least once every three years.* Reevaluations could occur more frequently if necessary to adjust a child's or youth's educational program.



Make sure that I am in Special Ed. for a reason other than just because I am in foster care. Not all of us are behind or slow – and if we are, try offering us tutoring rather than putting us in special classes.

—Former Foster Youth Focus Group Participant

Children and youth should receive evaluations in all areas of suspected disability. Providing relevant information about a child or youth helps define the scope and focus of the special education evaluation. If unique needs exist, schools may need to pay for an outside evaluator with special training and expertise (i.e., expert in learning disabilities, mental retardation, emotional disabilities or attention deficit disorder). Before undertaking an evaluation, schools require consent from a parent, guardian or someone with legal authority to make decisions about education. If a birth parent is unknown or can't be located, or if the child or youth is a dependent of the state, the court may need to designate and give authority to someone to give consent and follow-up on the evaluation and planning processes. Pursuant to amendments enacted in 2004, IDEA now explicitly permits judges, in addition to the Local Education Agency (LEA), to appoint surrogate parents. Further, these 2004 amendments to the IDEA (effective July 1, 2005) contain specific provisions that allow the judge to appoint an individual to consent to the initial evaluation when a child is a “ward of the state” and other criteria are met.²⁰

Extracurricular Activities and Talents

A conscious effort needs to be made to ensure that the focus of questioning about education is not always negative. Educational questioning can allow for praise and encouragement and should focus as much as possible on the strengths of a young person. Youth focus group participants expressed concern that negative stereotypes are associated with youth in foster care with respect to education, and as a consequence, expectations for achievement may be set far too low. Former foster youth reported that inquiry into their education typically arose when they were having problems at school (e.g., behavioral issues, slipping grades). Focus group participants stressed that they “want to make sure that the youth who are doing good in school are not forgotten.” Ask about what youth are involved in because sometimes their success is reflected in their extracurricular activities or community work. What are some of the child’s gifts? What extracurricular activities are the young person involved in that encourages the development of these gifts or special talents?



Good students are often overlooked just because they are doing well.

—Youth Focus Group Participant

Transitioning

Pursuant to the federal Chafee Foster Care Independence Program, young people likely to remain in foster care until age 18 should have a personalized independent living plan. The law requires young people themselves to participate in designing and carrying out their own plan. In addition, all youth on an Individualized Education Plan (IEP) who are over age 16 are required by IDEA to have a transition plan for post-secondary education, employment and independent living. The plan should incorporate the student’s goals and objectives and address vocational and independent living needs involving the youth. Also, the juvenile court may appoint or designate an adult to thoroughly review and explain the independent living plan and or special education plan to the youth.

Some of the judges that field-tested the Checklist reported that they used the Checklist in combination with information about the Chafee Foster Care Independence Program.²¹

“I talk a lot in court about it [Chafee] and I think that everyone finally knows about it,” one judge explained. Judges also stressed the importance of passing along information about this Act directly to youth in care. “If a child has an interest in going on with any other post-secondary education, be it community college, university, or the school of beauty— they need to know what is out there to help them. Judges need to know about the local pots of money to ensure that children in foster care can get to it,” a judge commented. A new source of financial help for youth aging out of foster care was created in February 2003, when Congress appropriated over \$41 million for Education and Training Vouchers (“ETVs”) as part of the Chafee Foster Care Independence Program. States were first able to access these funds in 2004 to provide up to \$5,000 per year to youth who have aged-out of foster care and are enrolled in a post-secondary education program.²²



I talk to the kids about their post-secondary opportunities. Many children in foster care are surprised to find out that there is a pot of money waiting for them under the right circumstances. It really peaks their interest.

—Judicial Officer

Other Issues to Consider

Although efforts were aimed at creating an all-inclusive education checklist, below are a few additional educational issues that judges and former foster youth suggested would be important to address.

Length of Education Time per Day

Due to homebound educational practices put in place as a result of behavioral issues at school, as well as the increasing popularity of home-schooling, judges should be mindful of the amount of time that a young person is receiving educational services per day and who is providing these services. Judges also reported that, under certain circumstances, *inadequate time allocated to a child’s education may ultimately require an out-of-home placement in the best interests of the child.*



Homebound children are not home-schooled; therefore the educational services provided to homebound children are still the responsibility of the school district. I found out that some of the children under my jurisdiction, who are at a third grade level, were only receiving two hours a week of time with an educator ... that is not adequate. Judges need to say. 'Hey, two hours for a third grader is not enough.'

