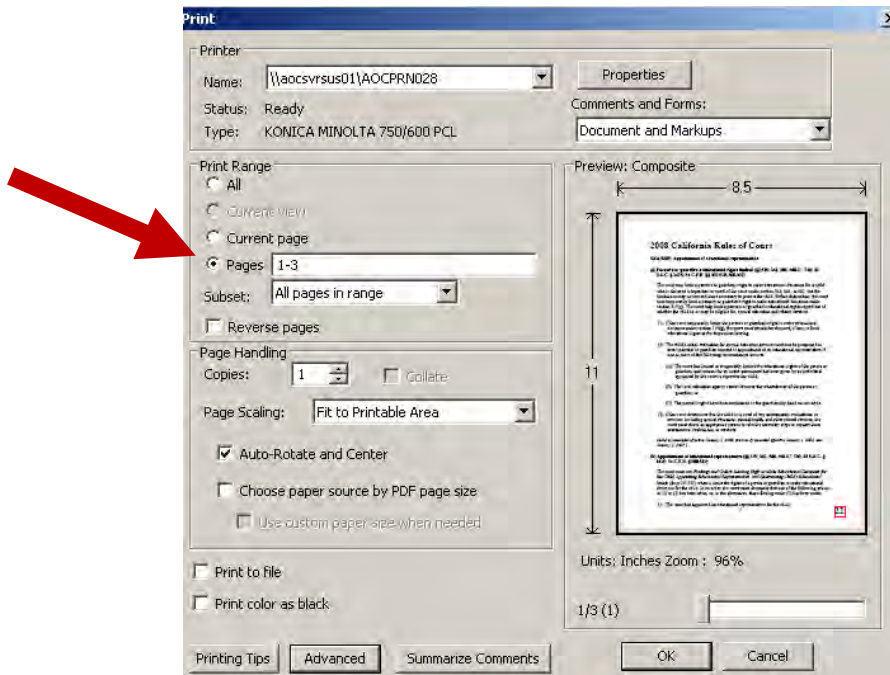


Dear Colleague:

Enclosed are Beyond the Bench 2010 handouts, PowerPoint slides, articles, and other resources made available by faculty.

In keeping with the efforts of going “green”, we encourage you to read from the electronic document rather than print hundreds of pages.

If you choose to print these materials, please make sure to **specify the range of pages**.



Thank you.

*Beyond the Bench conference staff*

FRIDAY – JUNE 4, 2010

8:00 am – 12:00 pm

education credit:

BBS

MCLE

STC (certification:

3483-055363)

target audience:

attorneys

CASAs

probation officers

social workers

**Effecting Educational Outcomes in Juvenile Court Through Increased Awareness and Collaboration**

The panel of experts will be prepared to answer questions and provide feedback about how best to navigate the educational law system while incorporating the requirements of recent legislation and rules of court. The panel will also provide a forum for addressing how effective collaboration and improved awareness amongst juvenile court stakeholders can lead to more successful outcomes for youth, while identifying the educational rights afforded to youth. Participants will also gain insight into options and opportunities for higher education available to older youth and the importance of incorporating long-term educational goals into case plans and independent living plans.

*Learning Objectives:*

- Identify the relationship between successful educational outcomes and transition from the juvenile justice system.
- Identify the role and responsibilities of the educational rights holder and ensure that every child appearing before the juvenile court has someone holding educational rights.
- Incorporate the requirements of recent legislation and rules of court into daily practice.
- Promote a cultural shift within their communities that improves awareness, and learn tools for effective collaboration amongst agencies and others who do not typically work within the juvenile justice system.
- Develop case plans and independent living plans that successfully incorporate educational opportunities available to older youth.

*Faculty:*

- **Hon. Ana España**  
*Judge, Superior Court of San Diego County*
- **Hon. Tamara Mosbarger**  
*Judge, Superior Court of Butte County*
- **Jesse Hahnel**  
*Attorney and Skadden Fellow, National Center for Youth Law*
- **Steve Ashman**  
*Executive Director, CASA of Stanislaus County*
- **David Ruiz**  
*Probation Services Manager, Fresno County Probation*
- **Jacqueline Wong**  
*School Health Education Consultant, Foster Youth Services Program*

Before you choose to print these materials, please make sure to **specify the range of pages**.

**Before you choose to print these materials, please make sure to specify the range of pages.**

Administrative Office of the Courts, Center for Families, Children & the Courts



## Accessing Mental Health Services Through Special Education

Jesse Hahnel  
National Center for Youth Law



## Special Education

### Substantive Protections

## What is Special Education?



- Special education is a system of services and supports designed to meet the specific learning needs of a child with a disability.
- The Individuals with Disabilities Education Act (IDEA) requires local educational agencies (LEAs) to ensure *special needs students receive* a free appropriate public education (FAPE) in the least restrictive environment (LRE) and *all related services necessary for the student to benefit from special education.*

## Eligibility



Two triggering conditions:

- The child has an impairment adversely affecting educational performance that requires special education; and
- The impairment fits into a qualifying category of disability:
  - Autism
  - Deaf-blindness
  - Deafness
  - Emotional Disturbance
  - Hearing Impairment
  - Mental Retardation
  - Multiple Disabilities
  - Orthopedic Impairment
  - Other Health Impairment
  - Specific Learning Disability
  - Speech and Language Impairment
  - Traumatic Brain Injury
  - Visual Impairment

## Substantive Protections



The IDEA entitles special needs children to:

- Be “assessed in all areas related to the suspected disability”;
- Be provided with an IEP that details all the special education and related services the child needs to advance appropriately in their curriculum (FAPE in the LRE); and
- Receive all of the services and supports listed in the IEP.

Taken together, these entitlements ensure each child covered by the IDEA receives educational services “reasonably calculated to enable the child to receive educational benefits.”

## FAPE



FAPE: Free, Appropriate, Public Education

- The student must be provided with individualized special ed services; and
- Related services to help the student benefit from the educational program (e.g. mental health services, etc.)

## LRE



LRE: Least Restrictive Environment

- Students must be placed into the “most mainstreamed” environment possible.

## Special Education



## Procedural Protections

## Requests for Assessment



- Referral for an assessment (may be made by parent, teacher, or any other adult). Must be in writing to start timeline.
- District has 15 calendar days within which to submit an assessment plan to parent, along with consent form.
- District must complete assessment and hold an IEP meeting within 60 calendar days of receipt of signed consent form.

## Requests for an IEP meeting



- If the parent of a child who already has an IEP submits a written request for an IEP team meeting, the LEA must hold the meeting within 30 days of receiving the request.

What happens when a special ed student moves into a new school district?



- New school district must follow previous district’s IEP for the first 30 days of attendance, called an interim placement.
- At a 30-day review, the IEP team decides whether to adopt or modify the previous district’s IEP.

## Fundamental Procedural Protections



- **Due Process**
  - An IEP is developed and modified during IEP team meetings
  - Education rights holders are entitled to be at these meetings, and must agree (sign) the IEP
  - If the school district and ed rights holder can not agree on an IEP, a judge will create the IEP in a legal proceeding called a due process hearing
- **Compliance Complaint**
  - If an IEP is not being followed, or if a special education timeline has been violated, anyone may file a compliance complaint with California’s Department of Education to force the district to follow the IEP or timeline



## Special Education

### AB 3632 Mental Health Services

### AB 3632



- AB 3632 is a California law that shifts responsibility for some special education mental health assessments and services from LEAs to county mental health (CMH) agencies.
- These mental health services are sometimes called AB 3632 services, Chapter 26.5 services, and specialty mental health services. These are equivalent terms.

### CMH responsibilities



AB 3632 makes CMH responsible for conducting mental health assessments and for providing the following when included in an IEP:

- psychotherapy...provided to the pupil individually or in a group
- collateral services
- medication monitoring
- intensive day treatment
- day rehabilitation
- case management

CMH can provide the services directly, or contract the services out to other providers

### AB 3632 procedural entitlements



- Once an LEA decides to refer a special education student to CMH, the LEA must provide CMH with a referral package within five days.
- After receiving a referral from an LEA, CMH has five days to decide if an assessment is necessary.
- If CMH decides to pursue an assessment, they have 15 days from their receipt of the LEA's referral to develop a mental health assessment plan and present it to the parent for their consent.
- After CMH receives parental consent, they must contact the LEA and schedule an IEP, which must occur within 50 days of CMH's receipt of the consent for assessment.
- By the time of the IEP, CMH must have completed their assessments, and must be prepared to make service recommendations for the IEP team to review.

### Issue area #1: initial AB 3632 assessment



When an LEA recognizes that a student needs specialty mental health services, California law requires the LEA to refer the child to CMH for an AB 3632 assessment.

During the assessment process however, if no interim specialty mental health services are provided, the student may be left without a FAPE for up to 65 days, in violation of the IDEA.

### Issue area #2: initial special education assessment



Parents are entitled to have their children assessed in all areas of suspected disability within 60 days of consenting to a special education assessment plan. LEAs and CMH agencies infrequently assess the mental health needs of a student within this 60 day period.

This leaves the child without a mental health assessment, without specialty mental health services in their initial IEP, and without specialty mental health services for up to 65 days following the initial assessment period.

Issue area #3: out of county  
problem generally



When a special needs child moves into a new county he or she is entitled to receive services comparable to those in their IEP.

However, when students receiving AB 3632 services move between counties, the receiving county's CMH agency is often unwilling to provide specialty mental health services until they perform their own assessments.

Issue area #4: out of county  
problem for foster youth



When a special needs foster child who qualifies for AB 3632 transfers counties, CMH in the county of origin must ensure the child receives the same level of specialty mental health services in their new host county.

Specialty mental health providers frequently refuse to provide services to these foster youth absent approval from the county of origin's CMH.

While providers wait for approval, foster youth are frequently denied FAPE.

# Closing the Education Achievement Gap for Foster Youth

Presented by

**Steve Ashman - Executive Director,**

**CASA of Stanislaus County**

**(209) 567.4230    [casaed@stanct.org](mailto:casaed@stanct.org)**



Closing the Education Achievement Gap for Foster Youth

An overview of AB 490's changes to the law and creation of enhanced education rights for foster children

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Closing the Education Achievement Gap for Foster Youth

Presented by  
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Statistics on educational outcomes for foster children



- 30% perform below grade level
- 50% are held back in school
- 46% do not complete high school
- Less than 3% go on to four-year colleges

**AB 490 seeks to close this education achievement gap**

AB 490 IMPLEMENTATION

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**Adult Outcomes** 

Not surprisingly, an inadequate educational foundation leads to a less than stable adult future for former foster youth. Within the first 2-4 years after emancipation:

- 51% are unemployed
- 40% are on public assistance
- 25% became homeless; and
- One in five will be incarcerated.

AB 490 IMPLEMENTATION

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**Barriers to educational success** 

Constant placement and school changes have a detrimental impact on the ability of foster youth to succeed.

- Education records may not transfer in a complete and timely manner.
- Youth often sit out of school for days/weeks at a time, or are placed in inappropriate classes.
- Records are sometimes lost or misplaced, causing youth to lose credits and/or repeat classes.
- Often no one assumes responsibility for checking the youth out of school, resulting in lowering of youth's grades.

AB 490 IMPLEMENTATION

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AB 490

Removing the barriers to educational success for foster youth

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### Guiding principles of AB 490



- Everyone shares the duty to promote the educational progress of children in out of home placements.
- Mandates that educators, school personnel, social workers, probation officers, caregivers, advocates, and juvenile court officers *all* work together to serve the educational needs of children in foster care.

EC 48850(a)

AB 490 IMPLEMENTATION

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### Guiding principles of AB 490



- For foster youth to meet state academic achievement standards;
- For youth to maintain stable school placements;
- Placement of youth in least restrictive educational programs; and
- Access to the academic resources, services and extracurricular and enrichment activities available to all students.

EC 48850(a); WIC 16000(b)

AB 490 IMPLEMENTATION

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### Who is covered?



- AB 490 covers youth who are:
  - Supervised by either the county probation or child welfare agency, *and*
  - In, or have been in, relative, kin, foster family or group home placements.

\***Note:** Some AB 490 provisions cover a **broader** category of youth; for example, the school credits provision applies to any student transferring schools. In addition, some provisions cover a **narrower** category of foster youth; for example, there is provision specifically for youth placed in emergency shelters who meet additional criteria.

AB 490 IMPLEMENTATION

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### Key Provisions of AB 490



- Foster youth access to same academic resources, services, and extracurricular activities
- Education and placement decisions dictated by best interests of the child
- "Foster care liaison" on school staff
- School stability in school of origin
- Preference for mainstream school placement
- Immediate enrollment
- Timely transfer of educational information
- Protection of credits, grades, graduation
- Case worker/probation officer access to school records

AB 490 IMPLEMENTATION

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### School Stability – Placing Agency's Role



Making out of home placements – factors that the *placing agency* must consider:

- Proximity to the child's present school
- Impact placement will have on child's educational stability

WIC 16501.1(c)

AB 490 IMPLEMENTATION

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### School Stability – School's Role



Educational placements must be made to ensure:

- Access to same resources available to all pupils
- Least restrictive environment
- Child's best interest

WIC 361, 726; EC 48853

AB 490 IMPLEMENTATION

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**School Stability**



Right to remain in SCHOOL of ORIGIN

If the child's placement changes, the child has the right to remain in his or her school of origin for the duration of the school year, provided it is in the child's best interest to do so.

*EC 48853.5*

AB 490 IMPLEMENTATION

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**School Stability**



- Definition: **"School of Origin"**
  - School foster child attended when permanently housed, or
  - School in which foster child last enrolled.
  - If different, or if there is another school child attended with which he/she is connected, liaison, child, and person with ed rights shall determine which school is deemed the school of origin.

*EC 48853.5(e)*

AB 490 IMPLEMENTATION

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**School Stability**



Immediate Enrollment

When a foster child changes schools, the new school must provide for immediate enrollment and attendance even if the child is missing:

- Academic and medical records,
- Immunization records,
- Proof of residency, or
- School uniform
- Or fees or materials are owed to the prior school

*EC 48853.5*

AB 490 IMPLEMENTATION

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**School district foster care liaison** 

- Every school district must have an educational liaison for foster children
- Duties include:
  - Ensure proper school placement, enrollment and checkout from school
  - Assist with transfer of grades, credits, and records when youth transfer schools
  - Complete school transfers within 2 business days

AB 490 IMPLEMENTATION EC 48853.5

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**School district foster care liaison** 

Determining whether to continue in **school of origin**:

- The person holding educational rights *and* the child determine, in consultation with the foster care liaison, whether it is in the child's best interest to remain in school of origin.
- If the liaison wishes to recommend that it is not in child's best interest to remain in the school of origin, the liaison must provide person w/educational rights with a *written explanation*.
- If a dispute arises, the child has the right to remain in school of origin until dispute is resolved.

AB 490 IMPLEMENTATION EC 48853.5

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**Preference for Mainstream School** 

- Foster children must attend a regular, mainstream school *unless* :
  - Child has IEP requiring different educational placement, OR
  - Person with educational rights determines that it is in child's best interest to attend a different educational program or to remain in school of origin

AB 490 IMPLEMENTATION EC 48853

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**Preference for Mainstream School** 

- Person with educational rights must first consider placement in regular, mainstream public school *before* child is placed in:
  - Juvenile court school
  - Continuation school
  - Alternative school
  - Non-public school

*EC 48853*

AB 490 IMPLEMENTATION

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**Preference for Mainstream School** 

- **Exceptions** > preference for regular school does not apply to youth in:
  - Juvenile hall
  - Juvenile ranch
  - Forestry camp
  - Regional facility
  - Emergency shelters (see next slide)

*EC 48853*

AB 490 IMPLEMENTATION

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**Preference for Mainstream School** 

**Emergency shelter exception applies in two situations:**

- Health and safety emergencies
- Or, when:
  - Decision regarding child's best interest and school of origin cannot be made promptly,
  - Not practical to transport child to school of origin, AND
  - Child would not otherwise receive education

*EC 48853*

AB 490 IMPLEMENTATION

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**Timely Transfers** 

Efficient and timely transfers are the responsibility of *both* the county placing agency and the school district.

*EC 49069.5*

AB 490 IMPLEMENTATION

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**Timely Transfers –**  
Role of case worker and probation officer 

**Case worker/probation officer**

- As soon as the CW/PO becomes aware of need to transfer a student to a new school, he or she must:
  - Notify school of last day of attendance;
  - Request calculation of student’s educational information;
  - Request that student be transferred out.

*EC 49069.5(c)*

AB 490 IMPLEMENTATION

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**Timely Transfers –**  
School’s Role 

**Old school**

- Within *2 business days*, school must transfer student out, and deliver educational record to next school. Record must include:
  - Determination of seat time
  - Full or partial credits earned
  - Classes
  - Grades
  - Immunizations
  - Special education plan

*EC 9069.5(d), (e)*

AB 490 IMPLEMENTATION

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**Timely Transfers – School’s Role** 

**New school**

- Within *2 business days* of request for enrollment, must contact old school to obtain all records.

*EC 49069.5 (d)(4)(C)*

AB 490 IMPLEMENTATION

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**Protection for grades, credits, graduation** 

**GRADES**

School cannot lower a child's grades due to:

- Absences caused by change in placement,
- Attendance at court hearing, or
- Court ordered activity.

*EC 49069.5(g), (h)*

AB 490 IMPLEMENTATION

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**Protection for grades, credits, graduation** 

**SCHOOL CREDITS**

Schools must award credit for:

- Full
- *Or partial* coursework

Satisfactorily completed at:

- Another public school,
- Juvenile court school,
- Or nonpublic, nonsectarian school.

*EC 48645.5*

AB 490 IMPLEMENTATION

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**Protection for grades, credits, graduation** 

**GRADUATION**  
 If graduation requirements completed while detained, student may be entitled to diploma from:

- School last attended; or
- County Superintendent of Schools

*EC 48465.5*

AB 490 IMPLEMENTATION

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**Access to school records** 

Case workers and probation officers may access the child's school records without parental consent or court order, so that they may:

- Compile the child's health & education summary
- Fulfill educational case management duties; or
- Assist with school transfer or enrollment

*EC 49076*

AB 490 IMPLEMENTATION

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**Holder of Educational Rights** 

- Parents/guardians hold educational rights for their children
- When parents are unwilling or unable to exercise their educational rights, the court may assign educational rights to someone else.

*WIC 358.1(e)*

AB 490 IMPLEMENTATION

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## Holder of Educational Rights



### Appointing a **responsible adult**:

- At the time the court limits the parent's educational rights, the judge must appoint a "responsible adult" to hold these rights.
- Responsible adult might be:
  - Foster parent
  - CASA
  - Relative caregiver
  - Other adults in the child's life

*WIC 361(a)*

AB 490 IMPLEMENTATION

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## Holder of Educational Rights



### Responsible adults cannot have a "conflict of interest."

- A conflict of interest exists where an individual receives compensation or attorneys fees for acting as a responsible adult
- Foster parents do not have a conflict of interest solely because they receive compensation

*WIC 361(a)(5)*

AB 490 IMPLEMENTATION

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## Holder of Educational Rights



### Appointing a **surrogate parent**:

- If the court is unable to find a responsible adult for a student referred to or receiving special education, the local school district must appoint a "surrogate parent."
- School must appoint relative caregivers, foster parents, or CASAs; if none available, can appoint surrogate parent of choice.

*GC 7579.5*

AB 490 IMPLEMENTATION

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### Holder of Educational Rights



- Appointment as a responsible adult or surrogate parent lasts until:
- Child reaches 18
  - Another adult is appointed
  - Educational rights of parent/guardian fully restored
  - Child placed in planned permanent living arrangement

WIC 361, GC 7579.5

AB 490 IMPLEMENTATION

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### Holder of Educational Rights



All those holding educational rights have the same rights as a parent to advocate for and monitor the child's education. Most importantly:

- May sign for special education services
- Can make decisions about school placement

AB 490 IMPLEMENTATION

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Working together, we *can* turn the corner and improve the educational outcomes for *all* youth.

11/12/2009

AB 490 Implementation

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**Frequently Asked  
Questions and  
Answers About  
AB 490**



**California Foster Youth Education  
Task Force**

# Frequently Asked Questions & Answers *About AB 490*

Principal Authors:  
Jennifer Troia, Sara Woodward,  
Alice Bussiere & Maria Ramiu

Produced May 2006

FREQUENTLY ASKED QUESTIONS & ANSWERS ABOUT AB 490  
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- Q2: What does AB 490 require?
- Q3: Which children or youth does AB 490 cover?
- Q4: When a child leaves foster care and returns home to live with her<sup>1</sup> biological parents, must the school district allow her to immediately enroll? If she wants to stay in her school of origin, can she? Finally, is the foster youth liaison required to work with a child in these circumstances?
- Q5: Does AB 490 apply to voluntary placements or informal placements with relatives?
- Q6: Does AB 490 apply to a child 5.5 years old who is enrolling in Kindergarten, even though compulsory education does not begin until age 6 in California?
- Q7: What is the remedy if districts or schools don't comply with the provisions of AB 490?

