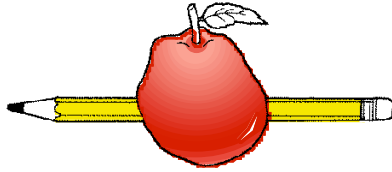


# Asking The Right Questions:

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

TECHNICAL ASSISTANCE BRIEF



## **Acknowledgements**

We wish to acknowledge the work of TeamChild® in developing the original Checklist, and to thank Casey Family Programs for their support to build on and expand the Checklist so that the nation's judges can access this important information. We would also like to thank the judges and systems stakeholders that worked to field test the Checklist and provided us with valuable feedback about its use. Also, thanks to those judges and PPCD Advisory Committee members who reviewed the Checklist and provided feedback via focus group or online survey.

Finally, we would like to thank the members of the University of Illinois at Urbana-Champaign, Children and Family Research Center, "Taking It to the Courts (TIC)" Youth Advisory Council to the Courts (YACC) for convening a focus group to provide feedback from the perspective of young adults that have been in the foster care system.

# Asking the Right Questions: A Judicial Checklist to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed

## Introduction

Studies have shown that education is a significant factor in determining the success of children and youth as they exit the foster care system. Yet research measuring educational, social, and vocational outcomes for children and youth in foster care indicate that the majority of children who enter the protection of child welfare agencies do poorly in school. They are significantly under-represented in post-secondary programs and are over-represented in special education programs. This is not surprising given the instability many young people experience in foster care—both in terms of changes in placements and changes in schools. The importance of stability for foster youth was recently demonstrated in a study of more than 1,000 alumni of foster care which found that youth who had one or fewer home placements per year were twice as likely to graduate from high school before leaving care.<sup>1</sup>

Concrete, practical interventions are needed to ensure that children and youth who are placed in foster care, or who are living with parents under the supervision of child protective services, will be as successful in school and prepared for the future as their peers. New collaborations among child welfare, educational systems, and juvenile and family courts are also needed to improve educational outcomes for children and youth in foster care. 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.<sup>2</sup> The juvenile court judge, who inquires about the educational needs 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.

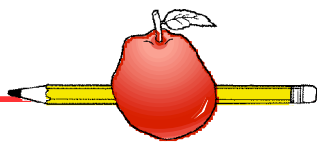
While the majority of Model Court judges<sup>3</sup> interviewed in a survey conducted by the Permanency Planning for Children Department's (PPCD) believed that judges play a distinct role in ensuring that the educational needs of youth in care are met, many reported that they had few resources to assist them in exercising this role.<sup>4</sup> Clearly, there is a great need for practical and effective tools to address this issue. This *Technical Assistance Brief* presents such a tool—a field-tested checklist 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.

## A Brief History of the Checklist Project—A Survey of Opinion and Study of Practice

In December 2002, TeamChild,<sup>5</sup> with support from Casey Family Programs,<sup>6</sup> developed an education checklist for use by judges within the state of Washington. The Casey Family Programs then provided the PPCD of the National Council of Juvenile and Family Court Judges (NCJFCJ) with funding to seek the input, testing, and evaluation of the Checklist by Model Court judges. This testing process aimed at ensuring the Checklist's applicability as a resource for courts around the country, ensur-

ing its efficacy as a tool to help different system stakeholders to collaborate to improve educational outcomes for foster youth, and ensuring that educational issues within the courtroom and beyond are prioritized. In addition, feedback was obtained from young adults who were a part of the foster care system in order to strengthen the Checklist. The NCJFCJ Checklist is based on, and draws heavily upon, the original TeamChild®/Casey Checklist and is intended to reflect and incorporate the findings gathered over the past year throughout this evaluation and field-testing process.

This Checklist and *Technical Assistance Brief* outlines 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 Checklist is not proprietary—instead, it can and should be adapted to state laws and local practice so that it is most relevant to different jurisdictions and day-to-day practices.