—Judicial Officer

Age-Specific Questioning

When asking questions about the education of dependent children, it is necessary to consider the age of the child or youth. For example, when asking whether or not the young person has the appropriate supplies for school, consider that higher cost amounts for participation in sports, clubs, etc., may be associated for those individuals in junior high and high school. Also, when asking about absences from school, consider that absences of youth in high school can directly impact credits toward high school graduation.

Preparing Infants and Toddlers for School

Judges need to take the lead in making sure that infants and toddlers in the child welfare system are also prepared to enter the educational system. One judge shared, “We [judges] need to take the lead by supporting efforts to create more opportunities for Head Start and Early Head Start²³ programs in order for these children to get the educational start that they need—otherwise, they will arrive at kindergarten with one hand already tied behind their backs.” Infants and toddlers (birth to three years) with suspected speech, cognitive, or motor delays or attention or behavioral difficulties, may also be eligible for special education and related services.²⁴



There are children that have been read to in the womb and other children that have never seen a book until they come to kindergarten ... It is hard to equalize them when they have such a diverse background. If children could at least get into Early Head Start it might give them a 'leg up' when their parents can't provide them with what they need.

—Judicial Officer

Directly Addressing and Involving Youth during Educational Questioning

When former foster youth were asked if they felt that they were given enough opportunity to bring their educational needs to the attention of the court, most replied that they **did not**.

Reasons given for why they felt this way included:

- “The courts were not asking.”
- “I didn’t know that the court had anything to do with my education.”
- “They didn’t give me a lot of opportunities to talk about my education – my court dates were during school.”
- “I never went to court. I didn’t know that they could help.”
- “I didn’t know that the court’s purpose was anything other than to listen to the caseworker and take their side as the truth – so, why speak up or come to court?”

Former foster youth also reported that they were unclear about the role their caseworker played in their education. Half of the youth focus group participants shared that they did not feel that they were given enough opportunity to bring their educational needs to the attention of their caseworker. One youth explained, “My caseworker lacked the knowledge and training to help me [with my education]. I was telling her what to do on my case.” Another youth added, “My caseworker was only trying to hear about my placement and if I was doing badly in school.”

• **Methods recommended by former foster care youth with respect to how judges could have helped address their educational needs included:**

- “He/she could have talked to me in chambers.”
- “The judge could have requested that I come to court in order to hear about it from me.”
- “He/she could have addressed me like I am a human being and not a docket number. A simple ‘how are your grades?’ would have done it.”

- “Judges could try to listen to us and hear our side of the issues – even if we have already been stereotyped for being in foster care and think that we will not do well in school or will drop out.”

- **Youth focus group participants recommended the following questions that judges should ask youth directly:**

- How has being moved from your parents’ home affected your education?
- Is your current living environment encouraging and helpful to your educational needs?
- Is there anything that the courts can do to help you in school?
- Do you plan to go to college? If so, do you feel prepared?
- How do you feel when your caseworker attends your school? Do you like it?
- Are you getting all of the help you need for school?
- Do you understand why you are in Special Education? Do you feel that you belong in Special Education?

Other Steps to Help Address Educational Needs

Judges participating in our surveys, focus groups, and field-tests of the Checklist recommend taking the following steps to help address the educational needs of children and youth in care. These steps include, but are not limited to:

- ✓ Inquire as to a young person’s progress in school during each hearing
- ✓ Encourage the child welfare agency to maintain the young person’s school placement – despite moves in care

Work with each system to develop formal protocols regarding confidentiality and the sharing of information about educational needs

- ✓ Hold regular meetings with decision-makers on the Board of Education
- ✓ Involve educational representatives in court improvement efforts and include them in court improvement committee membership
- ✓ Give children and youth a voice in the process
- ✓ Elevate the importance of education for youth in care with policymakers and other community stakeholders to inform key decisions
- ✓ Facilitate the development of collaborative structures and strategies to improve educational outcomes such as:
 - Create a memorandum of agreement and understanding among school, social service agencies, and the courts to share information
 - Train judicial officers and other key stakeholders on educational issues
 - Provide educational advocates or liaisons to ensure that the educational needs of children and youth are met
 - Participate in reciprocal training with child welfare agencies and school districts
 - Convene joint committees
 - Provide more information about the state and federal laws on the educational rights of children
 - Develop enforcement tools for judges to ensure that school districts are meeting the educational needs of children and youth in foster care
 - Offer cross-training for all court participants on educational issues for children and youth in foster care
 - Address confidentiality barriers (fact or fiction) among agencies, schools, and courts that can create and perpetuate a lack of understanding
 - Include foster parents in collaborative efforts

Steps Judges Can Take to Meet the Educational Needs of Children and Youth

Preliminary Issues: Records, Placement, and Decision Making

- ✓ Clarify in orders who holds the educational decision rights for the child. This is especially important for children who have or may have disabilities that affect their learning.