<b>II. Educational placement decisions: School of origin and child's best interest</b>
--

- Q8: If a foster child has the right to stay in her school of origin if it is in her "best interest," how is best interest determined?
- Q9: If the decision makers (i.e. person with educational rights, child, liaison) disagree over whether it is in the child's best interest to remain in her school of origin, how is the dispute resolved?
- Q10: Who is responsible for providing transportation to the child's school of origin?
- Q11: Is it true that the child welfare agency has no input into whether it is in the child's best interest to remain in the school of origin?
- Q12: What recourse do attorneys or case workers have if they disagree with the educational placement decision made by the person holding educational rights, the child, and the educational liaison?

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<sup>1</sup> "Her" and "she" are used throughout this document as inclusive of her/his and she/he in order to simplify the text.

- Q13: Once the person with educational rights, child, and educational liaison decide that a child should stay in her school of origin, can the district of origin require the child to complete inter-district transfer paperwork (as if they came from the new school of residence)?
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- Q15: How can schools allow foster children to enroll without immunization records? Won't this jeopardize the health of other students?
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### IV. Transfer of records

- Q20: Does the list of documents referred to in AB 490 include the student's cumulative file?
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### V. Educational rights

- Q23: Who has the right to make education-related decisions for a child?
- Q24: How does the court decide that parents/guardians are unable or unwilling to hold educational rights?
- Q25: Can the school district appoint a surrogate parent for special education purposes if the court has not limited the rights of the child's parents/guardians, but the school district can't find the parents/guardians?

Q26: What should a child welfare worker or school do if they have difficulty determining who holds educational rights? Where should they turn?

Q27: Who can sign the emergency information card for a child? Must that person have educational rights?

## VI. Partial credits and grade protection

Q28: Are there existing county/district models for how to calculate partial credits?

Q29: Can a teacher require a foster child to make up work missed as the result of absences caused by a change in placement or attendance at a court hearing or court-ordered activity?

## VII. McKinney-Vento and AB 490

Q30: If both McKinney-Vento and AB 490 cover a student, which one governs?

*Citation & Abbreviation Key:*

*AB 490 = Assembly Bill 490*

*CFR = Code of Federal Regulations*

*EC = California Education Code*

*GC = California Government Code*

*IEP = Individualized Education Program*

*WIC = California Welfare & Institutions Code*

*USC = United States Code*



## FREQUENTLY ASKED QUESTIONS &amp; ANSWERS ABOUT AB 490

**I. Introduction****Q1: What is AB 490?**

Assembly Bill 490 (AB 490) refers to California legislation that addresses many of the barriers to equal educational opportunity for foster children and youth. AB 490 was passed in 2003 and became effective January 1, 2004. Its provisions charge school districts, county social service agencies, and other professionals with additional responsibilities to facilitate educational equity for foster children. Recognizing how often these children face educational disruptions, AB 490 added new provisions to the law and amended others, mostly in the California Education Code. If these provisions are followed, they should facilitate stability and educational opportunity in the best interest of each child in foster care.

**Q2: What does AB 490 require?**

AB 490 creates or amends the following provisions of law:

- **Educational Equity:** Educational placements for foster children must ensure that they have access to academic resources, services, enrichment and extracurricular activities available to all other students. *EC § 48853(g)*
- **Basis for Placement:** In all instances, educational placement decisions for foster children must be based on the best interests of the child and must ensure that the child is placed in the least restrictive educational program that can serve her needs. *EC § 48853(g)*
- **School of origin:** If a foster child's placement changes, the child has the right to remain in her school of origin for the duration of the school year. *EC § 48853.5(d)(1)*
- **Immediate enrollment:** When a foster child changes schools, her new school must immediately enroll her, even if she is missing things that are usually required for enrollment (e.g. academic and medical records, immunization records, proof of residency, a school uniform) or if she owes fees or materials to her prior school. *EC § 48853.5(d)(4)(B)*
- **School district foster care liaison:** Every school district must appoint an educational liaison to serve foster children. *EC § 48853.5(b)*
- **Preference for mainstream school:** Foster children must attend a regular, mainstream school unless: 1) they have an IEP requiring a different educational placement, 2) the person who holds the right to make educational decisions for the child determines it is in the child's best interest to attend a different educational program, or 3) the person with educational rights and the child decide that it is in the child's best interests to remain in her school of origin for the remainder of the school year. *EC § 48853(a)*
- **Timely transfer of records:** County placing agencies and school districts must work together to transfer records in a timely manner. As soon as the youth's case worker or probation officer becomes aware of the need to transfer a student to a new school, he or she must notify the school of the last day of attendance, request calculation of student's educational information, and request that the student be transferred. *EC §*

49069.5(c). The school the student is transferring from must deliver the student's educational record to the next school within 2 business days. *EC §§ 49069.5(d),(e)*.

- The school the student is transferring to must request the student's records from the old school within 2 business days of the student's enrollment. All required records shall be provided to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended. *EC § 48853.5(d)(4)(C)*.
- **Protection for grades:** A foster child's grades cannot be lowered due to absences caused by a change in her placement or her attendance at a court hearing or court-ordered activity. *EC §§ 49069.5(g),(h)*.
- **Partial credits:** Schools must award all students credit for full or partial coursework satisfactorily completed at another public school, a juvenile court school, or a non-public, non-sectarian school. *EC § 48645.5*.
- **Case worker and probation officer access to school records:** Case workers and probation officers may access a foster child's school records without parental consent or a court order, so that they may compile the youth's health & education summary, fulfill educational case management duties, or assist with school transfer or enrollment. *EC § 49076(a)(11)*.

**Q3: Which children or youth does AB 490 cover?**

The legislative intent of AB 490 is to ensure that students in foster care "...have a meaningful opportunity to meet the challenging state pupil academic achievement standards..." and that "...educators, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least-restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all other pupils..." *EC § 48850(a)*.

AB 490 protects the educational opportunities of children who are declared dependents or wards of the juvenile court and whose cases are supervised by child welfare and probation agencies. *EC § 48853.5(a)*. This includes children who have been abandoned, abused or neglected,<sup>2</sup> as well as children who violated a state or federal law while they were under the age of 18.<sup>3</sup>

**Q4: When a child leaves foster care and returns home to live with her biological parents, must the school district allow her to immediately enroll? If she wants to stay in her school of origin, can she? Finally, is the foster youth liaison required to work with a child in these circumstances?**

Again, AB 490 protects the educational opportunities of children who are declared dependents or wards of the juvenile court and whose cases are supervised by child welfare and probation agencies. *EC § 48853.5(a)*. As a practical matter, any child who is a dependent or ward would rarely be sent back home without the court retaining jurisdiction for some period (for family maintenance, an extended home visit, or as part of the child welfare or juvenile justice systems). Thus, the child is likely to still be a dependent or ward and the

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<sup>2</sup> Under WIC § 300, children who have been abused, abandoned or neglected are subject to the jurisdiction of the juvenile court, which may declare them "**dependents**."

<sup>3</sup> Under WIC § 602, children who have violated a state or federal law while they were under the age of 18 are subject to the jurisdiction of the juvenile court, which may declare them "**wards**."

“subject of a petition,” ” which would entitle her to immediate enrollment, the opportunity to remain in her school of origin, and services from the foster youth liaison.

**Q5: Does AB 490 apply to voluntary placements or informal placements with relatives?**

While many provisions of AB 490 do not directly apply to voluntary or informal placements, the spirit of AB 490 is to increase the academic achievement of children who are in out-of-home care. The partial credit provision of the law in particular applies to *all* students in California. Thus, a child in a voluntary or informal placement would clearly be entitled to receive partial credit for work satisfactorily completed at another public school, at a juvenile court school or non-public, non-sectarian school. *EC § 48645.5*.

**Q6: Does AB 490 apply to a child age 5.5 years who is enrolling in Kindergarten, even though compulsory education does not begin until age 6 in California?**

Education Code § 48853(a) provides that a foster child “shall attend programs operated by the local educational agency, unless” one of the exceptions applies. Further, Education Code § 48000 states that a child *shall* be admitted to kindergarten at the beginning of a school year, or at any later time in the same year if the child will have a fifth birthday on or before December 2 of that school year. This means that foster children have the right to attend the local kindergarten program if the person who holds educational rights and/or placing agency decides to enroll the child.

Education Code § 48000 also allows school districts to enroll children who have attained the age of five years at any time during the school year “on a case-by-case” basis with the approval of the parent or guardian, if it is determined that admittance is in the child’s best interest and the parent or guardian is given information regarding the effect of early admittance. *EC § 48000(b)*. School districts may not implement this law in an arbitrary or discriminatory manner. Advocates should be wary of any kindergarten admissions policy that excludes children without regard to their educational needs or that adversely impacts a certain group of children as a result of their particular circumstances. For instance, a policy that five year old children will not be admitted after the first month of the school year, regardless of their circumstances, would likely have an adverse and disproportionate effect on foster children and should be challenged.

Also, Education Code § 48853.5(d)(1) requires the school district to “allow the foster child to continue his or her education in the school of origin for the duration of the academic year” when the child’s placement changes. This should allow a child who moves to remain in the same kindergarten program.

**Q7: What is the remedy if districts or schools don’t comply with the provisions of AB 490?**

If a district or school fails or refuses to comply with the provisions of AB 490, advocates should attempt to resolve the issue locally by contacting the school **district’s liaison** for foster children. If the district liaison is unresponsive or does not help quickly enough, advocates should contact the **County Office of Education’s liaison** (list of county liaisons available at: <http://www.cde.ca.gov/ls/pf/fy/ab490contacts.asp> or **foster youth services coordinator** (<http://www.cde.ca.gov/ls/pf/fy/contacts.asp>), who can help them work with the district. If advocates and liaisons are unable to resolve the issue right away, they should also

notify **the child's attorney**. In addition, advocates, attorneys or educational liaisons can contact the **California Department of Education** directly for assistance at 916-445-5737.

If the matter is not resolved within a few days and the school district fails or refuses to comply with the provisions of AB 490, the child's attorney can ask the juvenile court to join the school district to court proceedings pursuant to Welfare and Institutions Code §§362(a) and 727(a) (i.e. file a Joinder Motion asking the court to order the school district to appear and explain why they failed to provide the child with the services she is entitled to pursuant to the California Education Code).

Finally, any school district that violates the provisions of AB 490 subjects itself to possible legal challenges by private or public interest counsel.

## **II. Educational placement decisions: School of origin and child's best interest**

**Q8: If a foster child has the right to stay in her school of origin if it is in her "best interest," how is best interest determined?**

Education Code § 48853.5 states that three people are involved in determining whether or not it is in a child's best interest to remain in her school of origin. Those three people are the person who holds educational rights for the child, the child him/herself and the school district foster youth liaison. The role of the education liaison, however, is "advisory" with respect to placement decisions and determinations of school of origin. *EC § 48853.5(c)*. If the liaison wishes to recommend that the child's best interest is to move schools, the liaison must provide the person with education rights with a written explanation. *EC § 48853.5(d)(3)*.

**Q9: If the decision makers (i.e. person with educational rights, child and liaison) disagree over whether it is in the child's best interest to remain in her school of origin, how is the dispute resolved?**

If a dispute arises, the child has the right to remain in her school of origin until the dispute is resolved. The dispute must be resolved "in accordance with the existing dispute resolution process available to any pupil served by the local educational agency." *EC § 48853(d)(5)*.

**Q10: Who is responsible for providing transportation to the child's school of origin?**

AB 490 does not directly state who is responsible for providing transportation to a child's school of origin. Rather, the law says that meeting the needs of the child is a collective effort. Education Code § 48850(a) states, "In fulfilling their responsibilities to these pupils, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements..." Further, Education Code § 48853.5(d)(6) states, "the local educational agency and the county placing agency are encouraged to collaborate to ensure maximum utilization of available federal moneys, explore public-private partnerships, and access any other funding source to promote the well-being of foster children through educational stability."

REMEMBER that the school district may be specifically responsible for transportation if the child is considered homeless under federal laws known as "McKinney-Vento" or if she qualifies for special education. McKinney-Vento requires that school districts provide

transportation to a homeless student's school of origin. *42 U.S.C. § 11432 (g)(4)*. Under McKinney-Vento, a student is considered homeless when she is "awaiting foster care placement." Thus, in some cases, both AB 490 and McKinney-Vento will apply to foster children.

If a foster child is disabled and receives special education services pursuant to the federal Individuals with Disabilities Education Act (IDEA), the school district may also be responsible for providing her with transportation to school. If appropriate, transportation issues should be addressed at the student's Individualized Education Program (IEP) meeting, and written into the IEP.

Finally, there are some school districts that also provide transportation to various schools in their districts beyond the requirements of McKinney-Vento and IDEA. They are sometimes allowed to charge fees for such transportation. However, they cannot charge such fees to "pupils of parents or guardians who are indigent as set forth in rules and regulations adopted by the board." *EC § 39807.5(d)*.

**Q11: Is it true that the child welfare agency has no input into whether it is in the child's best interest to remain in the school of origin?**

It is true that AB 490 does not directly spell out the child welfare agency's role in determining whether a child should continue in her school of origin. However, that does not mean that the law does not otherwise provide for the agency's participation. The child welfare agency has control over where the child lives in the first place. When a placing agency decides the most appropriate place for a child to live, the law requires them to consider the placement's *proximity to the child's present school* and the impact that the placement would have on the *child's educational stability*. *WIC § 16501.1(c)*. In addition, Education Code § 48850(a) requires placing agencies to collaborate with other parties in order to maintain stable school placements. Thus placing agencies, such as child welfare agencies, have a significant role in ensuring that a child is provided with educational stability.

**Q12: What recourse do attorneys or case workers have if they disagree with the educational placement decision made by the person holding educational rights, the child, and the liaison?**

Placement and education moves should be a coordinated and planned effort. The only recourse in this situation is to petition the juvenile court to change the educational decision maker. If the educational decision maker is the parent/guardian, the court may limit his/her/their educational rights and appoint a Responsible Adult or refer the child to the school district for the appointment of a surrogate parent to make educational decisions instead. *WIC §§ 361 or 726*. The court will only grant a limitation on the parent/guardian's right to make educational decisions to the extent needed to protect the child. Similarly, if the attorney or social worker has concerns about the decision-making of the Responsible Adult or surrogate parent, s/he may petition the court to transfer educational rights to another individual.

**Q13: Once the person with educational rights, child, and educational liaison decide that a child should stay in her school of origin, can the district of origin require the child to complete interdistrict transfer paperwork (as if they came from the new school of residence)?**

No. Education Code § 48853.5 (d)(1) states that the school district “serving the foster child shall allow the foster child to continue his or her education in the school of origin for the duration of the academic school year,” when the foster child is moved out of the district due to an “initial detention or placement, or any subsequent change in placement.” Thus, a foster child who moves out of the school’s district of residence should be treated as if they still reside in the district for the remainder of the school year. Interdistrict transfers, on the other hand, are appropriate in situations where a student who is *not* considered a resident of the district desires to attend one of the district’s schools. *EC § 46600*. Thus, students who remain in their schools of origin under AB 490 or McKinney-Vento cannot be required to complete interdistrict transfer paperwork.

**Q14: If a foster child experiences a change of placement during the summer, but would like to attend her school of origin in the fall, does AB 490 give her this right?**

The school of origin provision requires a district to “allow the foster child to continue his or her education in the school of origin for the duration of the academic school year.” *EC § 48853.5 (d)(1)*. Therefore, if a child is moved in the summer and the academic year has been completed, the district is not required to allow the child to return in the fall. However, if remaining in the school of origin would be beneficial for the child’s education, a school district can use its discretion or an interdistrict transfer (*EC § 46600 et. seq.*) to allow a child to attend her school of origin again in the fall.

### **III. Immediate enrollment**

**Q15: How can schools allow foster child to enroll without immunization records? Won’t this jeopardize the health of other students?**

Education Code § 48853.5 states that when a foster child changes schools, her new school **must** immediately enroll her, even if she is missing the records and documents normally required for enrollment, including immunization records. If a foster child is missing immunization records, it is generally because no one is able to find the records, not because she has not been immunized. Foster children move frequently, and their records often fail to move with them. However, foster children receive frequent medical check-ups, and in most cases, it is more likely that they have been over-immunized than that they failed to receive the immunizations at all.

Also, it is important to remember that immunizations protect the child who is immunized, not other students. Thus, if a child enrolls without immunizations, it is that child who is at risk, not other students who are presumably immunized.

Education Code § 48853.5 seeks to eliminate the amount of time that foster children spend out of school due to missing records. It is important to remember that even if a school is required to immediately enroll a child without first receiving immunization records, the school is still entitled to work with the previous school and the county agency to locate the records. The school is only prohibited from delaying enrollment while it does so.

**Q16: How does the immediate enrollment provision apply to children with Individualized Education Programs (IEPs) that require a specific placement?**

The fact that a foster child receives special education services does **not** change a new school's obligation to immediately enroll her (meaning that she must be immediately registered AND begin classes). Indeed, if a child who receives special education services transfers to a new school, services that are comparable to the ones required by the IEP must be immediately provided. *EC § 56325(a)*. If the child's new school is in a different Special Education Local Plan Area (SELPA) and the local education agency does not adopt the previous IEP, the SELPA/district must hold a meeting within 30 days of the child's transfer to develop a new IEP. *EC § 56325(a)*.

The school where the child is placed is responsible for implementing the IEP until the child is enrolled in a new school. For children who receive special education services, it is especially important that the responsible individuals manage the transition properly (e.g. the placing agency takes education into consideration in making placements, consults with the parent or individual with education rights, gives advance notice of a change in placement to the school, etc.).

**Q17: If a foster child has an expired IEP or the new school has not yet received a copy of her IEP, must she be immediately enrolled? Can the school district postpone enrollment until an IEP meeting can be held?**

Again, the school district cannot delay enrollment of a foster child under AB 490. *EC § 48853.5(d)(4)(B)*. This is true even if the school has not yet received a copy of the student's IEP, if her IEP is expired or if she is awaiting a new IEP. As above, if a child who receives special education services transfers to a new school, services that are comparable to the ones required by the IEP must be immediately provided. *EC § 56325(a)*. If the child's new school is in a different Special Education Local Plan Area (SELPA) and the local education agency does not adopt the previous IEP, the SELPA/district must hold a meeting within 30 days of the child's transfer to develop a new IEP. *EC § 56325(a)*.

**Q18: Can a school or district require a foster child to provide a birth certificate before they enroll her?**

No. Education Code § 48853.5 states that when a foster child changes schools, the new school must immediately enroll her. This is true even if a foster child is missing the records and documents normally required for enrollment. The new school is entitled to work with the previous school and other agencies or individuals to locate a foster child's records, but it cannot delay her enrollment while it waits to receive those records. Further, there is no requirement that *any* child must have a birth certificate to register for school. Parents/guardians of kindergarteners need to prove that a child has reached the minimum age for school; however, that can be accomplished in other ways. *EC § 48002*.

**Q19: Some schools have requirements that students successfully complete a certain number of credits before they can participate in certain extra curricular activities. Can schools apply these requirements to foster children?**

Yes. The purpose of AB 490 is to remove barriers that foster children face. However, the schools are still allowed to apply the same rules for eligibility to participate in extra curricular activities to foster children as they do for children who are living with their birth parents.

Still, advocates should be wary of and prepared to challenge any policies or practices that are arbitrarily imposed or that adversely impact the participation of foster children in extra curricular activities. Under Welfare & Institutions Code § 362.05, “no state or local regulation or policy may prevent or create barriers” to foster children’s participation in age-appropriate extracurricular, enrichment, and social activities. Also, foster children should not be charged fees as a prerequisite for participation in any extra curricular activities that are educational in nature. *Hartzell v. Connell*, 35 Cal.3d 899 (Cal. 1984).

#### **IV. Transfer of records**

**Q20: Does the list of documents referred to in AB 490 include the student’s cumulative file?**

Education Code § 49069.5(e) requires districts to “compile the complete educational record of the pupil including a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the pupil’s [special education] plan...” A student’s “cumulative file” should be included as part of the “complete educational record.”

**Q21: Can a school refuse to forward transcripts for a foster child to her new school because she owes an outstanding debt (e.g. for textbooks)?**

No. Education Code § 49069.5(d) states: “Upon receiving a transfer request from a county placing agency, the local educational agency *shall*, within two business days, transfer the pupil out of school and deliver the educational information and records of the pupil to the next educational placement” (emphasis added). Education Code § 48853.5(d)(4)(C) further clarifies that “...All required records shall be provided to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended.”