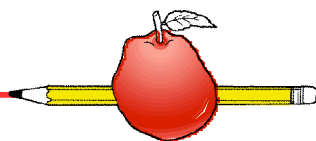
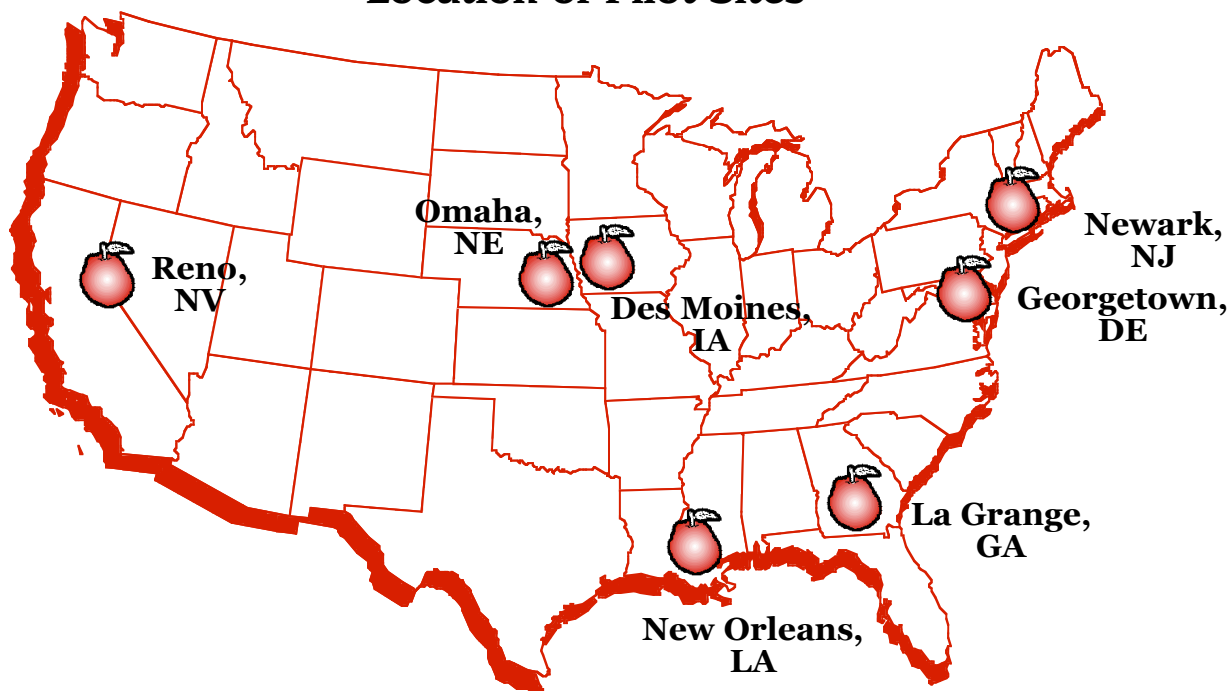


## **The Project Method: “Gathering Judicial Feedback”**

In order to provide Casey Family Programs with information about whether the TeamChild®/Casey Education Checklist was both comprehensive and directly applicable across jurisdictions, despite differences in resources and procedural structures, the Research Division of the PPCD solicited feedback on the Checklist from Model Court Lead Judges and PPCD Advisory Committee members. Specifically, a web-based online survey was developed to: gather general demographic information from judges (e.g., bench experience, experience with other checklists); evaluate the Checklist’s practical utility; evaluate its comprehensiveness; gather suggestions on how to improve the Checklist; gather reactions to the Checklist’s format; gather opinions regarding when to use the Checklist; and gather opinions regarding who should be responsible for obtaining Checklist information and overseeing that this information is used in the case. Twenty-four PPCD Advisory Committee members and Model Court Lead Judges spanning 17 states provided feedback on the Checklist. In addition, judges provided feedback through a focus group held at the Annual Conference of the NCJFCJ.

Judges were given the opportunity to field-test the Checklist, in its original form, and tailor it to suit the needs of their jurisdiction. This additional step in the project allowed judges to give more comprehensive and experience-based feedback about the Checklist. Judicial leaders in the following jurisdictions volunteered to participate as pilot sites for Checklist implementation: Des Moines, IA; Georgetown, DE; LaGrange, GA; Newark, NJ; New Orleans, LA; Omaha, NE; and Reno, NV. A follow-up telephone interview was conducted with judges after they had implemented the Checklist. The goal of this interview was to obtain feedback regarding the Checklist’s use and value as a judicial tool (e.g., whether the Checklist was consistently used, its ease of use, applicability to specific jurisdictional needs, and perceptions of the Checklist’s impact on parties’ attention to educational issues).