It's important to identify one key individual to be responsible for collecting, tracking, and reporting information to the court.

- ✓ Identify or order appropriate parties to advocate for the child on various school issues (such as enrollment, disciplinary problems, access of records, etc.).
- ✓ Verify that the child's case plan ensures educational stability for the child by:
 - Taking into account the appropriateness of the educational setting (e.g. academic progress, curriculum, special education resources) and proximity to the school the child is enrolled in at time of placement when making placement decisions.
 - The child welfare agency coordinating with education agencies to ensure the child stays in the current school when it is in the child's best interest.
 - When it is not in the child's best interest to remain at the current school, coordinating with the local education agency so that the child will immediately be enrolled in an appropriate school and all educational records are promptly provided to the new school.



Delays in school enrollment are often due to a delay in transferring records.

- When it is in the child’s best interest to remain in the current school, providing the child with transportation to the school. The foster care maintenance payment can be used to pay for reasonable travel to the child’s school.

General Education Issues

- ✓ Identify which party or parties will be advocating for the child on issues such as provision of appropriate services, ensuring the child stays on track for graduation, and ensuring the child is fully participating and engaged in the school experience.
- ✓ Plan regular reviews of whether the child is making enough progress, being promoted, and is on target for graduation.
- ✓ At initial placement and any placement changes, plan regular reviews of whether a school-age child in foster care or who is receiving an adoption assistance or guardianship payment is enrolled full-time in elementary or high school or has completed high school unless a medical condition prevents the child from doing so.
- ✓ Ensure that court hearings do not conflict with the child’s school schedule.



Make a conscious effort to ensure that the focus of educational questioning isn’t always negative. Educational questioning can focus on the strengths of a young person and allow for praise and encouragement.

Special Education Issues

- ✓ For IDEA purposes, determine who the parent is. Consider clarifying through a court order, so there is no misunderstanding on who holds IDEA decision making rights.
- ✓ If needed and if permitted under the IDEA and state rules, appoint a surrogate parent.

- ✓ A judge can appoint a Guardian to make special education decisions for the child whenever that is in the child's best interest. An education Guardian appointed by the Court is the parent under IDEA and preempts any other IDEA parent (including a birth or adoptive parent).
- ✓ A judge can suspend the biological or adoptive parent's rights to make educational decisions and appoint another person who can consent to the first (initial) special education evaluation; but only an IDEA parent (which includes a surrogate parent) can give consent for special education services to begin.



Special education services are available for children from birth to age 21.

- ✓ If the child needs a special education or early intervention referral, order a party to the case to work with the IDEA parent to request an evaluation within a specified time frame and to make sure the evaluation is done within the legal timeline.
- ✓ Appoint an education advocate to help the parent or IDEA parent, navigate the administrative process, ensure timelines are followed, etc.



The child's needs must be re-evaluated *at least* once every three years.

- ✓ If the school is failing to complete an evaluation in a timely manner, order the child welfare agency to complete an evaluation. Remember that schools can still insist on doing their own, but they must also consider the evaluation conducted through the child welfare agency.
- ✓ A judge should ensure that any infant or toddler with a substantiated case of abuse and neglect or who has been affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure has been referred to the local early intervention program.



When appropriate, make inquiries about educational progress, achievements, goals and aspirations directly to the child.

Questions to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed

General Education Information

Enrollment

- Is the child or youth enrolled in school?
 - At which school is the child or youth enrolled?
 - In what type of school setting is the child enrolled (e.g., specialized school)?
- How long has the child or youth been attending his/her current school?
 - Where is the school located in relation to the child's or youth's current foster care placement?
- If currently not in a school setting, what educational services is the child or youth receiving and from whom?
 - Is the child or youth receiving homebound or home-schooled educational services?
 - If Yes: Who is responsible for providing educational materials and what information is available about their quality?
 - If Yes: How frequently are educational sessions taking place?
 - What is the duration of each session? (e.g., how many hours?)

Provision of Supplies

- Does the child or youth have appropriate clothing to attend school?
- Does the child or youth have the necessary supplies and equipment (e.g., pens, notebooks, musical instrument) to be successful in school?