**Q22: What is the definition of “deliver” for the requirement that a school “deliver” a foster child’s educational records to a new school within 2 business days? Is it sufficient for the old school to put them in the mail within 2 days?**

Education Code § 49069.5 states that the foster child’s old school, “upon receiving a transfer request from a county placing agency ... shall within two business days transfer the pupil out of school and *deliver* the educational information and records of the pupil to the next educational placement” (emphasis added).

The code does not provide a definition for “deliver.” However, with the widespread availability of fax machines and e-mail, districts should work together to transmit records in the most immediate manner possible. The receiving school needs the student’s records to ensure that she is placed in an appropriate educational setting, and any delay in record receipt can be detrimental to the child.



## V. Educational rights

### Q23: Who has the right to make education-related decisions for a child?

Parents/legal guardians usually have the right to make education-related decisions for their child. However, the judge may decide to take away the right of the parent/legal guardian(s) to make these decisions and instead give that right to another adult on a temporary or longer-term basis.

The court can *temporarily* limit the parent/guardian's educational rights after a child is removed from home in an initial (known as "Detention") hearing. *WIC § 319(g)*. If the court temporarily limits these rights, it should appoint a **responsible adult** to make those decisions in place of the parent/guardian. If (1) the court has limited the parent's right to make educational decisions, (2) the court cannot identify a responsible adult to make educational decisions for a child (including a foster parent or relative caregiver pursuant to Education Code § 56055), (3) the appointment of an educational surrogate is not warranted because the child is not eligible or suspected of being eligible for special education services, **the court** may make educational decisions for the child with the input of any interested person. *WIC § 361(a)*. This temporary limitation/appointment of an educational decision-maker expires at "Disposition" (when the court decides whether to declare the child a dependent) or if the petition is dismissed (the court does not find a reason to declare the child a dependent). If the court does not specifically re-limit the parents' education rights at Disposition, the parents' education rights are automatically reinstated.

In addition to the power to temporarily limit rights as described above, the juvenile court can limit the rights of the parent/guardian of a dependent or delinquent child to make educational decisions at any time if s/he is unable or unwilling to make those decisions. *WIC §§ 361, 726*. The court must at the same time appoint a **responsible adult** to make decisions for the youth, regardless of whether or not the youth is receiving or in need of special education. If the court is unable to locate a responsible adult for a child who has been referred to or is currently receiving special education services, the court shall then refer the child to the local school district, which must appoint a **surrogate parent**. *WIC §§ 361, 726, GC §§ 7579.5(a)(1)(a); 7579.6*. The school district must appoint a surrogate parent within 30 days of making a determination that the child needs a surrogate. *20 USC §1415 (b)(2)(b)*.

Appointment as a responsible adult or surrogate parent lasts until (*WIC §§ 361, 726; GC §§ 7579.5(a)(1)(a); 7579.6*):

- The youth reaches 18 years of age; *EC §§ 49061, 56041.5; 34 CFR § 300.517*
- Another adult is appointed to make educational decisions;
- A successor guardian or conservator is appointed;
- The educational rights of the parent or guardian are fully restored; *or*
- The youth is placed in a planned permanent living arrangement, at which time the foster parent, relative caretaker, or non-relative extended family member has the right to make educational decisions on behalf of the youth. *EC §§ 56028; 56055*.

Again, if (1) the court has limited the parent's right to make educational decisions, (2) the court cannot identify a responsible adult to make educational decisions for a child, (3) the appointment of an educational surrogate is not warranted because the child is not eligible or suspected of being eligible for special education services, **the court** may make educational decisions for the child with the input of any interested person. *WIC § 361(a)*.

**Q24: How does the court decide that parents/guardians are unable or unwilling to hold educational rights?**

The guidance provided in the law is that the parents' educational rights should only be limited to the extent necessary to protect the child. This determination must be made on a case-by-case basis. However, factors that should be taken into consideration include: the availability of the parents, whether the whereabouts of the parents are known, the child's needs, the extent of the parent's involvement in the child's life, the stage of the proceedings, and other issues that impact the child's interests. If reunification is the case plan goal, and the parents are involved in the reunification process and acting responsibly, the parents should, in most circumstances, be encouraged and supported in retaining these rights.

**Q 25: Can the school district appoint a surrogate parent for special education purposes if the court has not limited the rights of the child's parents/guardians, but the school district can't find the parents/guardians?**

Parents/legal guardians retain educational rights unless they have specifically been limited by the court. *WIC §§ 361; 726*. If the parents are unavailable or unresponsive to the child's educational needs, the child's attorney and/or the attorney representing the case worker can ask the court to limit the parent/legal guardian's educational rights and appoint a Responsible Adult to make educational decisions. The school district may *only* appoint a Surrogate Parent if the court has limited the parent/legal guardian's educational rights and the court is unable to identify a Responsible Adult to appoint in their place. *WIC §§ 361, 726; GC § 7579.5; GC §§ 7579.5*.

**Q26: What should a child welfare worker or school do if they have difficulty determining who holds educational rights? Where should they turn?**

This information is contained in a court order; and a caseworker should begin by checking the case file and court record. Ideally, the person who holds educational rights is listed on the child's education passport and case plan. In addition, the child welfare agency and juvenile court should have a protocol for providing this information to those who need it. If the worker is still unable to determine who holds the right to make educational decisions for a child, the worker should call his/her attorney or the child's attorney. School personnel may call the child's caseworker or attorney to get this information.

If the caseworker determines that educational decision-making rights have not been addressed by the juvenile court, the worker and/or child's attorney can ask the court to hold a hearing to determine who should hold educational rights. When the court limits a parent's educational rights, a JV-535 form (Judicial Council form – an Order Limiting Parents' Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative), should be filed and provided to the local educational agency. If the court limits educational rights and is unable to identify a Responsible Adult to make educational decisions on behalf of the child, and the child is eligible or suspected of being eligible for special education services, the school district must appoint a Surrogate Parent and provide the surrogate's contact information to the juvenile court through a JV-536 form. *GC § 7579.5*. Blank JV-535 and JV-536 forms are available on the Judicial Council's website (<http://www.courtinfo.ca.gov/cgi-bin/forms.cgi>).

Also, AB 490 educational liaisons in each county are charged with ensuring and facilitating the "proper educational placement, enrollment in school, and checkout from school of foster

children.” *EC § 48853.5(b)(1)*. In order to fulfill this responsibility, they should develop a protocol and procedure to ensure that they, the district and the school in which foster child are enrolled are aware of who holds the right to make educational decisions for each foster care youth enrolled in the district. They should also ensure that such persons are provided with all the proper notices that are provided to all other parents or guardians by each school and the district. (See *EC §§ 51100-51102*, generally, concerning parental notice).

**Q27: Who can sign the emergency information card for a child? Must that person have educational rights?**

The answer to this question may depend on local school district policies. However, even if there is no legal prohibition on a person filling out the form, it is important to be careful about who has that responsibility. The emergency card usually has vital information, like who to contact in an emergency and who has the right to pick up a child from school (if this is restricted).

## **VI. Partial credits and grade protection**

**Q28: Are there existing county/district models for how to calculate partial credits?**

Many school districts have implemented policies for calculating partial credits; however, the policies vary among districts. For example, Fresno Unified School District (FUSD) has implemented a policy that counts 15 hours of schoolwork as the equivalent of 1 unit. Seat time alone may not always be the sole criteria for assigning credit; teachers can also consider student participation, homework and in-class assignment completion. When students leave a FUSD school mid-semester, teachers fill out a partial-credit verification form immediately to send to the new school. When students transfer into Fresno schools, teachers enter credits from the student’s prior school into their transcripts.

**Q29: Can a teacher require a foster child to make up work missed as the result of absences caused by a change in placement, attendance at a court hearing or court-ordered activity?**

Yes. A foster child’s grades may not be lowered as a result of absences due to court-attendance or activities related to the court case (e.g. court-ordered counseling or visitation); however, the school can ask students in foster care to complete make-up work or tests. If the child’s absences are caused by a change in her residential placement, her grades and credits must be calculated as of the date she “left school” and not lowered as a result of the absence. *EC § 49069.5 (g)*.

## **VII. McKinney-Vento and AB 490**

**Q30: If both McKinney-Vento and AB 490 cover a student, which one governs?**

Both McKinney-Vento and AB 490 may simultaneously cover foster children placed into temporary living situations. Where McKinney-Vento provides greater protection (for example, McKinney-Vento specifically requires that school districts provide transportation to the school of origin), the youth is entitled to this greater level of protection.



*For more information about AB 490, see:*

<http://www.abanet.org/child/rciji/education/ab490.html>, and  
[http://www.cclca.org/train\\_educat.htm](http://www.cclca.org/train_educat.htm) (underscore between "train" and "educat")

*Or contact:*

Children's Law Center of Los Angeles  
323.980.1700

Youth Law Center  
415.543.3379

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***ENSURING EDUCATIONAL RIGHTS AND STABILITY FOR FOSTER YOUTH --***  
**AB 490 SUMMARY**

Effective January 1, 2004, AB 490 (Steinberg), Chapter 862, imposes new duties and rights related to the education of dependents and wards in foster care. The Act's key provisions are as follows:

- ❑ Establishes legislative intent that foster youth are ensured access to the **same opportunities** to meet academic achievement standards to which all students are held, maintain stable school placements, be placed in the least restrictive educational placement and, have access to the same academic resources, services and extracurricular and enrichment activities as all other children. Makes clear that **education and school placement decisions** are to be dictated by the **best interest** of the child.
- ❑ Creates **school stability** for foster children by allowing them to remain in their school of origin for the duration of the school year when their **placement changes** and remaining in the same school is in the child's best interests.
- ❑ Requires county placing agencies to promote educational stability by considering in **placement decisions** the child's school attendance area.
- ❑ Requires Local Educational Agencies (LEAs) to designate a staff person as a **foster care education liaison** to ensure proper placement, transfer and enrollment in school for foster youth.
- ❑ Makes LEAs and county social workers or probation officers jointly responsible for the **timely transfer of students** and their **records** when a change of schools occurs.
- ❑ Requires that a **comprehensive public school** be considered as the first **school placement option** for foster youth.
- ❑ Provides that a foster child has the right to remain enrolled in and attend his/her school of origin pending resolution of school placement **disputes**.
- ❑ Allows a foster child to be **immediately enrolled** in school even if all typically required school records, immunizations, or school uniforms are not available.
- ❑ Requires an LEA to deliver the pupil's **education information and records** to the next educational placement within 2 days of receiving a transfer request from a county placing agency.
- ❑ Requires school districts to calculate and accept **credit for full or partial coursework** satisfactorily completed by the student and earned while attending a public school, juvenile court school or nonpublic, nonsectarian school.
- ❑ Authorizes the **release of educational records** of foster youth to the county placing agency, for purpose of compliance with WIC 16010, case management responsibilities required by the Juvenile Court or law, or to assist with transfer or enrollment of a pupil.
- ❑ Ensures that foster youth will not be penalized for **absences** due to placement changes, court appearances, or related court ordered activities.



## **AB 490 OVERVIEW**

### **I. OVERALL INTENT OF AB 490**

- In all instances, educational and placement **decisions** shall be based on the **best interests** of the child. *EC48850 (a); EC 48853(g)*
- It is the intent of the Legislature to ensure that all pupils in foster care have a **meaningful opportunity** to meet the challenging state pupil achievement standards to which all pupils are held. *EC 48850(a)*
- Educators, county placing agencies, care providers, advocates, and the juvenile courts *shall work together* to:
  - maintain **stable school placements**;
  - ensure that each pupil is placed in the **least restrictive educational programs**; and
  - ensure foster youth access to **the academic resources**, services, and extracurricular and enrichment activities that are available to all pupils. *EC 48850(a)*.

### **II. EDUCATIONAL PLACEMENT DECISIONS**

#### **A. Least Restrictive Environment/Resources and Services**

All educational and school placement decisions for children placed in group homes or foster family homes shall be made to ensure that the child is:

- placed in the least restrictive educational programs; and
- has access to academic resources, services, and extracurricular and enrichment activities that are available to all pupils.

*EC Section 48853(g); WIC 361 (a)(5); WIC 726(b)(5)*

**B. Preference for Regular School Placement**

Children placed in a licensed children’s institution or foster family home **shall attend a mainstream public school program** *unless*:

1. The child has an individualized education program (IEP) requiring placement in a non-public school or agency or in another local educational agency (*EC 48853(a)(1)*); or
2. The person holding educational rights determines that it is in the best interest of the pupil to be placed in another educational program, or that the pupil continue in his or her school of origin pursuant to EC 48853.5(d)(1). (*EC 48853(a)(2)*)

**C. Juvenile Court School Placements**

Before placement in a Juvenile Court School, the parent or person holding educational rights shall first consider placement in the regular public school (does not apply to pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility.)  
*EC 48853(b)*

**D. Continuation in School of Origin During Placement Disputes**

If any dispute arises as to the school placement of a pupil in a group home or foster home, the pupil has the right to remain in his or her school of origin, pending resolution of the dispute. *EC 48853(c)*

**III. MAINTAINING EDUCATIONAL STABILITY**

Child welfare placement decisions should be made with school stability in mind. In particular:

**A. Child’s Right To Remain In The School Of Origin**

At the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school or origin for the duration of the school year if remaining in that school is in the child’s best interest. *EC 48853.5(d)(1)*

- Prior to making any recommendation to move a foster child from his or her school of origin, the foster care liaison shall provide the foster child and the person holding educational rights with a written explanation stating the basis for the recommendation and how this recommendation serves the child's best interests. *EC 48853.3(d)(3)*
- If any dispute arises regarding the request of a foster child to remain in the school of origin, the foster child has the right to remain in the school or origin pending resolution of the dispute. *EC 48853.5(d)(5)*

**B. Consideration Of School Placement In Child Welfare Placement Decisions**

The selection of the most appropriate home shall, in addition to other statutory considerations regarding placement, also promote educational stability by taking into consideration proximity to the child's school attendance area at the time of removal or replacement. *WIC 16502.1*

**IV. FOSTER CARE LIAISON**

Every local education agency must have an educational liaison for foster children (includes dependents and wards).

**A. Duties**

The Liaison shall:

1. Ensure and facilitate proper school placement, enrollment, and checkout from school (*EC 48853.5 (b)(1)*);
2. Assist foster children when transferring schools and ensuring proper transfer of credits, records, and grades, (*EC 48853.5(b)(2)*); and
3. Within two business days of the foster child's request for enrollment, contact the school last attended by the foster child to obtain all academic and other records. The school liaison for the school last attended shall provide all records to the new school within two business days of receiving the request. (*EC 48853.5(d)(4)(C)*)

**B. School Placement**

The foster care liaison, in consultation with and the agreement of the foster child and the person holding educational rights for the foster child, may, in accordance with the foster child's best interests, recommend that the foster



child be enrolled in any public school that pupils living in the attendance area in which the foster child resides are eligible to attend. *EC 48853.5(d)(2)*

**V. TRANSFER OF RECORDS; NOTIFICATION AND CALCULATION OF CREDITS EARNED**

**A. Duty of Placing Agency to Notify School District of Date of Transfer**

As soon as the county placing agency becomes aware of the need to transfer a pupil in foster care out of his or her current school, the county placing agency shall notify the local educational agency of the date that the pupil will be leaving the school and request that the pupil be transferred out. *EC 49069.5(c)*

**B. Duty of Local Education Agency to Transfer Records**

Upon receiving transfer request from a county placing agency or new local educational agency, the local educational agency shall, **within two business days**, transfer the pupil out of school and deliver the educational information and records (including determination of seat time, full or partial credits earned, classes, grades, immunizations, and IEP or 504 Plan). *EC 49069.5 (d) and (e); EC 48853.5(d)(4)(C)*

**C. Duty of New District to Request Records**

The foster care liaison for the new school shall, **within two business days** of the foster child's request for enrollment, contact the school last attended in order to obtain all records. *EC 48853.5(d)(4)(C)*

**VI. RIGHT TO IMMEDIATE ENROLLMENT**

When a foster child is subject to a change in school placement, the new school **must immediately enroll** the foster child even if the foster child is unable to produce records or clothing normally required for enrollment, such as previous academic records, medical records, proof of residency, other documentation, or school uniforms. *EC 48853.5(d)(4)(B)*

**VII. COUNTY PLACING AGENCY ACCESS TO STUDENT RECORDS**

Any county placing agency (including Probation and Child Welfare), without parental consent or court order, is authorized to access student records for the purpose of fulfilling the requirements of the health and education summary pursuant to Section 16010 of the Welfare and Institutions Code or for the purpose of fulfilling educational case management responsibilities required by the juvenile

court or by law and to assist with the school transfer or enrollment of a pupil. *EC 49076*

**VIII. FOSTER CAREGIVER AUTHORITY TO CONSENT TO IEP PROGRAM AND RELATED SERVICES**

A foster parent has the educational rights with respect to consenting to Individualized Education Programs (IEP) and related services IF the court has specifically limited the educational rights of the parent or guardian AND the child has been placed in a permanent living arrangement as a ward or dependent of the court. Also clarifies that “foster parent” includes a relative caregiver or non-related extended family member with whom the child is placed through the juvenile court. *EC 56055; WIC 366.27; WIC 726*

**IX. FOSTER YOUTH IN EMERGENCY SHELTERS**

Foster children living in emergency shelters may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:

- a. For health and safety emergencies (*EC 48853(f)(1)*); or
- b. To provide temporary, special, and supplementary services to meet the child’s unique needs if a decision regarding whether it is in the child’s best interest to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services. *EC 48853(f)(2)*
  - o The services may be provided at the shelter pending a determination by the person holding educational rights.

**X. GRADE PROTECTION**

Grades of a child in foster care may not be lowered due to absences from school because of a change in placement, attendance at court hearing or other court-related activity. *EC 49069.5(h)*

**XI. SCHOOL CREDIT CALCULATION**

Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or Nonpublic, nonsectarian school or agency. *EC 48645.5*

**XII. DIPLOMAS**

If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or in the alternative, the county superintendent of schools may issue the diploma. *EC 48645.5*

**XIII. CONSENT TO LIFE QUALITY ASSESSMENT FOR REGIONAL CENTER CLIENTS WHO ARE WARDS OR DEPENDENTS OF JUVENILE COURT**

Juvenile court or agency may consent to a life quality assessment for developmentally disabled ward or dependent. The court or agency shall be provided with a copy of the assessment upon request.

**AB 490 Imposed  
Responsibilities of  
Juvenile Court  
Stakeholders**

**(Judges, Social Workers, Probation  
Officers, Schools, and Caregivers)**



# JUVENILE COURT JUDGES

**Your duty to monitor, promote and encourage the educational progress of foster children**

**An overview of AB 490's changes to the law regulating the education of foster children**

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## Introduction

As you know, children living in foster care and group homes face daunting obstacles to successfully completing their education. As a result, it is not surprising that foster youth fall behind their peers in educational attainment. Here are a few of the distressing facts:

- 30% of foster youth perform below grade level.<sup>1</sup>
- 50% of foster youth are held back in school.<sup>2</sup>
- In a national study, 46% of foster youth had not completed high school within 2.5 to 4 years after exiting care.<sup>3</sup>
- In California, less than 3% of foster youth go on to four-year colleges.<sup>4</sup>
- Despite these low outcomes, the aspirations of foster youth are very high: 70% of foster youth plan to attend college, and 19% plan to continue their education past college graduation.<sup>5</sup>

Juvenile court judges have always been responsible for monitoring, promoting, and encouraging the educational progress of the children on their caseloads. Juvenile Court Administrative Standard §24(h) charges you with the responsibility to oversee the education of youth in foster care. Effective January 1<sup>st</sup>, 2004, Assembly Bill 490 imposes new duties for all parts of the system involved in the lives of foster youth, further defining and describing the responsibilities of judges, school districts, caregivers, case workers, and probation officers, in order to ensure that youth in foster care and group homes have the educational opportunities they deserve. This document outlines AB 490's changes to the law regulating the education of foster children, highlighting in particular the roles and responsibilities of juvenile court judges in regard to the educational attainment and stability of these youth.

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<sup>1</sup> Elisabeth Yu et al., *Improving Educational Outcomes for Youth in Care, A National Collaboration*, CWLA Press, 2000.

<sup>2</sup> Courtney et al., *Foster Youth Transitions to Adulthood: A Longitudinal View of Youth Leaving Care*, CWLA 2001.

<sup>3</sup> Ronna J. Cook, *Are We Helping Foster Youth Prepare for Their Future?*, 16 *Child. & Youth Services Rev.* 213 (1994).

<sup>4</sup> California Department of Social Services, Data Systems and Survey Design Bureau, Independent Living Program, Annual Statistical Report (2002), <http://www.dss.cahwnet.gov/research/res/pdf/Soc405a/2002/SOC405AOct01-Sep02.pdf>.