## Location of Pilot Sites



### **The Project Method: “Gathering Feedback From Youth in Care”**

While soliciting feedback on the Checklist, project staff identified the need for young adults formerly in foster care to have a voice in the Checklist review. Casey Family Programs recommended that PPCD researchers contact the University of Illinois at Urbana-Champaign, Children and Family Research Center, Taking It to the Courts (TIC) Youth Advisory Council to the Courts (YACC) program for assistance. The purpose of YACC is to enhance communication between youth in the Illinois child welfare system and the legal representatives who make decisions about their lives. PPCD staff members constructed questions for the youth focus group and worked directly with April Curtis, Program Director of YACC, who volunteered to conduct the focus group session. The focus group was held at the *“Taking it to the Courts—Improving Outcomes for Youth in Care”* Conference, September 17-18, 2004. Young people participating in the focus group were between the ages of 18-24; were currently or formally in foster care; and had a willingness to effect change and educate others. Once the focus group session had been completed, Ms. Curtis submitted focus group notes to PPCD for incorporation into the study.



## Lessons From the Field: Summary of Overall Findings

### ✓ Change in Practice

Judges field-testing the Checklist reported that use of the Checklist from the bench resulted in a change in practice. Once the Checklist had been used repetitively and stakeholders (e.g., caseworkers, attorneys, Guardians *ad litem*) realized that questions with respect to the child's education were going to be asked from the bench, they began to regularly include educational information in their reports to the court in anticipation of those questions being asked. *"When I first started asking about educational issues, they [stakeholders] would look at me like 'Well, what do you care? That's not important for you to know.' And now, the whole culture has changed,"* shared a judge. That judge went on to explain that now, educational information can be found within the first few sentences of a report to the court and that *"drafters of the reports have certainly taken note that education has become a priority for the court."*

### ✓ Use of the Checklist as a Reminder

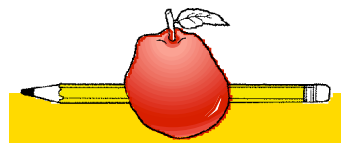
Judges reported that the Checklist serves as a valuable tool for guiding and reminding them of appropriate questions to ask with respect to education. *"I do refer to the Checklist," shared a judge, "I keep a copy of it on the bench ... and ask about information that I don't already know."* While judges felt that use of the Checklist at all hearings would be valuable, some made an exception and did not use the Checklist during the adjudication or fact-finding hearing. Overall, however, judges valued using the Checklist at the front-end of the case in order to motivate stakeholders to provide educational information early-on. They also reported that this established a pattern of providing updated educational information continuously throughout the life of a case.

### ✓ Use of the Checklist as an Accountability Mechanism

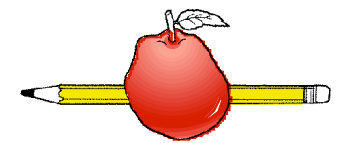
Another important effect of Checklist implementation noted by field-test judges was that the Checklist served as an accountability mechanism for children and parents. Use of the Checklist from the bench lets children and parents know that someone is going to ask them about educational progress and that the court considers education to be a high priority. Not only can the court ensure that problem areas are addressed through questioning, but it can also play a positive role by focusing on achievements and aspirational goal-setting (e.g., asking about extracurricular activities, summer activities, what youth excel at, what their hopes and ambitions are, and how prepared for college they are).

### ✓ Use of the Checklist as a Collaborative Tool

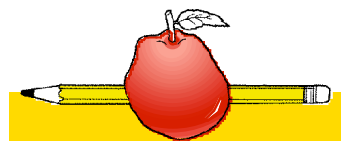
To get maximum value from the Checklist, judges reported that it should be shared with *all* key stakeholders to make them aware that the court is making education a priority, as well as to give



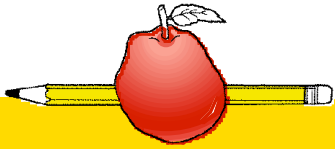
"Education is one of the best barometers of a child's future. It is absolutely essential that we pay attention to it. People need to become more aware of these issues—repetitive use of the Checklist aids in that awareness."  
- Judicial Officer



"Sometimes we do things in an awful hurry. If the docket is running behind, it (the Checklist) helps remind me of questions that need to be asked."  
- Judicial Officer