Transportation

- How is the child or youth getting to and from school?
- What entity (e.g., school, child welfare agency) is responsible for providing transportation?
- If the child has remained in the school he or she was enrolled at the time of placement, is the child welfare agency utilizing funding for Title IV-E foster care maintenance payment to fund reasonable travel for the child?

Attendance

- Is the child or youth regularly attending school?
- Has the child or youth been expelled, suspended, or excluded from school this year/ever?
 - If Yes: How many times?
 - Have proper due process procedures been followed for the expulsions, suspensions, or exclusions from school?
 - What was the nature/reason for the child's or youth's most recent expulsion, suspension, or exclusion from school?
 - How many days of school will the child or youth miss as a result of being expelled, suspended, or excluded from school?
 - If currently not attending school, what educational services is the child or youth receiving and from whom?
- How many days of school has the child or youth missed this year?
 - What is the reason for these absences?
 - What steps have been taken to address these absences?
 - Has the child or youth received any trancies, and if so, for how many days?
 - Has the child or youth been tardy, and if so, for how many times?

Performance Level

- When did the child or youth last receive an educational evaluation or assessment?

- How current is this educational evaluation or assessment?
- How comprehensive is this assessment?
- At which grade level is this child or youth currently performing? [Is the child or youth academically on target?]
 - Is this the appropriate grade level at which the child or youth should be functioning?
 - If No: What is the appropriate grade level for this child or youth?
 - Is there a specified plan in place to help this child or youth reach that level?
- What is the child or youth's current grade point average?
 - If below average, what efforts are being made to address this issue?
- Is the child or youth receiving any tutoring or other academic support services?
 - If Yes: In which subjects?

Tracking Education Information

- Does this child or youth have a responsible adult serving as an educational advocate?
 - If Yes: Who is this adult?
 - How long has this adult been advocating for the child's or youth's educational needs?
 - How often does this adult meet with the child or youth?
 - Does this adult attend scheduled meetings on behalf of the child or youth?
 - Is this adult effective as an advocate?
- If there is no designated educational advocate, who ensures that the child's or youth's educational needs are being met?
 - Who is making sure that the child or youth is attending school?
 - Who gathers and communicates information about the child's or youth's educational history and needs?
 - Who is responsible for educational decision-making for the child or youth?
 - Who monitors the child's or youth's educational progress on an ongoing basis?
 - Who is notified by the school if the child or youth is absent (i.e., foster parent, social worker)?
 - Who could be appointed to advocate on behalf of the child or youth if his or her educational needs are not met?

Change in Placement / Change in School

- Has the child or youth experienced a change in schools as a result of a change in his or her foster care placement?
 - If Yes: How many times has this occurred?
 - What information, if any, has been provided to the child's or youth's new school about his or her needs?
 - Did this change in foster care placement result in the child or youth missing any school?
 - If Yes: How many days of school did the child or youth miss?
 - Have any of these absences resulted in a truancy petition?
- At initial placement or for subsequent foster placement changes, was the appropriateness of the current educational setting and proximity to the child's current school taken into account?
 - Does the child welfare agency case plan include documentation that these factors were considered?
- Has the child welfare agency coordinated with the appropriate local educational agencies to ensure that the child remains in the original school setting, if it is in the best interest of the child to do so?
 - Does the child welfare agency case plan include documentation of this coordination between agencies?
- If it is not in the best interest of the child to remain at the current school, has the child welfare agency coordinated with the appropriate local educational agencies to ensure immediate enrollment in the new school?
 - Does the child welfare agency case plan include documentation of this coordination between agencies?
 - Has the child welfare agency arranged for the prompt release of all educational records to the new school?

Health Factors Impacting Education

Physical Health

- Does the child or youth have any physical issues that impair his or her ability to learn, interact appropriately, or attend school regularly (e.g., hearing impairment, visual impairment)?
 - If Yes: What is this physical issue?
 - How is this physical issue impacting the child's or youth's education?
 - How is this need being addressed?

Mental Health

- Does the child or youth have any mental health issues that impair his or her ability to learn, interact appropriately, or attend school regularly?
 - If Yes: what is this mental health issue?
 - How is this mental health issue impacting the child's or youth's education?
 - How is this need being addressed?
- Is the child or youth currently being prescribed any psychotropic medications?
 - If Yes: Which medications have been prescribed?
 - Has the need for the child or youth to be taking this medication been clearly directly explained to him or her?
 - How will this medication affect the child's or youth's educational experience?