<sup>5</sup> Curtis McMillen et al., *Educational Experiences and Aspirations of Older Youth in Foster Care*, 82 *Child Welfare* 475 (2003).

**I. Guiding principle: Judicial oversight of educational attainment**

- a.** Juvenile court judges are charged with the responsibility to provide oversight of county social service and probation agencies to ensure that the educational rights of foster children are investigated, reported, and monitored. *JCAS §24(h)*.<sup>6</sup>
- i.** Judges must require that court reports, case plans, assessments, and permanency plans:
1. Address the child’s educational entitlements and how those entitlements are being satisfied;
  2. Contain information to assist the court in deciding whether the parent/guardian’s educational rights should be limited; and
  3. Provide information regarding whether the school has met its obligation to provide educational services to the child. *JCAS §24(h)*.
- ii.** Where appropriate, the court may join the child’s school district as a party in order to ensure that the district fulfills its legal obligation to provide special education.
- b.** Responsibility for the education of foster youth is shared: The court must work with foster children’s caregivers, case workers, advocates, and educators to ensure that foster children achieve educational success. *EC 48850(a), JCAS §24(h)*.

**II. Youth covered by AB 490**

- a.** AB 490 covers youth who are:
- i.** Supervised by either the county probation or child welfare agency, and
- ii.** In out of home placements (in group homes, foster care, or with relatives or non-relative extended family members). *EC 48853.5*.
- b.** In this document, the phrases “foster children,” “foster youth,” and “children in foster care or group homes” will be used interchangeably, and will refer to the group described in this section and covered by the new law.

<sup>6</sup> The abbreviation “JCAS” refers to the Juvenile Court Administrative Standards, while “WIC,” “EC,” and “GC” will refer to the Welfare and Institutions Code, the Education Code, and the Government Code.

<b>III. AB 490: New Rights for Foster Youth</b>
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**a. Educational stability must be considered as a factor when making out of home placements.**

When deciding which placement option is most appropriate for a child, one of the factors that must be considered is the placement's *proximity to the child's present school* and the impact the placement would have on the *child's educational stability*. *WIC 16501.1(c)*

**b. Educational placements must be determined by the child's best interest**

All decisions regarding educational placements for foster children must be made to ensure:

- i. That the child has access to the same academic resources, services, and extracurricular activities available to all pupils;
- ii. That the child is placed in the *least restrictive* educational program; and
- iii. That the placement is in the child's *best interest*. *WIC 361, 726; EC 48853.*

**c. Child's right to remain in school of origin**

- i. If a child is removed from the home or otherwise moved to a new placement in a different school district, the school district the child was initially attending **must allow the child to remain in his or her school of origin** for the remainder of the academic school year, provided it is in his or her best interest to do so.
- ii. If the district foster care liaison wishes to recommend that it is *not* in the child's best interest to remain in his or her school of origin, the liaison must provide the person holding educational rights and the child with a **written explanation** stating the basis for the recommendation.
- iii. **Child's right to remain in school of origin if a dispute arises:** If the person holding educational rights and the child disagree with the liaison's recommendation, the child has the right to remain in his or her school of origin until the dispute is resolved. *EC 48853.5.*

*Note: To ensure implementation of these provisions, judges should inquire into the child's school placement status following the removal of the child from the home and any subsequent placement disruption. If a change in school has resulted, inquire into the basis for that decision and ensure that the mandates of AB 490 have been considered and complied with.*

**d. Right to immediate enrollment**

Once it has been determined that it is in the best interest of the child to transfer between schools, the new school must *immediately enroll* the foster child even if fees or materials are owed to the previous school, and even if the child is unable to produce the records or clothing normally required for enrollment (such as previous academic records, medical records, immunizations records, proof of residency, other documentation or school uniforms). *EC 48853.5*

*Note: Judges should verify that youth are not out of school awaiting enrollment due to missing records or other documentation.*

**e. Right to the assistance of a School District Foster Care Liaison**

- i. Every school district must appoint an educational liaison for foster children.
- ii. The duties of the liaison are:
  1. To ensure and facilitate proper school placement, enrollment, and checkout from school. *EC 48853.5(b)(1)*
  2. To assist foster children when transferring schools by ensuring proper transfer of credits, records, and grades. School transfers must be processed within two business days. *EC 48853.5(d)(4)(C)*.

**f. Preference for Regular School Placement**

Children in out of home placements must attend a school operated by the local school district, *unless*:

- i. The child has an Individualized Education Plan (IEP) requiring another educational placement; or
- ii. The person holding the right to make educational decisions for the child determines that it is in his or her best interest to be placed in another educational program or to continue in his or her school of origin. *EC 48853*.

**g. Juvenile court school placements**

- i. Before placement in a juvenile court school, the parent or person holding the right to make educational decisions shall *first consider placement in the regular public school*.



- ii. **Exception:** This does not apply to a pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility. *EC 48853(b)*.

**h. Foster children in emergency shelters**

Children living in emergency shelters may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:

- i. For health and safety emergencies; or
- ii. If a decision regarding whether it is in the child's best interest to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would not otherwise receive educational services. *EC 48853*

**i. Right to proper and timely transfer between schools**

- i. Efficient transfer of educational records is the responsibility of both the county placing agency *and* the school district
- ii. As soon as the case worker or probation officer becomes aware of the need to transfer a student to a new school, he or she must:
  - 1. Notify the school of the student's expected last day of attendance
  - 2. Request calculation of the student's seat time, credits, and grades, and
  - 3. Request that the student be transferred out. *EC 49069.5(c)*.
- iii. **Old school district:** Within *two business days* of receiving a request, the school must transfer the student out and deliver a determination of the student's seat time, full or partial credits earned, classes, grades, immunizations, and special education plan to the student's next educational placement. *EC 49069.5(d), (e)*.
- iv. **New school district:** Within *two business days* of the child's request for enrollment, the new school must contact the last school attended by the child to obtain all academic and other records. *EC 48853.5 (d)(4)(C)*.

**j. Grade protection**

A child's grades *may not be lowered* due to absences caused by a change in placement, attendance at a court hearing, or other court ordered activity. In the

case of a change in placement, the child's grades must be calculated as of the date the student left school. *EC 49069.5(g),(h)*.

**k. School credit calculation**

School districts must award credit to foster children for full *or partial* coursework satisfactorily completed while attending another public school, juvenile court school, or nonpublic, nonsectarian school. *EC 48645.5*.

**l. Diploma**

If a foster child completes the graduation requirements for a school district while being detained, the district may have to issue a diploma from the school the student last attended. *EC 48465.5*

<b>IV. Limiting the educational rights of parents/guardians</b>
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**a. Educational rights**

- i. Parents and guardians have the right to make educational decisions on behalf of their children.
- ii. Whenever a child's parent or guardian is unable/unwilling to make educational decisions for the child, the court shall limit the parent/guardian's educational rights. *WIC 358.1(e)*.

**b. Appointing a responsible adult**

If the court limits the right of the parent/guardian to make educational decisions, it must at the same time appoint a responsible adult to make those decisions. *WIC 361(a)*. The law does not give the court specific guidelines on who should be appointed as a responsible adult, but relative caregivers, foster parents, and court-appointed special advocates (CASAs) may be well positioned to fill this role. The court may also appoint other adults in the child's life who are willing to make educational decisions on behalf of the child.

**c. Appointing a surrogate parent:**

If the court is unable to locate a responsible adult for a student who has been referred to or is currently receiving special education services, the court shall then refer the child to the local school district for the appointment of a surrogate parent. *WIC 361(a)*. The law requires the school district to appoint relative caregivers, foster parents, and CASAs if available. If none is available, the school district can select the surrogate parent of its choice. *GC 7579.5*.

**d. Educational rights transfer to caregiver in planned permanent living arrangement**

If the child is later placed in a planned permanent living arrangement, the child's caregiver assumes educational rights, and the previously appointed responsible adult or surrogate parent can no longer make educational decisions on behalf of the child. *WIC 361(a)*.



# CASE WORKERS & PROBATION OFFICERS

Your duty to monitor, promote and encourage the educational progress of children in foster care and group homes

An overview of AB 490's changes to the law regulating the education of foster children

---

## Introduction

As you know, youth placed in foster care and group homes face daunting obstacles to successfully completing their education. As a result, it is not surprising that these youth fall behind their peers in educational attainment. Here are a few of the distressing facts:

- 30% perform below grade level.<sup>1</sup>
- 50% are held back in school.<sup>2</sup>
- In a national study, 46% had not completed high school within 2.5 to 4 years after exiting care.<sup>3</sup>
- In California, less than 3% go on to four-year colleges.<sup>4</sup>
- Despite these low outcomes, their aspirations are very high: 70% plan to attend college, and 19% plan to continue their education past college graduation.<sup>5</sup>

Effective January 1<sup>st</sup>, 2004, **Assembly Bill 490** imposes new duties and rights related to the education of youth placed in foster care and groups homes. The new law provides for increased school placement stability and improved school transfer procedures. As case workers and probation officers, you have always been charged with the duty to monitor, promote and encourage the educational progress of children placed in foster care or group homes. AB 490 further defines and describes your responsibilities, as well as the responsibilities of school districts, caregivers, and others involved in the education of these children, so that children in foster care and group homes may finally have the educational opportunities they deserve.

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<sup>1</sup> Elisabeth Yu et al., *Improving Educational Outcomes for Youth in Care, A National Collaboration*, CWLA Press, 2000.

<sup>2</sup> Courtney et al., *Foster Youth Transitions to Adulthood: A Longitudinal View of Youth Leaving Care*, CWLA 2001.

<sup>3</sup> Ronna J. Cook, *Are We Helping Foster Youth Prepare for Their Future?*, 16 Child. & Youth Services Rev. 213 (1994).

<sup>4</sup> California Department of Social Services, Data Systems and Survey Design Bureau, Independent Living Program, Annual Statistical Report (2002), <http://www.dss.cahwnet.gov/research/res/pdf/Soc405a/2002/SOC405AOct01-Sep02.pdf>.

<sup>5</sup> Curtis McMillen et al., *Educational Experiences and Aspirations of Older Youth in Foster Care*, 82 Child Welfare 475 (2003).

**I. Guiding principles**

- a. You are charged with the duty to foster the educational progress of children in out of home placements. *WIC 16500.1(a)*.<sup>6</sup>
- b. You must work with the children’s educators, caregivers, advocates, juvenile court officers, and the children themselves to ensure stable school placements and a meaningful opportunity for foster children to meet the same state academic achievement standards to which all students are held. *EC 48850(a)*.

**II. Making out of home placement decisions**

When deciding which placement option is most appropriate for a detained or displaced child, one of the factors you must consider is the placement’s *proximity to the child’s present school* and the impact that the placement would have on the *child’s educational stability*. *WIC 16501.1(c)*.

**III. Educational and school placements**

- a. **Educational placements must be determined by the child’s best interest.** All decisions regarding educational placements for children in out of home care must be made to ensure:
  - i. That the child has access to the same academic resources, services, and extracurricular activities available to all pupils;
  - ii. That the child is placed in the *least restrictive* educational program; and
  - iii. That the placement is in the child’s *best interest*. *WIC 361, 726; EC 48853*.
- b. **Child’s right to remain in school of origin**
  - i. If you place the child out of home or move the child to a new placement, the school district the child was initially attending **must** allow the child to remain in his or her school of origin for the remainder of the academic school year, provided it in his or her best interest to do so.
  - ii. The child’s best interest is determined by the school district educational liaison for foster children, in consultation with the person holding educational rights *and* the child.

<sup>6</sup> Throughout this document, abbreviations will be used to refer to California statutes. The Welfare and Institutions Code is “*WIC*,” the Education Code is “*EC*,” and the Government Code is “*GC*.”

- iii. If any dispute arises as to which educational placement is in child's best interest, the child has the right to remain in his or her school of origin until the dispute is resolved. *EC 48853.5*.

**c. Preference for Regular School Placement**

Children in out of home placements must attend a school operated by the local school district, *unless*:

- 1. The child has an Individualized Education Plan (IEP) for special education services requiring another educational placement; or
- 2. The person holding the right to make educational decisions for the child determines that it is in his or her best interest to be placed in another educational program or to continue in his or her school of origin. *EC 48853*.

**d. Juvenile court school placements**

- i. Before placement in a juvenile court school, the parent or person holding the right to make educational decisions shall *first consider placement in the regular public school*.
- ii. **Exception:** This does not apply to a pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility. *EC 48853(b)*.

**e. Foster children in emergency shelters:** Children living in emergency shelters may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:

- i. For health and safety emergencies; or
- ii. If a decision regarding whether it is in the child's best interest to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would not otherwise receive educational services. *EC 48853*.

**f. School district foster care liaison**

- i. Every school district must appoint an *educational liaison for foster children*.
- ii. The duties of the liaison are:

1. To ensure and facilitate proper school placement, enrollment, and checkout from school; and
2. To assist foster children when transferring schools by ensuring proper transfer of credits, records, and grades.

#### **IV. Ensuring smooth school transfers**

##### **a. Immediate enrollment**

- i. Once it has been determined that a change in schools is in the child's best interest, the new school shall *immediately* enroll the foster child.
- ii. Even if a foster youth owes fees to his or her previous school, and even if he or she is unable to produce the records or clothing normally required for enrollment (such as academic or medical records, immunizations, proof of residency, other documentation or school uniforms), the school district must enroll the child immediately. *EC 48853.5.*

##### **b. Fast transfer of records is crucial**

AB 490 states: "The Legislature... finds that efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings." *EC 49069.5(a).*

##### **c. Proper and timely transfer of records is the responsibility of both the county placing agency and the school district**

- i. As soon as you become aware of the need to transfer a student to a new school, you must:
  1. Notify the school of the student's expected last day of attendance;
  2. Request calculation of the student's seat time, credits, and grades; and
  3. Request that the student be transferred out. *EC 49069.5(c).*
- ii. **Old school district:** Within two business days of receiving your request, the school must transfer the student out and deliver a determination of the student's seat time, full or partial credits earned, classes, grades, immunizations, and special education plan to the student's next educational placement. *EC 49069.5.*

- iii. **New school district:** Within two business days of the child's request for enrollment, the new school must contact the last school attended by the child to obtain all academic and other records. *EC 48853.5 (d)(4)(C)*.

## V. Limiting the educational rights of parents/guardians

### a. Recommendation to limit educational rights

Whenever a child's parent or guardian is unable/unwilling to make educational decisions for the child, you must make a recommendation to the court regarding whether or not the parent/guardian's educational rights should be limited. If you recommend limiting the parent/guardian's educational rights, you must identify whether or not there is a responsible adult available to make those decisions. *WIC 358.1(e)*.

### b. Court procedure for limiting the parent/guardian's educational rights

- i. If the court decides to limit the educational rights of a parent or guardian, the judge will include the limitation in the court order.
- ii. At the time the court limits the educational rights of the parent or guardian, it must appoint a **responsible adult** to make such decisions.
- iii. If the court is unable to locate a responsible adult for a student who has been referred to or is currently receiving special education services, the court shall then refer the child to the local school district for the appointment of a **surrogate parent**.
- iv. If the child is later placed in a **planned permanent living arrangement**, the child's caretaker assumes educational rights, and the previously appointed responsible adult or surrogate parent can no longer make educational decisions on behalf of the child. *WIC 361(a)*.

## VI. Access to the child's school records

You are authorized to access school records, without parental consent or court order, in order to:

- a. Compile the child's health and education summary;
- b. Fulfill educational case management responsibilities; or
- c. Assist with the school transfer or enrollment of a pupil. *EC 49076*.



**VII. Other changes in the law**

- a. Grade protection:** The grades of a child in out of home placement may not be lowered due to absences from school caused by a change in placement, attendance at a court hearing, or other court-related activity. *EC 49069.5.*
- b. Calculation of school credits:** The school district must award credit to youth in foster care or group homes for full *or partial* coursework satisfactorily completed while attending a public school, juvenile court school, or nonpublic, nonsectarian school. *EC 48645.5.*
- c. Diplomas:** If a student completes the graduation requirements for the local school district while being detained, the school district may have to issue a diploma from the school the child last attended. *EC 48645.5.*
- d. Consent to life quality assessment:** You may consent to a life quality assessment for developmentally disabled delinquent or dependent youth. *WIC 4570.*



# SCHOOLS

**Your duty to monitor, promote and encourage the educational progress of foster children**

**An overview of AB 490's changes to the law regulating the education of foster children**

---

## Introduction

Children living in foster care and group homes face daunting obstacles to successfully completing their education. As a result, it is not surprising that foster youth fall behind their peers in educational attainment. Here are a few of the distressing facts:

- 30% of foster youth perform below grade level.<sup>1</sup>
- 50% of foster youth are held back in school.<sup>2</sup>
- In a national study, 46% of foster youth had not completed high school within 2.5 to 4 years after exiting care.<sup>3</sup>
- In California, less than 3% of foster youth go on to four-year colleges.<sup>4</sup>
- Despite these low outcomes, the aspirations of foster youth are very high: 70% of foster youth plan to attend college, and 19% plan to continue their education past college graduation.<sup>5</sup>

Effective January 1<sup>st</sup>, 2004, **Assembly Bill 490** imposes new duties and rights related to the education of youth in foster care. The new law provides for increased school placement stability and improved school transfer procedures. While schools have always been charged with the duty to monitor, promote and encourage the educational progress of foster children, AB 490 further defines and describes the role and responsibilities of the school, as well as the responsibilities of the children's social workers and caregivers. AB 490 seeks to ensure that all of California's foster children may finally have the educational opportunities they deserve.

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<sup>1</sup> Elisabeth Yu et al., *Improving Educational Outcomes for Youth in Care, A National Collaboration*, CWLA Press, 2000.

<sup>2</sup> Courtney et al., *Foster Youth Transitions to Adulthood: A Longitudinal View of Youth Leaving Care*, CWLA 2001.

<sup>3</sup> Ronna J. Cook, *Are We Helping Foster Youth Prepare for Their Future?*, 16 Child. & Youth Services Rev. 213 (1994).

<sup>4</sup> California Department of Social Services, Data Systems and Survey Design Bureau, Independent Living Program, Annual Statistical Report (2002), <http://www.dss.cahwnet.gov/research/res/pdf/Soc405a/2002/SOC405AOct01-Sep02.pdf>.

<sup>5</sup> Curtis McMillen et al., *Educational Experiences and Aspirations of Older Youth in Foster Care*, 82 Child Welfare 475 (2003).

**I. Students covered by AB 490**

- a. AB 490 covers students who are:
  - i. Supervised by either the county probation or child welfare agency, *and*
  - ii. Living in out of home placements (in group homes, foster care, or with relatives or extended family members). *EC 48853.5.*
- b. In this document, the phrases “foster children,” “foster youth,” and “children in foster care or group homes” will be used interchangeably, and will refer to the group described in this section and covered by the new law.

**II. Foster Care Liaison**

- a. Each school district and county office of education **must** appoint an educational liaison for foster children.
- b. The **duties** of the liaison are:
  - i. To ensure and facilitate proper school placement, enrollment, and checkout from school. *EC 48853.5(b)(1)*
  - ii. To assist foster children when transferring schools by ensuring proper transfer of credits, records, and grades. School transfers must be processed within two business days. *EC 48853.5(d)(4)(C).*

**III. Educational and School Placements**

- a. **Mobility disrupts the educational experience of foster children**
  - i. AB 490 states: “The Legislature finds and declares that the mobility of pupils in foster care often disrupts their educational experience.” *EC 49069.5(a).*
  - ii. School stability for foster children should be encouraged.
- b. **All educational placements must be determined by the child’s best interest**

All decisions regarding educational placements for children in foster care or group homes must be made to ensure:

- i. That the child has access to the same academic resources, services, and extracurricular activities available to all pupils;
- ii. That the child is placed in the *least restrictive environment*, and
- iii. That the educational placement is in the child's *best interest*. *WIC 361, 726; EC 48853.*

**c. Who determines which educational placement in the best interest of a foster child?**

A foster child's best interest is determined by the school district educational liaison for foster children, in consultation with the person holding educational rights *and* the child.