"The lawyers now tell their clients that are old enough to understand that the Judge is going to ask you about school—you better be ready."  
- Judicial Officer



“We made the education connection a priority. It was one of our court goals. We invited them (education representatives) to the table to become permanent members of our court team.”  
- Judicial Officer

forewarning about additional questions that will be asked from the bench. Also, judges highlighted the importance of making the education connection a priority by persuading school representatives to become key stakeholders in the collaborative efforts (e.g., serving on decision-making committees, providing education liaisons to the court, etc.). One judge explained that the courts *“need to continue to outreach to educators and bring them to the table because it is a natural partnership. Once judges have the opportunity to talk to educators and find out how much easier they [teachers] can make our lives [by providing] reliable information—why wouldn’t they tap into that resource? It is such an important part of the child’s life.”*

“ This is the child’s life. Things that happen in school are so relevant to what we need to know. Teachers are an incredible resource for us. They are the best source of information because they see the child more waking hours than anyone else. There have been situations in which we would have missed a wonderful opportunity to intervene in a timely manner—had it not been for the teachers who kept screaming ‘This Child Needs Help!’ ”  
- Judicial Officer

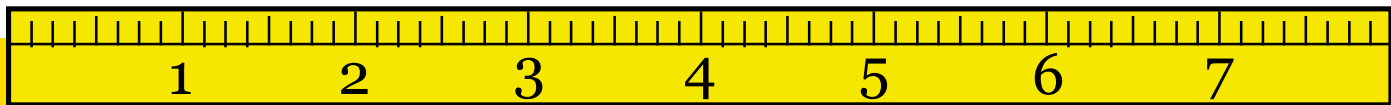
## Questions to Ensure That the Educational Needs of Children and Youth in Foster Care are Being Addressed

Once feedback on the original TeamChild®/Casey Checklist was provided by the PPCD Advisory Committee, Model Court Lead Judges, field-test judges, and the YACC focus group, recommendations were incorporated into a new, nationally applicable education checklist. Areas of focus, or critical issues addressed by the Checklist, are briefly discussed below.

### 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 and youth in care can reduce delays in enrollment.*



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

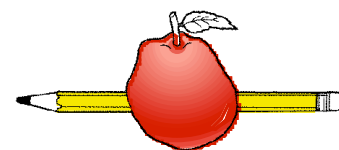
- Waive requirements or parental signature;
- Arrange for vaccinations at community clinics;
- Enroll a homeless child or youth without proof of legal residence; and
- Allow a homeless child or youth to stay in his/her prior school or assist with transportation to a new school.

### **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, etc.) 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.*<sup>7</sup>

### **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.

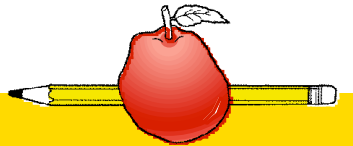


"I try to touch base with the youth and say 'I understand that you are switching schools. How do you feel about that? What's good about that? What's bad about it?' Then I inquire about the IEP, if there is one, and whether it is being transferred."  
- Judicial Officer



## Tracking Educational Information

Initially, judges field-tested 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.



“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

## Change in Placement/Change in School

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.*

## Health Factors Impacting Education

Early identification and intervention for potential learning and behavioral problems can prevent major difficulties when a child or youth enters school. *Young people with physical, emotional or mental health issues may be entitled to early intervention programs, special education and related services through the public schools.* (Special education services are available to children from birth to age 21.)

### 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.* Re-evaluations 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 ...**

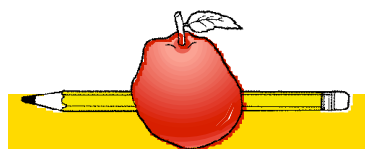
other than just because I am in foster care.  
Not all of us are behind or slow—and if we are,  
try offering us tutoring rather than putting us  
in special classes. ”

- 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.<sup>8</sup>

## 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



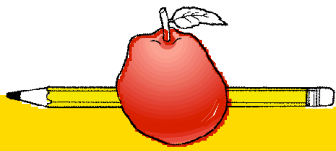
“Good students are often overlooked just because they are doing well.”  
- Youth Focus Group Participant

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, etc.). 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 is the young person involved in that encourages the development of these gifts or special talents?