Emotional Issues

- Does the child or youth have any emotional issues that impair his or her ability to learn, interact appropriately, or attend school regularly?
 - If Yes: What is this emotional issue?
 - How is this emotional issue impacting the child's or youth's education?
 - How is this need being addressed?
- Is the child or youth experiencing any difficulty interacting with other children or youth at school (e.g., Does the child or youth have a network of friends? Has he or she experienced any difficulty with bullying?)
 - If Yes: What is being done to address this issue?

Special Education and Related Services Under IDEA and Section 504

- If the child or youth has a physical, mental health or emotional disability that impacts learning, has the child or youth (birth to age 21) been evaluated for Special Education/Section 504 eligibility and services?
 - If No: Who will make a referral for evaluation or assessment?
 - If Yes: What are the results of such an assessment?
 - Have the assessment results been shared with the appropriate individuals at the school?
- Does the child or youth have an appointed surrogate pursuant to IDEA (e.g., child's or youth's birth parent, someone else meeting the IDEA definition of parent, or an appointed surrogate parent)?
 - If No: Who is the person that can best speak on behalf of the educational needs of the child or youth?
 - Has the court used its authority to appoint a surrogate for the child or youth?
 - Has the child's or youth's education decision-maker been informed of all information in the assessment and does that individual understand the results?
- Does the child or youth have an Individualized Education Plan (IEP)?
 - If Yes: Is the child's or youth's parent or caretaker cooperating in giving IEP information to the appropriate stakeholders or signing releases?
 - Is the plan meeting the child's or youth's needs?
 - Is the child's or youth's education decision-maker fully participating in developing the IEP and do they agree with the plan?

- Does the child or youth have a Section 504 Plan?
 - If Yes: Is this plan meeting his or needs?
 - Is there an advocate for the child or youth participating in meetings and development of this plan?

Extracurricular Activities and Talents

- What are some identifiable areas in which the child or youth is excelling at school?
- Is this child or youth involved in any extracurricular activities?
 - If Yes: Which activities is the child or youth involved in?
 - Are efforts being made to allow this child or youth to continue in his or her extracurricular activities (e.g., provision of transportation, additional equipment, etc.)?
- Have any of the child's or youth's talents been identified?
 - If yes: What are these talents?
 - What efforts are being made to encourage the child or youth to pursue these talents?

Transitioning

- Does the youth have an independent living plan?
 - If Yes: Did the youth participate in developing this plan?
 - Does this plan reflect the youth's goals?
 - If Yes: Does this plan include participation in Chafee independent living services?
 - Does this plan include vocational or post-secondary educational goals and preparation for the youth?
- Is the youth receiving assistance in applying for post-secondary schooling or vocational training?
- Is the youth being provided with information and assistance in applying for financial aid, including federally-funded Education and Training Vouchers (see Chafee Foster Care Independence Program)?
- If the youth has an IEP, does it address transition issues?
 - If Yes: What does this transition plan entail?
 - Did the youth participate in developing the transition plan?
 - Is this transition plan coordinated with the youth's independent living plan?

Practice Tip: When appropriate, consider addressing these questions directly to the children and youth.

Critical Questions Every Judge Should Ask About Education in Every Case

Preliminary Issues: Placement, Decision-Making, Attendance and Records

- In determining the foster care placement for the child, was the appropriateness of the current educational setting and proximity to the child's current school taken into account? Does the child's case plan include documentation that these factors were considered?
- Has the child welfare agency coordinated with the appropriate local educational agencies to ensure that the child remains in the original school setting, if in the best interests of the child to do so? If it is not, and a change in educational placement is necessary, has the child welfare agency coordinated with the local educational agencies to ensure immediate and appropriate enrollment and attendance in the new school? Has the child welfare agency arranged for the release of all educational records to the new school?
- If the child has changed schools, have the child's credits been transferred from previous schools? If not, who will be responsible for ensuring all credits are successfully transferred?
- Is the child currently enrolled in and attending school full-time? If not, why not? What is the plan for immediate enrollment? Who is responsible for implementing that plan and ensuring the child is attending school full time?
- Is a preschool aged child enrolled in Head Start or another appropriate early childhood education program? If not, why not?
- Does the child need transportation to school? If so, who will coordinate transportation arrangements? If the child needs transportation to the previous school (school of origin) who is providing and funding the transportation?
- Who has the legal right to make educational decisions for the child? Is this person effective as an educational advocate (i.e., do they meet regularly with the child, attend meetings, etc.)? If not, does this person need assistance with educational decision-making OR should another decision-maker be appointed?
- Who is involved in the child's daily educational activities, such as helping with homework and monitoring school progress?
- Are complete and up-to-date school records included in the child welfare case file? If not, has parental consent been obtained to release the school records? How will the agency communicate critical educational information to the child's caregiver and other stakeholders?