**d. Child's right to remain in school of origin**

- i. If a child is moved to a new placement in a different school district, the school district the child was initially attending **must allow the child to remain in his or her school of origin** for the remainder of the academic school year, provided it is in his or her best interest to do so.
- ii. If the district foster care liaison wishes to recommend that it is *not* in the child's best interest to remain in his or her school of origin, the liaison must provide the person holding educational rights and the child with a **written explanation** stating the basis for the recommendation.
- iii. **Child's right to remain in school of origin if a dispute arises:** If the person holding educational rights and the child disagree with the liaison's recommendation, the child has the right to remain in his or her school of origin until the dispute is resolved. *EC 48853.5.*

**e. Preference for Regular School Placement**

Children in foster care or group homes must attend a mainstream public school program operated by the local school district, *unless*:

- i. The child has an Individualized Education Plan (IEP) that requires another educational placement; or
- ii. The person holding educational rights decides that it is in the best interest of the child for him or her to attend another educational program or to remain in his or her school of origin. *EC 48853.*

### f. Juvenile Court School Placements

Before placement in a juvenile court school, the person holding educational rights shall first consider placement in the regular public school. However, this provision does not apply to children detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility. *EC 48853.*

## IV. Immediate Enrollment

- a. Foster children are entitled to *immediate enrollment* following any change in schools.
- b. Even if a foster youth owes fees to the previous school, and even if he or she is unable to produce the records or clothing normally required for enrollment (such as academic or medical records, immunizations, proof of residency, other documentation or school uniforms) you ***must enroll him or her in your school immediately.*** *EC 48853.5.*<sup>6</sup>

## V. Ensuring smooth school transfers

### a. Fast transfer of records is crucial

AB 490 states: “the Legislature ... finds that efficient transfer procedures and transfer of pupil records is a critical factor in the swift placement of foster children in educational settings.” *EC 49069.5(a).*

### b. Proper and timely transfer between schools is the responsibility of both the county placing agency *and* the school district

- i. As soon as a case worker or probation officer becomes aware that it has been determined that it is in the child’s best interest to transfer to a new school, they will:
  1. Notify the old school of the student’s expected last day of attendance
  2. Request calculation of the student’s seat time, credits, and grades, and
  3. Request that the student be transferred out. *EC 49069.5(c).*

<sup>6</sup> Throughout this document, abbreviations will be used to refer to California statutes. The Welfare and Institutions Code is “*WIC*,” the Education Code is “*EC*,” and the Government Code is “*GC*.”

- ii. **Old school district:** Within *two business days* of receiving such a request, you must transfer the student out and deliver the following information to the student's next educational placement:
  1. A determination of the student's seat time;
  2. Full or partial credits earned;
  3. Classes taken;
  4. Grades;
  5. Immunizations; and
  6. Special education plan. *EC 49069.5(d), (e).*
- iii. **New school district:** Within *two business days* of the child's request for enrollment, you must contact the last school attended by the child to obtain all academic and other records. *EC 48853.5(d)(4)(C).*

## VI. Grades, credits and diplomas

- a. **Grade protection:** A child's grades *may not be lowered* due to absences caused by a change in placement, attendance at a court hearing, or other court ordered activity. In the case of a change in placement, the child's grades must be calculated as of the date the student left school. *EC 49069.5(g), (h).*
- b. **School credit calculation:** You must award credit to foster children for full *or partial* coursework satisfactorily completed while attending another public school, juvenile court school, or nonpublic, nonsectarian school. *EC 48645.5.*
- c. **Diploma:** If a foster child completes the graduation requirements for your school district while being detained, you may have to issue a diploma from the school the student last attended. *EC 48465.5*

## VII. Access to the child's school records

Parental consent and court orders are *not* needed by case workers and probation officers in order to access their client's school records. *EC 49076(a)(11).* You must give access to school records to case workers and probation officers so that they may:

- a. Compile the child's health and education summary;

- b. Fulfill educational case management responsibilities; or
- c. Assist with the school transfer or enrollment of a pupil.

<b>VIII. Who holds the right to make educational decisions for foster children?</b>
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- a. **Educational rights:** Parents and guardians have the right to make educational decisions on behalf of their children. For children out of the care of their parents/guardians, the juvenile court may limit their ability to make such decisions.
- b. **Appointing a responsible adult:** If the court limits the right of the parent/guardian to make educational decisions, the court will at the same time appoint a *responsible adult* to make educational decisions on the child.
- c. **Appointing a surrogate parent:** If the court is unable to locate a responsible adult for a student who has been referred to or is currently receiving special education services, the court shall then refer the child to the local school district for the appointment of a surrogate parent. *WIC 361(a)*.
- d. **Who will be appointed as a responsible adult or surrogate parent?**
  - i. Responsible adult: The court is likely to appoint the child's caregivers, foster parents, or court-appointed special advocates (CASAs). The court may also appoint other adults in the child's life who are willing to make educational decisions on behalf of the child.
  - ii. Surrogate parent: The law requires the school district to appoint relative caregivers, foster parents, and court-appointed special advocates (CASAs) if available. If none is available, the school district can select the surrogate parent of its choice. *GC 7579.5*.
- e. **Figuring out who holds educational rights — don't guess, call the child's case worker!** Since any number of people involved in the child's life may hold educational rights (it could be anyone from the child's parents or foster parents to a non-custodial relative), call the child's case worker, probation officer, or attorney to find out who has been designated as the holder of these rights.



# CAREGIVERS

**Your duty to monitor, promote and encourage the educational progress of the children in your care**

**An overview of AB 490's changes to the law regulating the education of foster children**

---

## Introduction

As you probably know, the youth in your care face daunting obstacles to successfully completing their education. As a result, it is not surprising that foster youth fall behind their peers in educational attainment. Here are a few of the distressing facts:

- 30% of foster youth perform below grade level.<sup>1</sup>
- 50% of foster youth are held back in school.<sup>2</sup>
- In a national study, 46% of foster youth had not completed high school within 2.5 to 4 years after exiting care.<sup>3</sup>
- In California, less than 3% of foster youth go on to four-year colleges.<sup>4</sup>
- Despite these low outcomes, the aspirations of foster youth are very high: 70% of foster youth plan to attend college, and 19% plan to continue their education past college graduation.<sup>5</sup>

Effective January 1<sup>st</sup>, 2004, **Assembly Bill 490** imposes new duties and rights related to the education of youth in foster care. The new law provides for increased school placement stability and improved school transfer procedures. As caregivers, you have always been charged with the duty to monitor, promote and encourage the educational progress of the children placed in your care. AB 490 further defines and describes your responsibilities, as well as the responsibilities of social workers, school districts, and others involved in the lives of foster children, so that foster children may finally have the educational opportunities they deserve.

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<sup>1</sup> Elisabeth Yu et al., *Improving Educational Outcomes for Youth in Care, A National Collaboration*, CWLA Press, 2000.

<sup>2</sup> Courtney et al., *Foster Youth Transitions to Adulthood: A Longitudinal View of Youth Leaving Care*, CWLA 2001.

<sup>3</sup> Ronna J. Cook, *Are We Helping Foster Youth Prepare for Their Future?*, 16 *Child. & Youth Services Rev.* 213 (1994).

<sup>4</sup> California Department of Social Services, Data Systems and Survey Design Bureau, Independent Living Program, Annual Statistical Report (2002), <http://www.dss.cahwnet.gov/research/res/pdf/Soc405a/2002/SOC405AOct01-Sep02.pdf>.

<sup>5</sup> Curtis McMillen et al., *Educational Experiences and Aspirations of Older Youth in Foster Care*, 82 *Child Welfare* 475 (2003).



## I. Responsibility for the education of foster youth is shared

AB 490 clarifies that as caregivers, you must work with the children’s educators, social workers, advocates, juvenile court officers, and the children themselves to ensure that the children in your care achieve educational success. *EC 48850(a)*.<sup>6</sup>

## II. Key Provisions

### a. Educational Placements are Determined by the Child’s Best Interest

If you have the right to make educational decisions for a youth in your care, all decisions that you make regarding his or her school placement must be made to ensure:

- i. That your child has access to the same academic resources, services, and extracurricular activities available to all students;
- ii. That your child is placed in the *least restrictive* educational program; and
- iii. That the placement is in your child’s *best interest*. *WIC 361, 726, EC 48853*.

### b. Child’s right to remain in school of origin.

If your child is moved to a new placement in a different school district, the school district the child was initially attending *must* allow the child to remain in his or her school of origin for the remainder of the academic year, provided it is in his or her best interest to do so.

#### i. Who determines what is in your child’s best interest?

1. Your child’s best interest is determined by the school district educational liaison for foster children, in consultation with the person holding educational rights *and* the child.
2. Every school district will have an *educational liaison for foster children*; one of the liaison’s responsibilities is to make recommendations about whether or not it is in the best interest of a foster child to remain in his or her school of origin.
3. **Your right:** Prior to making a recommendation to move a foster child from his or her school of origin, the liaison must provide the

<sup>6</sup> Throughout this document, abbreviations will be used to refer to California statutes. The Welfare and Institutions Code is “*WIC*,” the Education Code is “*EC*,” and the Government Code is “*GC*.”

person holding educational rights and the child with a *written explanation* stating the basis for the recommendation.

4. **Your child's right:** If the person holding educational rights and the child disagree with the liaison's recommendation, your child has the right to remain in his or her school of origin until the dispute is resolved. *EC 48853.5.*

#### c. Preference for Regular School Placement

Children in foster care or group homes must attend a mainstream public school program operated by the local school district, *unless*:

- i. Your child has an Individualized Education Plan (IEP) for special education services that requires another educational placement; or
- ii. The person holding educational rights decides that it is in the best interests of the child for him or her to attend another educational program or to remain in his or her school of origin. *EC 48853.*

#### d. Juvenile Court School Placements

- i. Before placement in a juvenile court school, the person holding educational rights shall first consider placement in the regular public school.
- ii. **Exception:** However, this provision does not apply to children detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility. *EC 48853.*

### III. When your child needs to transfer schools

- a. **Your child's right to immediate enrollment:** Once it has been determined that it is in the child's best interest to transfer to a new school, the new school must *immediately enroll* your child even if the child's school and immunization records are missing, even if your child does not have the uniform required, and even if your child still owes fees to his or her previous school. *EC 48853.5.*
- b. **Transferring your child's records to the new school:** The transfer of records between schools is the responsibility of both the former school district and your child's caseworker, and it must be completed in a timely manner. *EC 49069.5.* School transfers must be processed within *two business days.* *EC 48853.5(d)(4)(C).*

**IV. Your child's other educational rights**

- a. **Grade protection:** Your child's grades may not be lowered due to absences caused by a change in placement, attendance at a court hearing, or other court-related activity. *EC 49069.5.*
- b. **School credit calculation:** The school district must award credit to your child for full *or partial* coursework satisfactorily completed while attending a public school, juvenile court school, or nonpublic, nonsectarian school. *EC 48645.5.*
- c. **Diploma:** If your child completes the graduation requirements for the local school district while being detained, the school district may have to issue a diploma from the school your child last attended. *EC 48645.5.*

**V. The right to make educational decisions for the children in your care**

- a. **Educational rights:** Parents and guardians have the right to make educational decisions on behalf of their children. For children out of the care of their parents/guardians, the juvenile court may limit their ability to make such decisions.
- b. **Appointing a responsible adult:** If the court limits the right of the parent/guardian to make educational decisions, the court must at the same time appoint a responsible adult to make educational decisions for the child.
- c. **Appointing a surrogate parent:** If the court is unable to locate a responsible adult for a student who has been referred to or is currently receiving special education services, the court shall then refer the child to the local school district for the appointment of a surrogate parent. *WIC 361(a).*
- d. **Who can be appointed as a responsible adult or surrogate parent?**
  - i. Responsible adults: The law does not give the court specific guidelines on who should be appointed as a responsible adult, but if appropriate, the court is likely to appoint relative caregivers, foster parents, and court-appointed special advocates. The court may also appoint other adults in the child's life who are willing to make educational decisions on behalf of the child.
  - ii. Surrogate parent: The law requires the school district to appoint relative caregivers, foster parents, and court-appointed special advocates if available. If none is available, the school district can select the surrogate parent of its choice. *GC 7579.5.*

**e. How long does an appointment as a responsible adult or surrogate parent last?**

An appointment as a responsible adult or surrogate parent lasts until:

- i. The child reaches 18 years of age, unless the child chooses not to make educational decisions for him/herself or is found incompetent;
- ii. Another adult is appointed to make educational decisions for the child;
- iii. The educational rights of the parent or guardian are fully restored; or
- iv. The child enters into a **planned permanent living arrangement**, at which time the foster parent, relative caretaker, or non-relative extended family member has the right to make educational decisions on behalf of the child. *WIC 361, GC 7579.5.*

<b>VI. Rights, responsibilities and duties of those holding the right to make educational decisions</b>
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**a. Are the rights and responsibilities of responsible adults and surrogate parents different?**

No, it does not matter if you are appointed as a responsible adult, a surrogate parent, or if you hold education rights because your child is in a planned permanent living arrangement with you. In all cases, you have the same rights regarding your child's education as a natural parent would.

**b. Special education:** If you hold the right to make educational decisions for the child in your care, you may request and authorize a special education assessment for your child. You also have the right to attend and sign for your child's Individualized Education Plan meeting. *EC 56055, WIC 366.27, 726.*

# **Education Handbook for Parents and Caregivers**

**Foster Children and Youth Educational Technical Assistance  
Mental Health Advocacy Services, Inc.  
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**HELPING YOUR CHILD SUCCEED IN SCHOOL:**

**An Education Handbook for Parents and Caregivers of Children  
and Youth in the Foster Care System**

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**October 2006**

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This handbook was developed for you, the parents and caregivers of children and youth in the child welfare system. The children and youth in your care face many challenges, and school is one of the greatest. While many children and youth do well, many do not. In fact, some have substantial problems learning and, in order to achieve, need to be enrolled in special programs or receive supplemental services from the school and district. Therefore, it is very important that you know the rights of the child or youth in your care, as well as your rights as parent or caregiver, and how to exercise those rights under the federal and state education laws.<sup>1</sup> Throughout the rest of this handbook we have used “parent” to refer to any individual who is the holder of education rights.

The information in this handbook will help you better understand the education system and how schools operate. You will be better informed to make important decisions about your child’s or youth’s education, and better able to play a larger role in his or her schooling. This handbook provides answers to the most commonly asked questions. Please refer to the Table of Contents to find information you need. If you have further questions or need more information, you should ask the school or your social worker for assistance.

We wish to acknowledge the following resources for information we used to help put together this handbook: the website of the California Department of Education <[www.cde.ca.gov](http://www.cde.ca.gov)>, the website of Protection and Advocacy in California <[www.pai-ca.org](http://www.pai-ca.org)>, and *Educational Advocacy*, by Elizabeth Calvin (2004). We are grateful to Elaine Mac Leod and Joseph Staub who read earlier drafts of this handbook and provided us with helpful comments.

We hope this guide will help you work with your school and district to ensure the most appropriate education for the child or youth in your care.

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<sup>1</sup> This guide is based on federal and state education laws in effect at the time of printing. These laws can change over time. If you have any questions about the validity of any information in this handbook, contact a legal authority in your area. We have included some legal citations for those who want to refer to the specific laws. Most legal references are available on-line or at a public library.





**HELPING YOUR CHILD SUCCEED IN SCHOOL:  
AN EDUCATION HANDBOOK FOR PARENTS AND CAREGIVERS  
OF CHILDREN AND YOUTH IN THE FOSTER CARE SYSTEM**

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### **Some Acronyms and Abbreviations Used in Education**

## Chapter I

### INTRODUCTION TO THE SCHOOL SYSTEM

#### **How are schools organized?**

Public schools are organized as follows:

- the California Department of Education,
- County Offices of Education,
- Special Education Local Planning Areas (SELPAs),
- School districts and local school boards, and
- Local schools

#### **What is the California Department of Education (CDE)?**

The California Department of Education (CDE) and the State Superintendent of Public Instruction are both part of the state government, and are responsible for enforcing education law and regulations and for continuing to improve public education in California. The CDE and the State Superintendent of Public Instruction work in partnership with local districts to improve student achievement.

#### **What is the County Office of Education?**

California has 58 County Offices of Education, each serving a number of school districts and students. County superintendents are usually elected although some are appointed by the County Board of Education. County Offices of Education do not supervise school districts; they do not tell them what to do. Instead, County Offices of Education provide those education-related services that can be handled most effectively and economically on a regional basis rather than by individual school districts. These include:

- Court schools,
- Staff development,
- Centralized school district support,
- Technology services,
- Special education services not offered by local school districts,
- Regional Occupational Centers and Programs (ROCPs), and
- Vocational education.

These services are provided at the request of districts or to meet state mandates. In addition, County offices of Education have the fiscal responsibility of overseeing school district budgets.

#### **What are Special Education Local Plan Areas (SELPAs)?**

A Special Education Local Plan Area (SELPA) is an organization made up of school districts (or one very large district) that have joined together to ensure that, as a group, they offer a full continuum of special education services. There are 112 SELPAs in the state. Some SELPAs are housed within County Offices of Education.

### **What are school districts and local boards of education?**

Schools are grouped together to form school districts. School districts are responsible for the overall education of school-age students within district boundaries. School districts may cover:

- Kindergarten through 6<sup>th</sup> or 8<sup>th</sup> grade
- Kindergarten through 12<sup>th</sup> grade
- 9<sup>th</sup> through 12<sup>th</sup> grade
- 7<sup>th</sup> through 12<sup>th</sup> grade

Many districts also provide pre-kindergarten programs not required by law, except for some students with an Individualized Education Program (IEP).

The district superintendent is responsible for all activities in the district. The superintendent and his or her staff work closely with the School Board, a group of elected individuals who make policy decisions for the schools within the district. Every district has a school board, and boards generally have monthly meetings that are open to the public. These meetings range from routine discussions of general district business to intense, provocative debates with the community during which controversial issues are debated and landmark decisions sometimes made. In most districts, members serve four-year terms, and terms are staggered so seats do not all become open at once. In general, to run for a school board position, one must be at least 18 years old, a citizen of the state, a resident of the district, a registered voter, and eligible under the state constitution to be elected to public office.

School districts are responsible for curriculum and textbook selection, as well as the administration and reporting of the Standardized Testing and Reporting Program (STAR) testing. They also are responsible for overseeing special education and student services (i.e., child welfare and attendance), the district budget, maintenance of school facilities, and relations with employee unions.

### **What are the different types of schools?**

Schools are the basic unit of educational services. Most schools have a principal, office staff, general education classroom teachers, special education teachers and staff, and other specialists and support staff. Secondary schools usually also have vice or assistant principals, deans, and counselors. Schools are divided into:

- Elementary - K-5 or K-6,
- Middle, 6-8
- Junior High, 7-9
- Senior High, 9-12 or 10-12

There are also the following types of schools:

- Magnet schools,
- Charter schools,
- Private schools, and
- Nonpublic schools

**What is a Magnet School?**

Magnet schools are public schools operated by the school district and open to all qualifying students regardless of where in the district they live. They cost nothing to attend and are usually organized around a unifying theme or a different organizational structure for students with similar interests. For example, there are magnets for science, technology, the performing arts and other careers.. The magnet school provides instruction in a variety of combinations of grades K through 12<sup>th</sup>. The goals of magnet schools are to promote desegregation, equity, and excellence in learning.

**What is a Charter School?**

Charter schools are innovative public schools usually formed as a positive alternative to existing schools in a community. Like the magnet school, it can provide instruction in variety of combinations of grades K through 12<sup>th</sup>. A charter school may be started by parents, teachers, community members, and must be approved to operate by the local school board. Charter schools have unique goals and operating procedures that are specified in the agreement between the school board and the organizers of the charter. The purpose of charter schools is to improve student learning, encourage the use of different and innovative teaching methods, and provide parents, students, and teachers with expanded educational opportunities within the public school system.

**What is a Private School?**

Parents can send their children to religious (church) schools or to non-sectarian private schools. These schools generally charge tuition and can be costly. They can be for boys or girls only, or both, and can focus on elementary or secondary instruction, or both. Religious schools provide a religious education along with core studies. Private schools often offer an environment with high academic achievement, reduced class sizes, and lower teacher-student ratios.

**What is a Nonpublic Special Education School (NPS)?**

Nonpublic schools provide appropriate special education services when no appropriate special education program is available through the public schools. Nonpublic schools are considered to be a more restrictive educational placement in which special education students are educated apart from their general education peers. They offer intensive programs with highly specialized services, such as counseling, tutoring, or behavior management for students who cannot be served by their local school districts. They tend to be narrowly focused in who they serve and typically enroll students with specific challenges, such as emotional disturbance, severe learning disabilities, multiple disabilities, and mental retardation. They include both day and residential institutions. Tuition is paid by the school district if the IEP team determines that a nonpublic school placement is necessary.

## Chapter II

### WHO MAKES DECISIONS ABOUT EDUCATION FOR FOSTER CHILDREN AND YOUTH

#### Who has the right to make educational decisions for a child?

- The child's parents or legal guardians
- A court-appointed responsible adult
- A surrogate parent appointed by the court or the school district
- A juvenile court judge

#### What kind of educational decisions are made by the parent or other decisionmaker?

- Enrollment in school
- Preference for placement in school of origin
- Consent for assessment for special education
- Consent for implementation of the individual education plan
- Request for special education due process (such as a due process hearing or mediation)
- Application to a magnet school, charter school, or alternative education setting

#### How is "parent" defined?

It depends. For students in general education, the law does not define who is considered a parent. In special education, however, the law specifically defines parent to include any of the following:

- A person having legal custody of a child.
  - Biological or adoptive parent.
  - Legal guardian.
- A foster parent if
  - the court has limited the parent's authority to make educational decisions.
  - the child has been placed in a planned permanent living arrangement with the foster parent.
- A surrogate parent appointed by the district or court.
- A responsible adult appointed by the court.
- An adult student for whom no guardian or conservator has been appointed.
- A person acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives<sup>2</sup>.