## 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.<sup>9</sup> *“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.<sup>10</sup>



“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

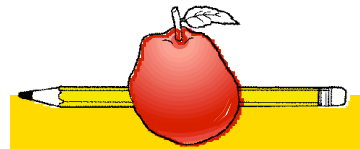
Due to *homebound educational* practices put in place as a result of behavioral issues at school, as well as the increasing popularity of *home-schooling*, judges should be mindful of the amount of time that a young person is receiving educational services per day and who is providing these services. 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.*

### ✓ Age-Specific Questioning

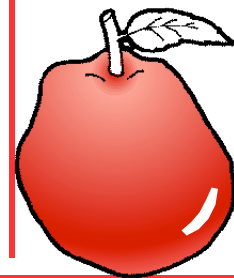
When asking questions about the education of dependent children, it is necessary to consider the age of the child or youth. For example, when asking whether or not the young person has the appropriate supplies for school, consider that higher cost amounts for participation in sports, clubs, etc., may 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 & 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 Start<sup>11</sup> 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.<sup>12</sup>



"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



“ 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 really need. ”

- Judicial Officer

## ✓ Directly Addressing and Involving Youth During Educational Questioning

When the 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?”*

The former foster youth also reported that they were unclear about the role their caseworker played a role 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 bad in school.”*

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

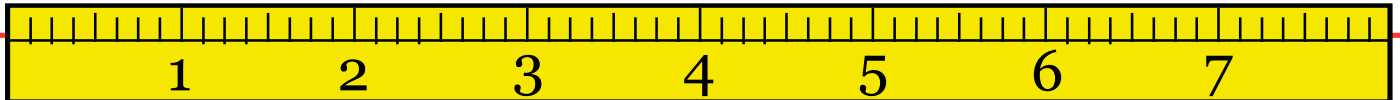
- *“He/she could have talked to me in chambers.”*
- *“The judge could have requested that I come to court in order to hear about it from me.”*
- *“He/she could have addressed me like I am a human being and not a docket number. A simple, ‘how are your grades?’ would have done it.”*
- *“Judges could try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

## ✓ Additional questions recommended by youth focus group participants to be asked directly of the youth by the judge:

- 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?
- Do you like your current school?
- How do you feel when your caseworker attends your school? Do you like it?
- Are you getting all of the help that you need for school?
- Do you understand why you are in Special Education? Do you feel that you belong in Special Education?



### **What Else Can The Court Do To Ensure A Child's Educational Stability and Success?**

- Keep asking key questions about a child's education.
- Plan regular court review of the child's enrollment, attendance and progress in school.
- Designate a responsible adult to ensure that services are requested and in place.
- Anticipate potential disruption to a child's education. Planning for change is the best way to reduce education instability and can take place prior to moving a child in or out of a placement or transitioning out of foster care altogether.
- Suggest that the child remain in his/her current school despite a change in residence.
- Ask a parent, CASA, state social worker or other responsible adult to request records and assist in passing them on to a child's new school. Children in foster care experience delays in school enrollment when they move in and out of placements, usually because of delays in transferring records.
- Ensure that court hearings or orders do not impair the ability of a child to enroll or attend school. For example, a no contact order between students or between a teacher and student can be a barrier to a child's return to school. Include language in the order that allows the child to attend school with supervision and support or which allows contact necessary to pursue re-admission or alternative school placement.

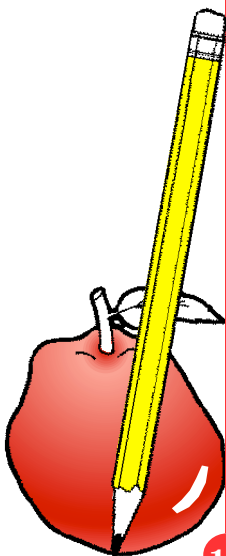
#### **TeamChild® (2002)**

"Critical Questions and Strategies for Meeting the Educational Needs of Children and Youth in Juvenile and Family Court: Information for Judges."

## A FINAL THOUGHT...

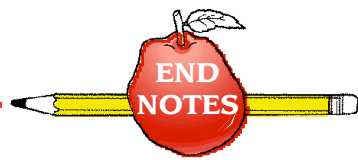
✓ Judges participating in our surveys, focus groups, and field-tests of the Checklist recommend taking the following steps to help address the educational needs of children and youth in care. These steps include, **but are not limited to:**

- 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



For more information about this *Technical Assistance Brief*, the evaluation project, or to obtain additional copies, please contact:

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<sup>1</sup> Pecora, P.J., Williams, J., Kessler, R.J., 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. For more information, [visit www.casey.org](http://www.casey.org).