Educational Success

- Is the child on track academically for their current grade? Is the child reading at grade level?
- Has the child repeated a grade during the last two academic years? If so, what remedial help has been provided to the child?
- What general education support services does the child require to be successful in school (tutoring, ESL, supplies, extracurricular participation, etc.)? Who will be responsible for ensuring the child receives these services?
- Does the child have any school engagement challenges (enrollment, truancy, discipline, etc.)? How is the agency or child advocate helping the child to overcome these challenges?

- Who has discussed the child's educational goals with the child and what input did the child provide?

Special Education Issues

- Does the child have physical, emotional, medical, or mental health issues that impact educational performance and might require a special education evaluation to determine eligibility for services under IDEA/Section 504? If yes, has one been ordered? What services is he/she receiving to address these issues?
- Is there an active birth or adoptive parent or other legally authorized decision-maker who is able and willing to request an evaluation and make special education decisions for the child? If not, who will be responsible for ensuring that a surrogate parent or education guardian is appointed (e.g., agency, court order, etc.)?
- If the child is eligible for special education services, is the child's IEP current and appropriate? Is he/she receiving the services identified in the IEP in the regular classroom with supports? If not, why not?
- If the child is under the age of three, and there has been a finding of abuse or neglect, has the child been referred to the Infants and Toddlers with Disabilities Program for screening or evaluation? If entitled to early intervention services, does the child have a current Individualized Family Service Plan (IFSP) that includes appropriate services? Are the services provided in the most natural environment possible?

Additional Considerations

- Ask the child (if present) or the child's attorney and parent: What information do you want the court to know about your (the child's) educational and extracurricular goals, achievements, and challenges?
- Are the child's appointments and court appearances being scheduled to minimize the impact on his/her education? Are efforts being made to ensure the child is not penalized for school time or work missed because of the court or child welfare case activities?
- What additional orders do you need from me?

If an older youth, please refer to the *Critical Questions Every Judge Should Ask about Education and Older Youth* for additional questions.

Critical Questions Every Judge Should Ask About Education and Older Youth

Secondary Education Information

- What does the youth state as his/her educational goals with regard to high school completion?
- Is the youth on track to graduate and/or complete high school (in terms of credits, exams, etc.)? If not, what is being done to re-engage the youth? Who will advocate for the youth to address challenges, such as credit transfer problems, that might prevent the youth from completing high school?
- If the youth's goals are not to complete a traditional high school track, what efforts have been made to redirect and support him/her to obtain a regular high school diploma? If the youth has other goals, what supports are in place to help him/her achieve these goals?
- Has the agency contacted the school counselor to ensure the counselor is providing the youth with ongoing advice and support, as necessary?
- If the youth is eligible for advanced placement courses, is the youth enrolled in the appropriate courses? If not, who will be responsible for assisting the youth with enrollment?
- Is the youth having any difficulties in school (attendance, discipline, transportation, etc.)? Who is helping him/her to address these problems?
- Is the youth participating in all aspects of the school experience including sports, music, art, academic programs, social events, and other extracurricular activities? If not, why not (e.g., lack of opportunities, money, transportation, etc.)?
- What has the youth received by way of individualized and comprehensive counseling about educational options and planning that maximizes his/her strengths and personal goals and respects his/her cultural identity?

Post-Secondary Planning

- What does the youth state as his/her post-secondary education, training, and/or career goals?
- Has the youth been exposed to possible post-high school education or vocational training opportunities (e.g., toured colleges or vocational training facilities in his/her area of interest)?
- For youth who have higher education goals, what supports are in place to achieve those goals?
- Has the youth taken or does he/she plan to take standardized college admission tests (PSAT, SAT, ACT)? Has the youth been informed about available funds to cover testing and application fees? What costs, if any, have been, or will be, paid by the agency?
- Does the youth have all of the necessary documents to take college admission tests and apply for post-secondary and/or vocational schools (photo identification, birth certificate, social security card, etc.)? If not, does the youth know how to obtain these documents?
- For youth who have vocational education goals, what efforts have been made to help the youth enroll and succeed in an appropriate vocational education program?
- Is the youth receiving assistance with completing applications and preparing for exams and interviews? Does the youth have transportation to exams and interviews?