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<sup>2</sup>Cal.Ed.Code § 56028

## **Under what circumstances will the Juvenile Court limit the education rights of the parent or legal guardian?**

If the student's parent or guardian is unavailable, unable, or unwilling to make educational decisions for the child, the juvenile court may limit the parent or guardian's educational rights.<sup>3</sup>

## **Who is a "responsible adult"?**

Once the Juvenile Court limits the rights of the parent or guardian to make educational decisions, it must appoint a responsible adult to make decisions for that child regardless of educational placement.

## **Who cannot be appointed a responsible adult?**

Responsible adults cannot have a conflict of interest or be employed by any agency involved in the education or care of the child. This includes child welfare workers, probation officers, attorneys for the child, as well as school district and group home employees. Foster parents are not considered to have a conflict solely because they receive payment for their services.

## **How does a "responsible adult" differ from a "surrogate parent"?**

A surrogate parent is someone who is appointed to represent the child's interests relating to special education services. If the court is unable to locate a responsible adult for a child who has been referred for special education assessment or is currently receiving special education services, the court may either appoint a surrogate parent or direct the local school district to appoint a surrogate parent. The school district must appoint a surrogate parent within 30 days of making a determination that the child needs a surrogate.<sup>4</sup> Surrogate parents and responsible adults have the same rights and responsibilities when representing the interests of a child in special education.<sup>5</sup>

## **Who can be appointed a surrogate parent?**

Relative caregivers, foster parents, and court-appointed special advocates (CASAs) have priority in the law for appointment as a surrogate parent. If none of these individuals is available or willing to act as a surrogate parent, the school must choose someone else who is qualified to be a surrogate parent and is not an employee of any agency that is involved in the education or care of the child. Those who may not be appointed include child welfare workers, probation officers, attorneys for the child as well as school district and group home employees.<sup>6</sup>

## **How long does an appointment as a responsible adult or surrogate parent last?**

The appointment of a responsible adult or surrogate parents lasts until:

- The youth reaches 18 years of age and no guardian or conservator has been appointed.
- Another adult is appointed to make educational decisions.
- The educational rights of the parent or guardian are fully restored.

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<sup>3</sup> Welf.& Inst. Code §§ 319, 361

<sup>4</sup> Gov't Code § 7579.5(a)

<sup>5</sup> 20 U.S.C. § 1415(b)(2)(A)(i)

<sup>6</sup> Gov't Code § 7579.5(a)(1)(b)

- The child is placed in a planned permanent living arrangement, at which time the foster parent, relative caregiver, or non-relative extended family member has the right to make educational decisions on behalf of the child.
- The child is no longer in need of special education services.<sup>7</sup>

### **What are the specific responsibilities of a surrogate parent?**

The federal special education law was written to give parents an equal say with the school district in determining the appropriate educational services for their child. A surrogate parent must represent the child's interests relating to special education services just like any parent would. By law the surrogate parent is required to meet with the child at least once. It also is recommended that the surrogate parent meet with the child as often as possible, attend the child's individualized education program meetings, review the child's education records, consult with persons involved in the child's education, and sign any consent relating to the individualized education program.<sup>8</sup>

### **When can a Juvenile Court judge make educational decisions?**

If, at the initial hearing on a petition alleging abuse or neglect of the child, the Juvenile Court limits the right of the parents to make educational decisions but cannot identify a responsible adult and the appointment of a surrogate parent is not warranted, the court may, with the input of any interested person, make educational decisions for the child. Any order made under this provision shall expire at the time the petition is either adjudicated or dismissed.<sup>9</sup>

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<sup>7</sup> Welf.& Inst. Code § 361; Cal.Ed.Code § 56028; Gov't. Code § 7579.5.

<sup>8</sup> Gov't. Code § 7579.5(c), (d)

<sup>9</sup> Welf.& Inst. Code § 319

## Chapter III

### GENERAL EDUCATION PROVISIONS

#### **The Child's Right to an Education**

##### **Do children have a right to education in California?**

Education is a basic right that is protected by the California Constitution. This means that a school district cannot deny a child an education either by refusing to enroll him or her or by removing him or her without an opportunity to challenge such actions.

##### **What rights do parents have that will help their children succeed in school?**

Parents<sup>10</sup> of students enrolled in public schools have the right to work together in a mutually supportive and respectful partnership with schools to help their children succeed.<sup>11</sup> Among the specific rights that parents have are the following:

- Observe the classroom(s) in which their child is enrolled or will be enrolled.
- Meet with their child's teacher(s) and the principal.
- Volunteer their time and resources for the improvement of the school facilities and programs.
- Be notified if their child is absent from school without permission.
- Receive the results of their child's performance on standardized and statewide tests and information on the performance of the school.
- Request a particular school for their child and to receive a response; however, a school district is not necessarily required to grant such a request.
- Have a school environment for their child that is safe and conducive to learning.
- Examine the curriculum materials of the class(es) in which their child is enrolled.
- Be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.
- Have access to the school records of their child and to question anything that they feel is inaccurate, misleading, or is a violation of the student's privacy rights, as well as receive a response from the school to any inquiries about said records.
- Receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.
- Be informed in advance about school rules, attendance policies, dress codes, and procedures for visiting the school.
- Receive information about any psychological testing the school does involving their child and to deny permission to give the test.

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<sup>10</sup> Throughout this section "parent" will refer to that individual who holds educational rights.

<sup>11</sup>Cal. Ed. Code §51105.



## **Attendance and Enrollment Requirements**

### **Do all children and youth have to go to school?**

State law requires that all children between the ages of 6 and 18 years of age must attend school full-time. There are some exceptions, however. For instance, students can be excused from attending school if they are:

- in an approved home school, private school, or other alternative education program.<sup>12</sup>
- Working with a work permit, though they still must go to school part-time.<sup>13</sup>
- Have arrived in the district from another state within ten days of the end of the term.<sup>14</sup>
- Fifteen years old at the start of a leave of absence agreed to by the district for travel, work or study<sup>15</sup>
- Temporarily disabled, but not from a disability covered by special education, in which case they are to receive individual instruction.<sup>16</sup>
- Excluded from school for “filthy or vicious habits” or contagious diseases<sup>17</sup>
- Absent due to illness, medical appointments, funerals of immediate family members, jury duty, the student’s child’s illness or medical appointments, or other “justifiable personal reasons” when the parent or guardian’s written request is approved by the principal.<sup>18</sup>
- Sixteen and older and who choose a full- or part-time alternative to regular high school, including continuation classes, regional occupational programs, and adult education courses.<sup>19</sup>

### **When may a child enter kindergarten?**

A child may enroll in kindergarten if he or she will be 5 years old on or before December 2<sup>nd</sup> of the year of registration.<sup>20</sup>

### **What if a student violates compulsory education laws and has a pattern of unexcused absences?**

In 1974, the California Legislature enacted a statute creating the School Attendance Review Boards (SARBs), composed of representatives from various child and youth-serving agencies, including child welfare and probation. The purpose of a SARB is to enforce compulsory education laws and to divert students with school attendance or behavior problems from the juvenile justice system, at least until all available resources have been exhausted.<sup>21</sup>

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<sup>12</sup> Cal. Ed. Code §§ 48220-48224

<sup>13</sup> Cal. Ed. Code § 48230

<sup>14</sup> Cal. Ed. Code § 48231

<sup>15</sup> Cal. Ed. Code § 48232

<sup>16</sup> Cal. Ed. Code § 48206.3

<sup>17</sup> Cal. Ed. Code §§ 48211-48214

<sup>18</sup> Cal. Ed. Code § 48205

<sup>19</sup> Cal. Ed. Code § 48400

<sup>20</sup> Cal. Ed. Code § 48000

<sup>21</sup> Cal. Ed. Code §§ 48260 et seq.

If the student is habitually truant, he or she may be referred to the Juvenile Court. In addition a parent, guardian or other person having control or charge of a child may face criminal penalties for failing to make the child attend school.

**When is a student considered truant?**

A student may be considered truant when he or she is absent from school without a valid excuse more than three days or tardy in excess of 30 minutes on each of more than three days in one school year.<sup>22</sup>

**What will happen if the absence from school of a foster child is the result of attendance at a court hearing, other court-ordered activity, or a change in placement?**

Students may not be penalized if absent because they attended a court hearing, participated in other court-ordered activity or changed placements. Also, a student’s grades may not be lowered as a result of these situations; however, the school can require that the student complete makeup work and tests. If the student’s absences are the result of a change of placement, his or her grades and credits must be calculated as of the date he or she left school and not lowered as a result of the absences.<sup>23</sup>

**What is required to enroll a foster child in school?**

A child who has been placed out of home by probation or child welfare and, as a result, changes schools, must be enrolled by his or her new school, even if the child is missing the records and documents normally required for enrollment, including proof of residency, birth certificate, previous academic records, and record of immunizations.<sup>24</sup>

**How does the immediate enrollment provision apply to students with Individualized Education Programs (IEPs) that require a specific placement?**

If a student who receives special education services transfers to a new school, services that are comparable to the ones required by the IEP must immediately be provided. Furthermore, if the student’s new school is in a different Special Education Local Plan Area (SELPA) and the district does not adopt the previous IEP, the SELPA/district must hold a meeting within 30 days of the student’s transfer to develop a new IEP.<sup>25</sup>

**If a foster child must change placement during the school year, does he or she have to change schools?**

The law allows foster children to remain in the “school of origin” for the remainder of the school term if it is in their best interest to do so.

**What does “school of origin” mean?**

The “school of origin” is the school that a foster child attended when he or she was permanently housed or the school in which the child was last enrolled.<sup>26</sup>

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<sup>22</sup>Cal. Ed. Code § 48260

<sup>23</sup>Cal. Ed. Code § 490060.5

<sup>24</sup>Cal. Ed. Code § 48853.5(d)(4)(B)

<sup>25</sup>Cal. Ed. Code § 56325(a)

<sup>26</sup>Cal. Ed. Code § 48853.5(e)

### **Who determines if it is in the child’s best interest to remain in the school of origin?**

The foster care liaison, in consultation with the foster child and the person holding educational rights for the foster child, determines whether it is in the child’s best interest to remain in the school of origin or be enrolled in any public school the foster child is eligible to attend.<sup>27</sup>

### **Who is responsible for providing transportation to the student’s school of origin?**

The law does not state who is responsible for providing transportation to a child’s school of origin. However, it does state that meeting the needs of a child in foster care must be a collective effort, and it encourages the school and the county placing agency to collaborate to ensure that the child’s education placement remains stable.<sup>28</sup>

### **Who is the foster care liaison (490 liaison)?**

Every school district must have an educational liaison, who is often referred to as the AB490 liaison, for foster children and youth.<sup>29</sup> Among the duties of the liaison are

- Assuring proper school placement, enrollment, and checkout from school,
- Assisting with transfer of grades, credits, and records when the student transfers schools, and
- Completing school transfers within 2 business days

## **School Records**

### **What is the Family Education Rights and Privacy Act (FERPA)?**

The Family Education Rights and Privacy Act, or FERPA, is a federal law passed in 1974 that assures confidentiality of, and parental access to, education records. These rights transfer to the student or former student who has reached the age of 18 or is attending any school beyond the high school level. In general, FERPA requires states to provide the following rights to parents:

- to inspect and review all of the student’s education records maintained by the schools. Schools are not required to provide copies of materials in education records unless, for reasons such as great distance, it is impossible for the parents or eligible students to inspect the records personally. The school may charge a fee for copies.
- to prevent release of education records to third parties without the parents’ written consent except in certain circumstances.
- to request that a school correct records believed to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place in the record a statement describing the contested information.<sup>30</sup>

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<sup>27</sup>Cal. Ed. Code § 48853.5(d)(2)

<sup>28</sup>Cal. Ed. Code § 48853.5(d)(6)

<sup>29</sup>Cal. Ed. Code § 48853.5

<sup>30</sup>20 U.S.C. § 1233(g)

### **What are considered education records?**

Education records are defined as those materials maintained by the educational agency or institution, containing personally identifiable information directly related to a student. The following, however, are not included in the definition of education records:

- oral information based on personal observation or knowledge and not based on an education record (that is, observations about a child’s behavior).
- records solely possessed by the maker (for example, a teacher) used only as a personal memory aid and not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- records of the law enforcement unit of an educational agency or institution.

School staff, however, may share directory information without parent consent. This includes name, date of birth, and attendance of the student.

### **Does FERPA define parent?**

FERPA does not define “parent”, but the regulations that were passed to implement FERPA state that a parent is ... a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.”<sup>31</sup>

### **What are the requirements for transferring school records of a foster child?**

Upon receiving a transfer request from a county placing agency, the local education agency from which the student is exiting must within two business days transfer the student out of school and deliver the educational information and records (including determination of seat time, full or partial credits earned, classes, grades, immunizations, and individualized education programs or 504 plans) regardless of any outstanding fees, fines, overdue textbooks, or other items or moneys owed to the school last attended.<sup>32</sup>

### **If a high school student transfers in the middle of the school term, is he or she entitled to any credits?**

Public school districts, as well as county offices of education, must accept for credit full or partial coursework satisfactorily completed by a student while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency.<sup>33</sup>

### **What is the Health and Education Passport (HEP)?**

The Case Plan for every child in foster care must include a summary of the child’s health and education information.<sup>34</sup> This is referred to as the Health and Education Passport (HEP). The summary should include, at a minimum:

- the names and address of the child’s physical health, mental health, dental, and education providers,
- the child’s grade level performance and school records.

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<sup>31</sup>34 C.F.R. § 99.3

<sup>32</sup>Cal. Ed. Code §§ 49069.5(d) and (e); Cal. Ed. Code § 48853.5(d)(4)(C)

<sup>33</sup>Cal. Ed. Code § 48645.5)

<sup>34</sup>Welf.& Inst. Code § 16010

- assurances that the child’s placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.
- a record of the child’s immunizations and allergies.
- the child’s medical issues, any current medications, and complete medical history.
- a record of the child’s mental health history as well as the child’s current mental health condition.
- any other relevant physical health, mental health, dental and education information.

The caregiver should receive a current copy of the child’s HEP at the time the child arrives at the placement.

**Does the child welfare worker have access to the school records?**

State law specifically provides that schools must release student records to any county placing agency (including probation and child welfare), without parental consent or court order, for the purpose of fulfilling the requirements of the health and education passport or for the purpose of fulfilling educational case management responsibilities and to assist with the school transfer or enrollment of a student.<sup>35</sup>

**No Child Left Behind**

**What is the No Child Left Behind (NCLB) Act of 2001?**

This act provides a framework on how to improve the performance of elementary and secondary schools, while at the same time ensuring that no child is trapped in a failing school. The NCLB Act reauthorizes the Elementary and Secondary Education Act and has four major emphases:

- (1) increased accountability at the state level, including use of challenging state standards in reading and mathematics, annual testing for all students in grades 3-8, and annual statewide progress objectives ensuring that all groups of students reach proficiency by 2014.
- (2) greater choice for the parents of students attending Title 1 schools that fail to meet state standards, including access to supplemental educational services and the opportunity for their children to attend a better public school within the school district
- (3) more flexibility for states and districts in the use of federal education dollars by consolidating funds from various federal and state grant programs
- (4) a stronger emphasis on reading, including a commitment of supplemental resources to ensure that every child can read by the end of third grade.

**California’s Required Exams**

**What is California’s Accountability System?**

California’s Accountability System uses the Academic Performance Index (API) to measure academic performance and growth of schools. It is a numeric index that ranges from a low of 200 to a high of 1000. A school's score on the API is an indicator of a school's performance level. The statewide API performance target for all schools is 800. A school's growth is measured by

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<sup>35</sup>Cal. Ed. Code § 49076

how well it is moving toward or past that goal. A school's API Base is subtracted from its API Growth to determine how much the school improved in a year.

The API score summarizes the results of various statewide tests. Indicators used in calculating the 2004-05 API reporting cycle included:

- Standardized Testing and Reporting (STAR) Program
  - California Standards Test (CST)
    - English-language arts, grades two through eleven, including a writing assessment at grades four and seven
    - Mathematics, grades two through eleven
    - History-social science, grades eight, ten, and eleven
    - Science, grades five and nine through eleven
    - California Alternate Performance Assessment (CAPA) in English-language arts and mathematics, grades two through eleven.
  - Norm-referenced test (NRT)
    - California Achievement Test, Sixth Edition Survey (CAT/6 Survey) in all content areas, grades two through eleven.
- California High School Exit Examination (CAHSEE)
  - English-language arts and mathematics, grade ten.

### **What is the California High School Exit Examination (CAHSEE)?**

The primary purpose of the CAHSEE is to assess student achievement in public high schools and to ensure that those who graduate from public high schools can demonstrate grade level competency in reading, writing, and mathematics. The CAHSEE helps identify students who are not developing skills essential for life after high school. It encourages districts to give these students the attention and resources needed to help them achieve these skills during their high school years. Beginning in the 2005-2006 school year, no student is to receive a public school diploma without having passed the CAHSEE, as well as having met their district's requirements for graduation. A court has ordered that some special education students be granted a waiver for the 2005-2006 school year.

The CAHSEE has two parts: English language arts (ELA) and mathematics. The ELA part addresses state content standards through grade ten. In reading this includes vocabulary, decoding, comprehension, and analysis of informational and literary texts. In writing, this covers writing strategies, applications, and conventions of English, such as grammar, spelling, and punctuation. The mathematics part of the CAHSEE addresses state standards in grades six and seven and in Algebra I. The exam includes statistics, data analysis and probability, number sense, measurement and geometry, mathematical reasoning, and algebra. Students are also asked to demonstrate a strong foundation in computation and arithmetic, including working with decimals, fractions, and percents.

### **What are the evaluation criteria that schools use to measure effectiveness?**

The federal government uses Adequate Yearly Progress (AYP) criteria under NCLB to determine if schools meet the national target for growth. In order to meet AYP under federal requirements, a school or district must have a minimum participation rate, a percentage of its students at proficient or above in English-language arts and mathematics, a minimum API of 560

or API growth of 1 point, and meet graduation rate requirements (82.9%) if it serves high school students.

### **What penalties are imposed if schools do not meet state and federal expectations?**

The state imposes penalties on schools if they do not show improvement in the API score. Low-performing schools are required to participate in an intervention program and, if lack of growth persists, risk being taken over by the state. Schools that receive federal Title I funds face Program Improvement (PI) requirements if they do not make AYP for 2 consecutive years in specific areas. PI schools must provide supplemental educational services for students enrolled in the underperforming school, such as tutorial services in math and reading. If schools do not make AYP for 3 consecutive years, parents can choose to enroll their children in other schools in the district.

## **Graduation Requirements**

### **What are the requirements for graduation?**

In order to graduate from California public high schools, students must complete specified state and local graduation requirements. Local school districts have the authority and responsibility for establishing high school graduation requirements. These requirements vary among school districts. However, California Education Code Section 51225.3 specifies that students must pass a minimum set of required courses and an exit examination. Algebra I (or its equivalent) is a required course that all students, including students with disabilities, must complete prior to receiving a diploma of graduation from high school.<sup>36</sup> As of the 2005-2006 school year, all students, except some special education students, must pass both parts of the CAHSEE to receive a public high school diploma. A court has ordered that some students in special programs be granted a waiver for the 2005-2006 school year.

### **What if a student has been unable to pass CAHSEE and cannot graduate?**

All students who have satisfied local graduation requirements, but have been unable to pass the exit exam, will be given the opportunity to continue their education in order to obtain the necessary skills needed to pass the exam and receive a diploma. There will be a number of options available including enrollment in:

- A summer course of CAHSEE remediation/intensive instruction.
- High school the following year in order to take independent study courses designed to help them pass the CAHSEE.
- An adult education program that will provide CAHSEE remediation/intensive instruction.

### **What are the high school course requirements for admission to a California University?**

High school students interested in attending a California public university after graduation must have completed the required freshman admission course requirements while in high school. The California State University and the University of California have established a uniform minimum set of courses required for freshman admission. Beginning with the 1998-99

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<sup>36</sup>Cal. Ed. Code § 51224.5

school year, all students receiving a diploma of graduation from high school must complete all of the following while in grades 9 to 12:<sup>37</sup>

- Courses in the subjects specified, each course lasting one year, unless otherwise specified.
- Three years of English.
- Two years of mathematics, not including the required year of Algebra I beginning in 2003-04.<sup>38</sup>
- Two years in science, including biological and physical sciences.
- Three years of social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.
- One year of visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.
- Two years of physical education, unless the pupil has been exempted pursuant to the provisions of state law.<sup>39</sup>
- Other coursework as the governing board of the school district may specify.