<sup>2</sup> Judge Leonard P. Edwards. (1992). "The Juvenile Court and the Role of the Juvenile Court Judge." *Juvenile and Family Court Journal*, Vol 43, No. 2. NCJFCJ, Reno, NV, at page 25.

<sup>3</sup> There are 28 Model Court jurisdictions currently participating in the Child Victims Act Model Court (VAMC) Project. This project is funded by the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, with some Model Courts funded by local state Court Improvement Programs. Each Model Court is focused on collaborative systems change in child abuse and neglect case practice and serve as "laboratories" for the study of such change. For more information about the Model Courts Project see *Child Victims Act Model Courts Project Status Reports*. [1997-2003]. NCJFCJ. Reno, NV. The survey of Model Court Lead Judges regarding the educational outcomes of youth in foster care was completed in December 2001 with funding from the Marguerite Casey Foundation.

<sup>4</sup> Litchfield, M., Gatowski, S.I., McKissick, M. (2002). "Improving Education Outcomes for Care: Perspectives from Judges and Program Specialists." *Technical Assistance Bulletin*, Vol. VI, No.2. NCJFCJ, Reno, NV.

<sup>5</sup> TeamChild® is a non-profit legal services organization with five offices located throughout Washington State. Begun in 1995, the program has been recognized nationally as an innovative leader in successful work with young people who might otherwise fall through the cracks. For more information about TeamChild,® please visit their website at [www.teamchild.org](http://www.teamchild.org).

<sup>6</sup> Casey Family Programs, established by United Parcel Service founder Jim Casey, is a Seattle-based national operating foundation that has served children, youth, and families in the child welfare system since 1966. Its mission is to provide and improve—and ultimately to prevent the need for—foster care. Casey provides direct services, promotes advances in child welfare

practice and policy, and collaborates with counties, states, and American Indian and Alaska Native tribes to improve services and outcomes for the more than 500,000 young people in out-of-home care across the U.S. For additional information, please visit their website at [www.casey.org](http://www.casey.org).

<sup>7</sup> 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](http://www.nlchp.org).)

<sup>8</sup> 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/rcji/education](http://www.abanet.org/child/rcji/education).

<sup>9</sup> 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.natl-fostercare.org](http://www.natl-fostercare.org).

<sup>10</sup> Information on ETVs can be found at [www.nrcys.ou.edu/nrcyd/publications/monographs/etv.pdf](http://www.nrcys.ou.edu/nrcyd/publications/monographs/etv.pdf). The website mentioned in endnote 9 will also contain future publications on ETVs.

<sup>11</sup> For more information about the Head Start and Early Head Start programs, please see the National Head Start Association website at [www.nhsa.org](http://www.nhsa.org); the Administration for Children and Families web page with respect to Head Start at [www.acf.hhs.gov/programs/hsb/](http://www.acf.hhs.gov/programs/hsb/); and the National Association for the Education of Young Children website at [www.naeyc.org](http://www.naeyc.org).

<sup>12</sup> 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.

# 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 or youth enrolled (e.g., specialized school)?
- How long has the child or youth been attending his/her current school?
  - Where is this school located in relation to the child's or youth's foster care placement?
  - Were efforts made to continue school placement, where feasible?
- 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?

### 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?



## Performance Level

### Attendance (continued)

- 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?
- 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 this child's 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 supportive 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?

### **Tracking Education Information (continued)**

- 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?
  - Were efforts made to maintain the child or youth in his or her original school despite foster care placement change?

### **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 effect 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 this 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?

## **Special Education and Related Services under IDEA and Section 504 (continued)**

- 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 this 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 this plan meeting the child's or youth's needs?
  - Is the child's or youth's educational decision-maker fully participating in developing the IEP and do they agree with the plan?
- Does this child or youth have a Section 504 Plan?
  - If Yes: Is this plan meeting his or her 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 the plan include participation in Chafee independent living services?

## Transitioning (continued)

- 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.

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Additional copies of this Checklist and its accompanying Technical Assistance are also available for download at [www.ncjfcj.org](http://www.ncjfcj.org).