- What information has the youth received about available grants, scholarships, tuition waivers, and training vouchers? Is the youth receiving assistance in applying for financial aid?

Special Education Needs

- Is the youth eligible for special education services and/or accommodations under IDEA/504? What services are being provided to meet the needs of the youth?
- If the child is over age 16 (or earlier if mandated by state law), does the youth have a current IEP which includes a transition plan that is comprehensive and realistic and identifies the services and supports needed to achieve transition goals, including post-secondary education and training?
- Has the special education transition planning been coordinated with the child welfare agency's planning for the student's exit from the child welfare system?

Independent Living

- Does the youth have an Independent Living Plan (ILP)? Was the youth involved in its development?
- Does the ILP reflect the youth's short and long-term educational goals?
- Who will provide ongoing support to the youth to help achieve the goals set forth in the ILP?
- Does the ILP include participation in Chafee Independent Living Services?

Transition Planning

- Has the child welfare caseworker assisted the youth in developing a personalized and comprehensive transition plan which includes specific options for medical benefits, employment, housing, education, and various support services? Is the transition plan as detailed as the youth wants?
 - Has the transition plan been completed no later than 90 days (as required by federal law) before the youth reaches age 18, or a later age if the youth's stay in foster care has been extended beyond age 18?
 - Who is working with the youth to connect him/her to the services in the transition plan?
- Has the youth been informed of his/her right to obtain complete educational records at age 18? Is the youth aware of the process by which to obtain these records?
- Does the youth have copies of, or know how to get, current immunization and medical records?
- Has the youth been informed of resources available for searching for employment opportunities? Has the youth received training on how to complete a job application, create a resume, and develop necessary interview skills? If not, who will provide the youth with training on these items and on basic job skills?
- What types of family and/or community supports does the youth currently have in place that will continue after his/her transition out of foster care?
- Does the youth currently have a lawyer assisting with transition planning and advocacy? If the youth needs legal assistance after he/she leaves care, has the youth been given information about how to access that assistance?
- Is there a plan in place to help the youth access Social Security or other benefits, if eligible?

Other Considerations

- What additional orders do you need from me?

Endnotes

- ¹ Casey Family Programs (2007). *Higher Education Reform: Incorporating the Needs of Foster Care Youth*, p. 7. Seattle, WA: Casey Family Programs.
- ² Courtney, M. (2004). *Educational Experiences of Children in Out of Home Care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago.
- ³ Courtney, M.E., Terao, S., & Bost, N. (2004). *Midwest evaluation of the adult functioning of former foster youth: Conditions of youth preparing to leave state care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago, 42.
- ⁴ Burley, M. & Halpern, M. (2001). *Educational attainment of foster youth: Achievement and graduation outcomes for children in state care*. Olympia, WA: Washington State Institute for Public Policy, 13.
- ⁵ Courtney, M.E., Terao, S., & Bost, N. (2004). *Midwest evaluation of the adult functioning of former foster youth: Conditions of youth preparing to leave state care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago, 43, 45.
- ⁶ Pecora, P., Williams, J., Kessler, R.C., Downs, A.C., O'Brien, K., Hiripi, E., & Morello, S. (2003). *Assessing the effects of foster care: Early results from the Casey National Alumni Study*. Seattle, WA: Casey Family Programs, 26.
- ⁷ Blome, W. (1997). What happens to foster kids: Educational experiences of a random sample of foster care youth and a matched group of foster care youth. *Child and Adolescent Social Work Journal*, 14(1), 45, 47.
- ⁸ Pecora, P., Kessler, R., Williams, J., O'Brien, K., Downs, C., English, D., White, J., Hiripi, E., White, C.R., Wiggins, T., & Holmes, K. (2005). *Improving family foster care: Findings from the Northwest Foster Care Alumni Study*. Seattle, WA: Casey Family Programs, 36.
- ⁹ Pecora, P., Kessler, R., Williams, J., O'Brien, K., Downs, C., English, D., White, J., Hiripi, E., White, C.R., Wiggins, T., & Holmes, K. (2005). *Improving family foster care: Findings from the Northwest Foster Care Alumni Study*. Seattle, WA: Casey Family Programs, 27.
- ¹⁰ Edwards, L.P. (1992). "The Juvenile Court and the Role of the Juvenile Court Judge," *Juvenile and Family Court Journal*, 43 (2), 25.
- ¹¹ Litchfield, M. & Gatowski, S. (2005). *Asking the Right Questions: A Judicial Checklist to Ensure that the Educational Needs of Children and Youth in Foster Care are Being Addressed*. National Council of Juvenile and Family Court Judges, Reno, NV.
- ¹² This estimate is based on a recent review of NCJFCJ sponsored trainings, inquiries of jurisdictions participating in the NCJFCJ Model Courts Project, and inquiries of Court Improvement Program specialists.