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<sup>37</sup>Cal. Ed. Code § 51225.3

<sup>38</sup>Cal. Ed. Code § 51224.5

<sup>39</sup>Cal. Ed. Code § 51241



## Graduation Requirements

High School Subject Area	State Mandated Requirements for High School Graduation	UC Requirements for Freshman Admissions	CSU Requirements for Freshman Admissions
English	Three years	Four years of approved courses	Four years of approved courses
Mathematics	Two years, in addition to Algebra I	Three years, including algebra, geometry, and intermediate algebra <i>Four years recommended</i>	Three years, including algebra, intermediate algebra, and geometry
Social Science	Three years of history, social science, including one year of U.S. history & geography; one year of world history, culture, and geography, and one semester each of American Government and economics	Three years of history/ social science, including one year of U.S. history or one-half year of U.S. history and one-half year of civics or American Government; and one year of world history, cultures, and geography	Two years including one year of U.S. history or U.S. history and government and one year of other approved social science.
Science	Two years, including biological and physical sciences.	Two years with lab required, chosen from biology, chemistry, and physics. <i>Three years recommended.</i>	Two years, including one year of biological and one year of physical science with lab.
Foreign Language	One year of either visual and performing arts or foreign language.	Two years in same language required. <i>Three years recommended.</i>	Two years in same language required.
Visual and Performing Arts			
Physical Education	Two years		
Electives		One year	One year

### What is the General Education Development Test (GED)?

Students eighteen years or older may take the GED for the purpose of receiving the California High School Equivalency Certificate. The GED tests measure a student's knowledge in five content areas including: language arts, reading; language arts, writing; mathematics; science; and social studies. The tests are given in English, Spanish, and French throughout the United States and in Canada. A High School Equivalency Certificate is issued. For more information on the GED, contact your local adult school, community college, or visit the GED Web site at <http://www.cde.ca.gov/ta/tg/gd/>.

### Special Programs

#### What is the Student Study Team (SST)?

The SST provides a problem-solving process to identify strategies and programs that may resolve or alleviate academic, attendance, or behavior difficulties students are having. The SST is a general education responsibility that generally should be implemented fully prior to a referral to special education services. However, it should never be used as a way of delaying a referral for special education services if that is what the student needs. The SST includes the student, the

parents/guardians, the student's counselor, classroom teachers, and a school administrator. The team may also include the school psychologist or social worker, a special education consultant, the school/court liaison, and other school support staff. The SST meeting is held to summarize concerns, review the information collected, discuss strategies and develop or review a plan for addressing the concerns.

### **What are alternative school options?**

These are public school options that some students may choose to attend: They include:

- Independent study
- Home schooling
- Continuation high school
- Community day school
- Pregnant minor school

### **What is independent study?**

Independent study provides a highly flexible, supportive, and individualized program of instruction and counseling to assist students in the completion of their high school education. Independent Study is run through the school district. The school district provides materials, support, and a credentialed teacher who periodically meets with the student to review progress and make assignments. All students in independent study have a contract with the school and work toward standards, the same as students in traditional general education classes. While independent study students follow the district-adopted curriculum and are subject to the district graduation requirements, independent study offers flexibility to meet individual student needs, interests, and styles of learning. Independent study is only available as a voluntary option chosen by students and parents. It can be used on a short-term or long-term basis, on a full-time basis, or in conjunction with courses taken in a classroom setting. Classroom based students may take some classes using independent study, often to solve scheduling problems. Usually, independent study is not a good option for students receiving special education services.

### **What is home schooling?**

Home-based independent study, which most people call home schooling, is a specific instructional strategy designed to assist parents who choose to assume major responsibility in providing the student's educational program apart from the traditional school. Some of the reasons that parents have to pursue home schooling include:

- Some parents do not want their children to enroll in schools that have large classes because they are concerned that their child will not get the attention he or she needs.
- Some parents are concerned about the language, drugs, gangs, and negative influences at the schools.
- Some parents want to teach their children the basics in reading and mathematics so the children will have a solid foundation and confidence about learning.
- Some parents want to work one-on-one with their child because of the child's personal or educational needs
- Some families that travel for business or vacation need to teach their children at the same time
- Some families want to teach their children at home within a religious context.

Home-based independent study is offered to meet the unique personal and education needs of those families who seek an established alternative instructional strategy. This form of home-based independent study is fully subject to Education Code requirements. For children to be engaged in independent study, they must be enrolled in a public school. The student, parent, and a supervising teacher enter into a contract as a team to facilitate this process.

**What is a continuation high school?**

Continuation high schools meet compulsory attendance mandates and target students ages 16 and older. The state mandates a minimum instructional day of 180 minutes for one unit of state funding. Many districts require students to attend school for 250 minutes. Continuation high schools provide a small campus setting, low student-teacher ratio, individualized instruction, a success-oriented learning experience, a course of instruction designed to meet district and state standards, active student participation in educational decisions, and recognition of individual worth. Many schools provide students with extended learning opportunities—both before and after school. The goal is to graduate students, or transition them back to a traditional high school.

**What is a community day school (CDS)?**

A community day school (CDS) is designed for students in Kindergarten through grade 12 as an educational placement option for expelled and other high-risk students. CDS schools are for students who have been expelled for any reason, or are referred by probation, School Attendance Review Boards (SARBs), or other district level processes. The school district may place in a CDS, students who have histories of behavior problems and repeated academic failure. Special education students may be placed in community day schools rather than in non public schools (NPS). Students in community day schools are required to attend a six-hour instructional day.

**What is a pregnant minor school?**

Pregnant minor schools were established to provide support for middle and high school girls who are pregnant or parenting in a setting away from a traditional high school. Schools offer instruction on pre-natal care, infant care, and programs for the children of the teens attending school. The main intent of these schools is to provide interim educational opportunities to the expectant mother so that she may continue her education and learn parenting skills. Students in Pregnant Minor Schools are required to attend 250 minutes daily.

## **Chapter IV SPECIAL EDUCATION**

### **How is special education defined in the law?**

Special education is defined in the law as specially designed instruction to meet the unique needs of a student with a disability. It is provided at no cost to the student's parents.<sup>40</sup> It is not defined in terms of a specific school or classroom.

### **What is specially designed instruction?**

It is instruction that is tailored for a specific student and addresses the student's needs. This instruction may take place in a variety of settings, including, for example:

- a general education classroom in a public school,
- a special education classroom in a public school,
- a classroom in a private special education school,
- the student's home,
- a hospital, or
- a 24-hour residential school.

It can be in any instructional area, for example:

- reading,
- mathematics,
- science,
- social skills,
- physical education,
- vocational education. Or
- study skills

It also includes related services and supplementary aids and services, such as:

- speech and language,
- psychological counseling,
- transportation,
- physical therapy,
- a one-to-one aide, or
- other program modifications or supports.
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### **At what age may a child receive special education services?**

- Infants and toddlers between birth and 3 with eligible disabilities or risk conditions may receive early intervention services
- Children between the ages of 3 and 5 with eligible disabilities may receive pre-school services.
- Students between the ages of 5 and 18 with eligible disabilities may receive special education services.

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<sup>40</sup> Throughout this chapter parent refers to the any individual who has education rights.

- If a student is enrolled in or eligible for special education before his or her 19<sup>th</sup> birthday, the student is entitled to continue receiving special education services until:
  - the end of the school year in which the student turns 21 years of age, or
  - until the student receives a high school diploma.

## **Referral and Assessment Process**

### **How do I refer a child for an assessment for special education?**

A referral is a written request for an assessment to help determine if a student has a qualifying disability under special education law. This written request should be in the form of a letter to one of the following people at the student's school. The

- principal, or
- the person who oversees special education.

The following people may make referrals for special education assessments. These include:

- the student's parent,
- the student's guardian,
- the student's foster parent,
- a service provider who knows the student (such as a social worker, group home staff, etc.), or
- teacher and other school personnel.

If the student is just moving into the district and it is unclear which school the student will be attending, the referral letter then should be sent to the coordinator of special education for the student's school district. It is important that the referral letter

- be dated,
- the person writing it keep a copy, and
- that it be sent to the district or the school by certified mail with a return receipt requested

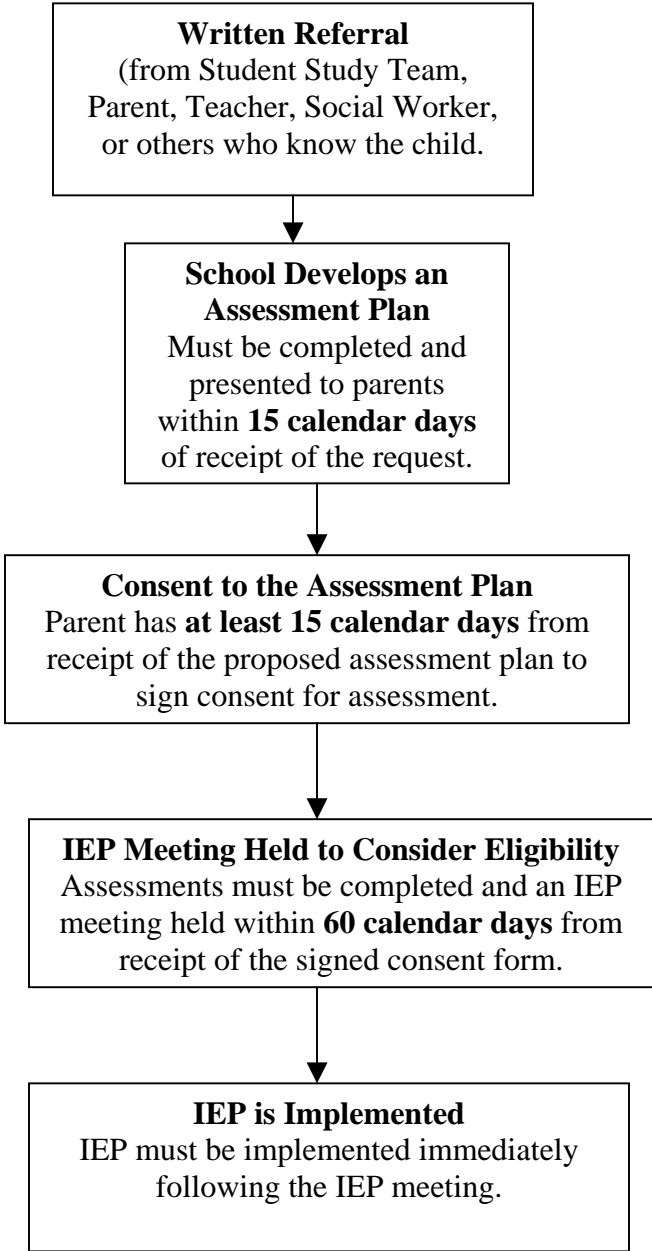
There are legal timelines that school personnel must follow once they receive a referral letter. Sample referral letters are included in the Appendix.

### **After the school (or school district) receives my referral, how long does it take for the assessment to be completed?**

- Within **15** days from the day the school or school district receives a written request for a special education assessment for a student, the school district must present the student's parents with an assessment plan or written justification for no assessment and parental rights to appeal that decision.
- Once the school district receives a signed assessment plan, the district has **60** days to complete the assessment and have an individualized education program meeting for the student.
- These timelines include weekends, but do not include days between school sessions or terms or vacation periods of more than five days. This means that Presidents' Day

(which is one day) counts, but winter break (which usually is two weeks) does not count.

**Timeline for Assessment and IEP Implementation**



### **What is an assessment plan?**

An assessment plan identifies the areas in which the student will be assessed for special education and the types of tests (or other assessment techniques) that will be used to evaluate the student. An assessment plan must meet the following requirements:

- Address all areas of suspected disability.
- Be in a language easily understood by the general public.
- Be provided in the primary language of the parent or other mode of communication used by the parent (for example, American Sign Language), unless to do so is clearly not feasible.
- Explain the types of assessments to be conducted.
- State that no IEP will result from the assessment without the consent of the parent.

Written consent by the student's parent is required before the school district may assess the student. This consent must be an *informed consent*, which means that the person consenting is fully informed about what he or she is signing and agree to it. Consequently, if there are any questions about the assessment, the person who will be consenting to it should feel free to ask the school psychologist, or other evaluator, to explain what the tests or techniques are that will be used and exactly what areas they will assess.

### **What are the legal requirements of a special education assessment?**

School districts must use a variety of tests and other assessment procedures to gather information about the student. This information must be:

- relevant,
- identify how the student functions,
- provide the student's developmental levels, and
- include information provided by the student's parent.

Furthermore, the selection and administration of assessment materials and procedures must be done so they are not racially, culturally, or sexually discriminatory. Tests and other assessment materials must meet all of the following requirements. They must be:

- Provided and administered in the student's primary language or other mode of communication unless the assessment plan indicates why this clearly is not feasible.
- Validated for the specific purpose for which they are used (that is, the test measures what it is designed to measure).
- Administered by trained personnel in conformance with the instructions provided by the producer of the test.
- Selected and administered to best ensure that when administered to a student with impaired sensory, manual, or speaking skills that the test produces results that accurately reflect the student's true ability or achievement levels and not the student's impairment unless the impaired skills are what the test is supposed to measure.
- Administered by persons knowledgeable about the student's suspected disability, including the student's need for specialized services, materials, and equipment.

In addition, the assessment must be comprehensive and assess the student in all areas related to the suspected disability, including, when appropriate:

- health and development.
- vision, hearing, and motor abilities.
- language function.
- general ability.
- academic performance.
- self help skills.
- social emotional status.
- career and vocational abilities and interests.
- fine and gross motor skills.

### **On what basis is eligibility for special education determined?**

In order to be eligible for special education services, students must:

- qualify under one of the disability categories specified in federal special education law and, because of that disability,
- require special education and related services to benefit from their education.

A student is **not** eligible for special education services if he or she needs these services because of a lack of appropriate instruction in reading or math, or because of limited English proficiency.<sup>41</sup> The categories of disabilities are specified below and their definitions are provided on page 36-37.

- Autism
- Deaf-blindness
- Deafness
- Emotional Disturbance
- Hearing Impairment
- Mental Retardation
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech and Language Impairment
- Traumatic Brain Injury
- Visual Impairment<sup>42</sup>

The definitions sometimes are referred to as “eligibility criteria” because a student’s disability must conform to these criteria in order for the student to receive special education services. The members of the student’s individualized education program (IEP) team make the determination as to whether the student’s disability meets the eligibility criteria.

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<sup>41</sup>20 U.S.C. § 1414(b)(5); 34 C.F.R. § 300.306(b)

<sup>42</sup> 20 U.S.C. § 1401(3); 34 C.F.R. 300.8; Cal. Ed. Code § 56026(a); 5 C.C. R. § 3030



## Eligibility Criteria

Disability	Definition
Autism	<p>A developmental disability, evident before age 3, significantly affecting</p> <ul style="list-style-type: none"> <li>• verbal and nonverbal communication, and</li> <li>• social interaction, generally.</li> </ul> <p>Often includes repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.</p>
Deaf-blindness	Both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.
Deafness	A hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification
Emotional Disturbance	<p>1. The term means a condition exhibiting <u>one or more</u> of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:</p> <ul style="list-style-type: none"> <li>(i) an inability to learn that cannot be explained by intellectual, sensory, or health factors;</li> <li>(ii) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;</li> <li>(iii) inappropriate types of behavior or feelings under normal circumstances;</li> <li>(iv) a general pervasive mood of unhappiness or depression; or</li> <li>(v) a tendency to develop physical symptoms or fears associated with person or school problems.</li> </ul> <p>2. The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have a serious emotional disturbance.</p>
Hearing Impairment	Impairment in hearing that negatively affects a child's educational performance but that is not included under the definition of deafness.
Mental Retardation	Significantly sub-average general intellectual functioning existing along with deficits in adaptive behavior and occurring before the student's 18 <sup>th</sup> birthday.
Multiple Disabilities	Impairments existing at the same time (such as mental retardation and blindness, mental retardation and orthopedic impairment, etc.), the combination of which causes severe educational problems that cannot be accommodated in special education programs solely for one of the impairments.
Orthopedic Impairment	A severe disorder of the bones, joints, ligaments, or muscles that negatively affects a child's educational performance and includes impairments caused by physical conditions present at birth, disease, and other causes.
Other Health Impairment	<p>Having</p> <ul style="list-style-type: none"> <li>• Limited strength, vitality, or alertness, including heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment</li> <li>• That is due to chronic or acute health problems, such as asthma, attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD), diabetes, epilepsy, heart condition, lead poisoning, leukemia, hemophilia, sickle cell anemia, among others.</li> </ul>

Specific Learning Disability	<ul style="list-style-type: none"> <li>• A disorder in one or more of the basic psychological processes involved in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.</li> <li>• The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.</li> <li>• The term does not apply to learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.</li> </ul>
Speech and Language Impairment	A communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment
Traumatic Brain Injury	<ul style="list-style-type: none"> <li>• Means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psycho-social impairment, or both.</li> <li>• The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psycho-social behavior, physical functions, information processing, and speech.</li> <li>• The term does not apply to brain injuries that students are born with or that are degenerative, or brain injuries caused by birth trauma.</li> </ul>
Visual Impairment	An impairment in vision that, even with correction, negatively affects a child's educational performance.

## **Individualized Education Program (IEP) Meeting**

### **What is an Individualized Education Program (IEP)?**

An individualized education program, or IEP, is a written document that describes the student's disability, the student's educational needs, and the educational program and services that the student requires in order to receive a free and appropriate public education (FAPE),

### **What must be included in an IEP according to special education law?**

The law requires that an IEP include:

- The student's present levels of performance in school subjects as well as in how the student functions in daily activities (e.g., walking, talking, etc.).
- How the student's disability affects his or her progress and involvement in the general education curriculum.
- Measurable annual goals that:
  - Meet the student's disability-related needs
  - Enable the student to be involved and progress in the general education curriculum
  - Include benchmarks or short term objectives for students taking alternative assessments
- Objective criteria, evaluation procedures, and schedules for determining whether annual goals are being achieved on a yearly basis.
- How the student's parents will be informed of the student's progress.

- Where the student will receive his special education instruction. The options include:
  - General education classroom
  - Resource program
  - Special day class
  - Nonpublic school
  - Residential treatment facility
  - Student's home
  - Hospital
- What related services the student requires in order to benefit from his or her educational program. The include:
  - Language and speech
  - Audiology
  - Psychological counseling
  - Physical therapy
  - Occupational therapy
  - Recreation therapy
  - Assistive technology
  - Orientation and mobility
  - Transportation
  - Parent counseling and training
  - Others, as appropriate
- The extent to which the student will be with students without disabilities.
- What supplementary aids and services the student will receive. For example:
  - One-to-one aide
  - Large print books
- Program modifications or supports
- Accommodations for state and districtwide assessments
- The date services are to begin, including how often they are to be received and how long each session will last
- Transition goals and services when a student turns 16 years old.
- English language acquisition goals and services for students who are designated as English learners.

### **What does least restrictive environment (LRE) mean?**

Least restrictive environment refers to the requirement in the law that students with disabilities must participate and be educated with students without disabilities to the maximum extent appropriate. Furthermore, removal from the general education environment should occur only if education in the general education classroom cannot occur satisfactorily even with the use of supplementary aids and services.<sup>43</sup>

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<sup>43</sup>Sacramento City School District v. Rachel H., 14 F.3d 1398 (9<sup>th</sup> Cir 1994)

### **Who are the required participants at an IEP meeting?**

Required IEP team members include:

- Parents
- Child (if appropriate)
- General Education Teacher – if the child receives services in a regular education classroom or may receive services in the regular education classroom as a result of the IEP meeting
- Special Education Teacher or Provider
- Representative (that is, an administrator or designee) of the District, County Office of Education, or responsible Special Education Local Plan Area.
- Individual able to interpret instructional implications of assessment results

Others with knowledge or expertise may be invited by either the parent or the local education agency (that is the District or County Office of Education).

### **When must an IEP team meet?**

An IEP team must meet whenever any of the following occurs:

- A student has received an initial assessment for special education.
- The student demonstrates a lack of anticipated progress.
- The parent or teacher requests a meeting to develop, review, or revise the IEP. A parent, however, can request a maximum of two meetings per year.
- At least once at year to review the student’s progress, the IEP, the appropriateness of the placement and to make needed revisions.
- When school personnel remove or suspend a student with a disability from his or her current school placement for 10 school days or more in the same school year for a violation of a school’s code of conduct.