- ¹³ Taitano, K. (2007). *Court-based Education Efforts for Children in Foster Care: the Experience of the Pima County Juvenile Court (Arizona)*. Casey Family Programs.
- ¹⁴ The Pima County Juvenile Court, Tucson, Arizona, participates in the NCJFCJ Model Courts Project funded by the Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. In September 2008 the Pima County Juvenile Court was designated as a Senior Model Court in that Project.
- ¹⁵ In a study of Pima County's Checklist implementation, researchers found, when compared to a pre-Checklist sample of similar cases, that school records were obtained pre-adjudication in significantly more cases for which they were previously unavailable, children were enrolled in school pre-adjudication in significantly more cases than previously, and educational assessments or evaluations were obtained pre-adjudication in significantly more cases than in the pre-Checklist sample (*Supra*, note 15; and Report of Pima County's Educational Reform Efforts, National Council of Juvenile and Family Court Judges available at www.ncjfcj.org)
- ¹⁶ National Working Group on Foster Care and Education was formed to ensure successful educational outcomes for children and youth in foster care across the country. Currently, thirteen organizations comprise the working group partnership: American Bar Association Center on Children and the Law; American Public Human Services Association; Annie E. Casey Foundation, Casey Family Programs; Children's Defense Fund; Child Welfare League of America; Education Law Center (Pennsylvania); Juvenile Law Center; National CASA Association; National Child Welfare Resource Center on Legal and Judicial Issues; National Council of Juvenile and Family Court Judges; National Foster Care Coalition; and National Foster Parent Association.
- ¹⁷ See the *Fostering Connections to Success and Increasing Adoptions Act of 2008*, which is intended to promote permanent placements for children and youth in foster care through relative guardianship and adoption, as well as improve education and healthcare for children in care. For more information about the educational components of this legislation, please see <http://www.abanet.org/child/education/home.shtml>.
- ¹⁸ Litchfield, M. & Gatowski, S. (2005). *Asking the Right Questions: A Judicial Checklist to Ensure that the Educational Needs of Children and Youth in Foster Care are Being Addressed*. National Council of Juvenile and Family Court Judges, Reno, NV.
- ¹⁹ See the federal McKinney-Vento Homeless Assistance Act designed to help youth and their families who are experiencing homelessness, and to protect the right of homeless youth to attend school. It is intended to enable homeless youth (including those awaiting foster care placement) to remain in their school of origin if they wish, and requires school districts to provide transportation to that school if needed. For general information, see www.nlchp.org.)
- ²⁰ P.L. 108-446, Section 614(a)(1)(D)(3) is effective July 1, 2005. For more information on IDEA amendments and regulatory changes, see www.abanet.org/child/education/home.shtml.

- ²¹ For more information about the Foster Care Independence Act of 1999 and the Chafee Foster Care Independence Program, please see Carroll, K. (2002). "The Foster Care Independence Act of 1999 and the John H. Chafee Foster Care Independence Program." *Technical Assistance Brief*, published by NCJFCJ, Reno, NV. For *Frequently Asked Questions II about the Foster Care Independence Act of 1999 and the John H. Chafee Foster Care Independence Program*, Badeau, S.H. (2000), please see www.nationalfostercare.org/.
- ²² Information on ETVs can be found at www.nrcys.ou.edu/nrcyd/publications/monographs/etv.pdf. The website mentioned in endnote 22 will also contain future publications on ETVs.
- ²³ For more information about the Head Start and Early Head Start programs, please see the National Head Start Association website at www.nhsa.org; the Administration for Children and Families web page with respect to Head Start at www.acf.hhs.gov/programs/ohs/; and the National Association for the Education of Young Children website at www.naeyc.org.
- ²⁴ For more information about the needs of Infants and Toddlers in the Child Welfare System, please see Osofsky, J.D., Maze, C., Lederman, C.S., Grace, M.P., and Dicker, S. (2002). "Questions Every Judge Should Ask About Infants and Toddlers in the Child Welfare System." Published by NCJFCJ, Reno, NV.

For additional resources on improving the educational outcomes of children and youth in foster care, visit the Legal Center for Foster Care and Education at www.abanet.org/child/education and the National Working Group on Foster Care and Education at www.casey.org.