### **What are related services?**

Related services are the support services students with disabilities require to benefit from their special education programs. These services used to be called “designated instruction and services” (DIS) in California, but the term was recently changed to conform to the IDEA.<sup>44</sup>

The IDEA specifies the following categories as related services:

- Audiology
- Counseling Services
- Early Identification and Assessment of Disabilities in Children
- Medical Services
- Occupational Therapy
- Orientation and Mobility Services
- Parent Counseling and Training
- Physical Therapy
- Psychological Services
- Recreation
- Rehabilitation Counseling Services

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<sup>44</sup>34 C.F. R. § 300.34; Cal. Ed. Code § 56363; 5 C.C.R. 3051 et seq.

- School Health Services
- Social Work Services in Schools
- Speech Language Pathology Services
- Transportation
- Other services not listed above that are needed by the student in order to benefit from an education

**When is transportation available to students who receive special education services?**

The IEP team must consider how a student’s disability affects his or her need for transportation, including determining whether the student’s disability prevents him or her from using the same transportation provided to students without disabilities or from getting to school in the same manner as students without disabilities.<sup>45</sup> Transportation is also available to and from other schools or agencies for related services that are not provided at the student’s regular school site.<sup>46</sup>

Transportation options may include, for example:

- the regular school bus
- public transportation (any out-of-pocket costs to the student or parents are reimbursed by the school district)
- riding a special bus from a pick up point,
- door-to-door transportation by a
  - school bus
  - taxi
  - parent who is reimbursed by the school district.

**When a student moves into a new school district, does the new district have to provide the same special education services as the previous district?**

When a student moves during a school year into a new school district, the new district must provide the student with services comparable to those in the previous school district's IEP for the first 30 days of attendance in the new district. During those first 30 days, the new district must adopt the old IEP or develop, adopt, and implement a new IEP that is consistent with federal and state special education law.<sup>47</sup>

**AB3632 Services**

**What are AB3632, AB2726, or Chapter 26.5 services?**

AB3632, AB2726, and Chapter 26.5 all refer to a law that was passed in California in 1984 and was subsequently amended. The law made the county departments of mental health (referred to in the law as Community Mental Health Services) responsible for providing mental

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<sup>45</sup>34 C.F.R. Part 300, Appendix A, Q.33

<sup>46</sup>34 C.F.R. § 300.24(b)(15)

<sup>47</sup> Cal. Ed. Code § 56325(a)(1)

health services, and California Children's Services responsible for providing medically necessary physical and occupational therapy to eligible special education students.

**What mental health services are available under AB3632?**

- Mental health assessments
- Individual, group, or family psychotherapy
- Medication evaluation and monitoring
- Intensive day treatment
- Case management
- Residential placement for students eligible for special education as having ED (emotional disturbance)

**How is a student referred for AB3632 services?**

An IEP team typically makes the referral for AB 3632 services. A student must be eligible for special education or suspected of being eligible for special education for a referral to be made. The local education agency (school district or county office of education) must have

- Assessed the student
- Obtained written parent consent for the referral
- Provided counseling, parent counseling and training, psychological services, social work services, or behavioral intervention
  - Or determined these services would not be adequate

**Who is eligible to receive AB3632 services?**

An eligible student must have emotional or behavioral characteristics (for example: depression, anger, anxiety) that are

- Observed by qualified educational staff
- Preventing the student from benefiting from his or her educational services
- Significant, as indicated by how often they occur and how intense they are
- Not simply social maladjustment (such as juvenile delinquency)
- Not a temporary adjustment problem that can be resolved with short-term counseling

Furthermore, the student's cognitive functioning must be at a level that enables the student to benefit from mental health services

**Who is not eligible to receive AB3632 services?**

Students are not eligible for AB3632 services if they have a condition that can be described simply as social maladjustment as demonstrated by

- deliberate noncompliance with accepted social rules.
- a demonstrated ability to control unacceptable behavior, and
- the absence of a treatable mental disorder.

**If a student in the foster care system is placed in a home in another county, will that affect the student's ability to obtain AB3632 services?**

AB 3632 referrals should be made by school district or county office of education personnel to the community mental health service (CMH) in the county in which the student

lives. However, if the student has been placed into residential care from another county (for example, by a child welfare agency), CMH receiving the referral shall forward it to the CMH of the county of origin (that is, the county that placed the student). The county of origin has the responsibility for paying for and either providing or arranging for necessary mental health services to be provided for the student. The law states that these procedures shall in no way delay or prevent the referral and assessment process.<sup>48</sup> Unfortunately, children in the foster care system throughout the state are having trouble receiving AB3632 services when they are placed in homes out of their county of origin.

### **What are the AB 3632 referral timelines?**

A school district or county office of education has

- *5 business days* to deliver an AB 3632 referral to the community mental health agency (CMH)

CMH then has

- *15 days* to send the student's parent or other holder of educational rights an assessment plan
- *60 days* to complete the assessment and return to an IEP meeting

See Appendix for timeline flowchart.

### **Assistive Technology**

#### **What is assistive technology?**

An assistive technology device is a piece of equipment or a product system – that is used to increase, maintain, or improve the functional capabilities of students with disabilities.<sup>49</sup> The equipment maybe owned by the district or specifically purchased and adapted for a student. Assistive technology devices that some special education children have received include:

- Communication devices
- Hearing aids
- Eye glasses
- Oxygen tanks
- Calculators and tape recorders
- Devices for loading and unloading children on the bus
- Computers

Assistive technology services include:

- Evaluating a student's assistive technology needs
- Making provisions for the student to acquire an assistive technology device, including purchasing or leasing the device for the student
- Coordinating a student's use of assistive technology with his educational program and related services
- Training or providing technical assistance to professionals, employers, or others who are substantially involved in the major life functions of the student.<sup>50</sup>

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<sup>48</sup>Cal. Govt. Code § 7576(g)

<sup>49</sup>20 U.S.C. § 1401(1); 34 C.F.R. § 300.5

<sup>50</sup>20 U.S.C. §§ 1401(2)(A-F); 34 C.F.R. § 300.6

They also include any service that directly assists a student with a disability in selecting, acquiring, or using an assistive technology device.<sup>51</sup> However, assistive technology does not include any medical device that is surgically implanted or the replacement of such a device.<sup>52</sup>

## **Functional Analysis Assessments and Behavioral Implementation Plans**

### **What is a functional analysis assessment?**

The purpose of a functional analysis assessment (called a functional behavioral assessment under the IDEA) is to determine the function of a special education student's serious behavior problem. This type of assessment analyzes the specific causes of a student's behavior problem and specific ways to change the behavior by using positive behavioral interventions.

### **What is considered a serious behavior problem?**

Under California's Hughes Bill, a serious behavior problem is behavior that is

- Self-injurious
- Assaultive
- causes serious property damage and
- is pervasive and maladaptive.<sup>53</sup>

### **Who conducts a functional analysis assessment?**

A functional analysis assessment in California must be conducted by or under the supervision of a person with documented training in behavior analysis with emphasis on positive behavioral interventions.

### **What are positive behavioral interventions?**

Positive behavioral interventions are positive techniques and strategies, rather than punishment, to change a student's serious behavior problem. They are respectful of the student's dignity and do not cause harm or trauma to the student.

### **What happens after a functional analysis assessment is completed?**

There is an IEP meeting to review the results of the functional analysis assessment and, if necessary, develop a behavioral intervention plan, which becomes part of the student's IEP.

### **What is a behavioral implementation plan?**

A behavioral implementation plan is a plan that becomes part of a student's IEP and describes the student's functional analysis assessment. It includes a description of the student's:

- Maladaptive behavior(s),
- Replacement positive behavior(s),
- Goals and objectives, and
- Positive behavioral interventions and the circumstances under which they are to be used.

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<sup>51</sup>20 U.S.C. § 1401(2); 34 C.F.R. § 300.6

<sup>52</sup>20 U.S.C. § 1401(1)(B); 34 C.F. R. § 300.5

<sup>53</sup> 5 CCR § 3001(aa)



Positive behavioral interventions may include:

- Altering identified events or situations that come before the serious behavior problem, such as
  - providing the student with choices
  - changing the setting
  - offering variety or a more meaningful curriculum for the student
  - removing environmental pollutants (for example, noise).
- Teaching the student alternatives to the problem behavior that accomplish the same goals, such as
  - Ways to request or to protest using socially acceptable behaviors
  - Appropriate communication modes to gain attention
  - Engaging in physically stimulating activities.
- Teaching adaptive behavior(s), such as
  - Choice making
  - self management
  - relaxation techniques
  - skill development.
- Altering what occurs after the student engages in replacement positive behaviors that have been taught, such as
  - Positively reinforcing the alternative behaviors.
- Altering what occurs after the student engages in maladaptive behavior, such as
  - Ignoring the inappropriate behavior
  - Redirecting the inappropriate behavior.

### **Transition Services and High School Graduation**

#### **Must the school include in a student's IEP information about graduation requirements and progress toward graduation?**

Because there is confusion regarding graduation requirements for special education students, the California Department of Education has issued a Special Alert to all school district Superintendents listing all the information that must be included in each special education student's IEP about graduation and progress toward graduation for 2006.

The following graduation-related information must be included in each student's IEP:

- Course of study for the pupil<sup>54</sup>
- Supports necessary for the pupil to make educational progress<sup>55</sup>

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<sup>54</sup>20 USC § 1414(d)(1)(A)(i)(VIII)(bb)

- Local requirements for the receipt of a high school 2006 diploma<sup>56</sup>
- State requirements for receipt of a high school diploma (i.e., successful completion of algebra I, passage of the CAHSEE)<sup>57,58</sup>
- Accommodations or modifications, if any, required for the pupil to access instruction and assessments<sup>59</sup>
- Provision of remedial or supplemental instruction focused on the CAHSEE<sup>60</sup>
- Entitlement of the pupil to receive a free appropriate public education until the end of the school year in which the pupil turns 21 years of age, or until the pupil receives a high school diploma, whichever event occurs first<sup>61</sup>
- Statement that the pupil was informed of the rights under the IDEA that will transfer to the student on reaching the age of majority<sup>62</sup>
- Summary of the pupil's academic achievement and functional performance, including recommendations on how to assist the pupil to meet postsecondary goals<sup>63</sup>
- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and the transition services the child needs to reach those goals<sup>64</sup>

Parents and students should insist that this information be included in the IEP and should use this information to understand and prepare for the transition and graduation process.

### **Due Process and Other Dispute Resolution Procedures**

#### **What can I do if I disagree with decisions made at the IEP meeting about my child's eligibility for special education services, the educational placement, related services, or any other aspect of providing a free and appropriate public education for my child?**

If you disagree with the recommendations of the school district, there are due process and non-due process procedures you can initiate to try to resolve the disagreement. The due process hearing and mediation processes have become quite technical and typically require consultation with a special education advocate or attorney.

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<sup>55</sup> 20 USC § 1414 (d)(1)(A)(i)(IV)

<sup>56</sup> Cal Ed. Code §§ 56345(b)(1), 56500.5

<sup>57</sup> Cal Ed. Code §§ 51224.5, 60851(a)

<sup>58</sup> Pursuant to a recent court case, a passing score on the CAHSEE is not required for some special education students during the 2005-2006 school term.

<sup>59</sup> 20 USC §1414(d)(1)(A)(i)(VI)(aa)

<sup>60</sup> Cal Ed. Code § 60851(f)

<sup>61</sup> 20 USC § 1412(a)(1)

<sup>62</sup> 20 USC § 1414(d)(1)(A)(i)(VIII)(cc)

<sup>63</sup> 20 USC § 1414(c)(5)(B)(ii)

<sup>64</sup> 20 USC §§ 1414(d)(1)(A)(i)(VIII)(aa)-(bb)

### **What is a due process mediation?**

A due process mediation is conducted by a neutral mediator who has no connection to the school district. Due process mediations occur after a parent has filed for a due process hearing. The mediation is voluntary, so either the parent or the school district may choose not to participate.

At a mediation, the mediator meets with the parents and the school (or other relevant agency, such as community mental health) to try to resolve their differences in an atmosphere that is:

- informal, and
- non-conflictual.

If the mediation resolves the issues, then

- the mediator writes up an agreement, and
- the parent, the school district, and any other agencies involved sign it.

If the issues are not resolved, the mediator helps the parties define what the issues are for the hearing.

### **What is a due process hearing?**

A due process hearing, sometimes called a fair hearing or simply a hearing, typically follows a due process mediation when all of the issues cannot satisfactorily be resolved at the mediation. The hearing is presided over by a hearing officer from the Office of Administrative Hearings who does not have any connection to the local school district.

A hearing is similar, in many ways, to a trial. The parent and the school district have the right to:

- present evidence, written arguments, and oral arguments and
- examine, cross-examine, and compel the attendance of witnesses.

### **Who may file for a due process hearing and mediation for a student?**

Under state law, the following people may initiate a due process hearing and mediation for a student:

- a parent
- a guardian
- a surrogate parent
- a holder of educational rights for the student
- a student who is emancipated or is a ward or dependent of the court for whom no parent can be identified or located and for whom no appropriate surrogate parent has been appointed<sup>65</sup>
- an advocate or attorney may also file for a due process hearing and mediation on behalf of any of the above.

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<sup>65</sup>Cal. Ed. Code § 56501(a)

### **Where do I send a request for a due process hearing and mediation?**

A request should be sent to the: Office of Administrative Hearings, Special Education Unit, 1102 Q Street, 4<sup>th</sup> Floor, Sacramento, CA 95814. The phone number is (916) 323-6876 and the fax number is (916) 322-8014. The request may be faxed, but it is also a good idea to mail a copy of the request as well.

### **What should I include in my request for a due process hearing and mediation?**

The information a parent must include in a due process hearing and mediation request letter is the following:

- The name of the student
- The residential address of the student or contact information for a homeless youth
- A description of what the disagreement is about in relation to the student's special education eligibility, educational program, services, or free appropriate public education as it relates to what the school has done or has not done. The description must give enough of the facts to clearly describe the problem and exactly what happened or did not happen
- A description of the proposed resolution to the problem; that is, what must happen in order to solve the disagreement for which the hearing is being requested.<sup>66</sup>

### **May a school district or county office of education try to stop parents from having a due process hearing or mediation by objecting to the information that they provided about the issues in the case?**

Although the information delineated in the answer to the above question is all the law requires, the law also has given school districts the option of objecting to the adequacy (what the law calls "sufficiency") of a parent's request for a hearing. School districts may request that a hearing officer:

- dismiss the case because the parent's request is not sufficient, or
- order that the parent file a more complete request.<sup>67</sup>

To have a better chance of not having the case dismissed or of having to refile the request, a parent should use the form developed by the Office of Administrative Hearings to initiate a request for a due process mediation and hearing. The form can be found on the OAH's website at [www.oah.dgs.ca.gov](http://www.oah.dgs.ca.gov).

### **After a parent files for a dues process hearing, and if the case is not dismissed, will there be an opportunity to resolve the issues prior to the due process hearing and mediation?**

The school district must convene a resolution meeting with the parents and relevant member(s) of the IEP team who have specific knowledge of the facts of the cases where

- the parents of the student discuss their reason for filing for a hearing and
- the school district is provided the opportunity to resolve the dispute.

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<sup>66</sup> 20 U.S.C. § 1415(b)(7); 34 C.F.R. § 300.508(b); Cal. Ed. Code § 56502(c)

<sup>67</sup> 20 U.S.C. § 1415(c)(2)(A); 34C.F.R. § 300.508(d); Cal. Ed. Code § 56502(d)

The resolution meeting must be held unless the parents and the school district agree in writing to waive the meeting or agree instead to use the due process mediation for this purpose.

If the resolution meeting is not waived, or if the mediation is used for this purpose, the resolution meeting must be convened by the school district:

- within 15 days of receiving notice of the parents' request for a hearing and
- include a representative of the school district who has decisionmaking authority.

The school district may not use an attorney at the resolution meeting unless the parent is accompanied by an attorney.

**May a parent have representation by an advocate or attorney at a hearing?**

A parent, school district, or any other party to the hearing has the right to be accompanied, advised, and/or represented by:

- an attorney or advocate, and
- by individuals with special knowledge or training relating to the problems of children and youth with disabilities.

**If a parent uses an attorney at a due process mediation or hearing, are there circumstances under which the school district is responsible for paying the fees of the parent's attorney?**

Yes. School districts may have to pay the fees parents owe an attorney for preparing for and conducting a due process hearing mediation, if the parent prevails in the case. To be considered the prevailing party does not mean that the parent won on every issue argued and decided at the hearing. What it means is that the parent substantially won on at least one or more of the issues. The written decision of the hearing officer determines the extent to which each side prevailed on each issue heard and decided. If, for example, a parent prevails on only some of the issues argued, then the parent will only be entitled to recover a portion of the fees the parent owes an attorney.

Attorneys' fees may not be awarded if:

- the school district agreed in writing to settle the case more than 10 days prior to the hearing,
- the parent did not accept the offer within 10 days, and
- a court or a hearing officer finds that the decision from the hearing was not more favorable to the parent than what the school district had offered.

When a due process mediation agreement settles all the issues in a case, the parties may include in the agreement how much the school district will pay for the parent's attorney's fees and costs.

**Are there free, or low-cost, legal services available for special education representation?**

Some legal service agencies provide advocates or attorneys to represent foster children and youth free of charge.

**Where does the student go to school during the due process mediation and hearing proceedings?**

During a due process hearing and mediation, the student must remain in his or her present placement unless:

- the school district and parent agree otherwise, or
- the student has violated school rules to an extent which allows the school district to place the student in an appropriate alternate setting. (See chapter on Discipline).

### **What is an informal meeting?**

The law specifies that when a due process hearing and mediation has been initiated, a public education agency (such as a school district) and a parent may meet informally to resolve any issue in disagreement prior to the hearing. This informal meeting should be conducted by either the:

- school district superintendent,
- county office of education superintendent, or
- director of the public education agency
- or the designees of the above officials.

The person conducting the informal meeting should have the authority to resolve the issues that are in disagreement.<sup>68</sup>

### **Are informal meetings sometimes scheduled prior to a parent filing for a due process hearing or mediation?**

Sometimes, when there is a disagreement that cannot be resolved at an IEP meeting and before a parent files for a due process hearing and mediation, a school district representative may ask a parent whether he or she would like to go to “an informal.” If a parent agrees to the informal meeting, then the parent will meet with a district or county office of education administrator who will attempt to resolve the issues in disagreement so that a due process mediation and hearing can be avoided.

There are certain circumstances that might encourage a parent to go to an informal meeting prior to filing for a due process hearing:

- The informal meeting typically will be scheduled quickly
- The school administrator has the reputation of being reasonable to parent requests in special education matters
- The parent and the administrator have a good relationship
- There is strong evidence to support the request for specific special education services over which there was disagreement at the IEP meeting
- What is being requested requires a relatively simple, non-costly change

The drawbacks of using the informal meeting process prior to filing for a due process hearing are:

- There is no additional pressure exerted on the school district or county office of education to bring about agreement (such as the likelihood of a hearing if issues are not resolved)
- The power relationship between the education agency and the parent is in favor of the district or county office of education

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<sup>68</sup>Cal Ed. Code § 56502(g)

- The “stay put” provision in the law does not apply (this means there is no obligation on the education agency to maintain the student in his or her current school placement until the informal meeting has been completed)

### **How is an informal meeting scheduled?**

An informal meeting is scheduled by contacting the coordinator of special education for the school district and requesting an informal meeting. If it is impossible to schedule an informal meeting within a few days, it is probably better to select another dispute resolution procedure.

### **What is a pre-hearing mediation?**

A pre-hearing mediation is a mediation that takes place before filing for a due process mediation or hearing. A pre-hearing mediation is completely voluntary. A parent may choose not to have a pre-hearing mediation and go directly to a due process hearing and mediation.

The purpose of the pre-hearing mediation is to resolve issues in disagreement in a student’s special education case in a non-adversarial atmosphere. Consequently, attorneys or advocates are not allowed to attend or participate in the pre-hearing mediation conference. However, the parents or school district are not prohibited from consulting with an advocate or attorney before or after the pre-hearing mediation conference. Others (for example, the social worker) may accompany and advise either side at the pre-hearing mediation.

A neutral mediator with no connection to the school district conducts the pre-hearing mediation. If the issues in dispute are resolved at the pre-hearing mediation, a copy of the written agreement will be mailed to each side within 10 days following the mediation. If the pre-hearing mediation does not resolve the issues satisfactorily, the person who requested the pre-hearing mediation has the option of filing for a due process hearing.

The disadvantages of a pre-hearing mediation are:

- The school district representatives are likely to be more knowledgeable about special education law and practice than the student’s parent.
- There is not as much pressure on a school district to settle a case.
- The “stay put” provision in the law does not apply, which means there is no obligation on the part of the school district to keep the student in his or her current school placement while the pre-hearing mediation takes place. This is important if the student is in a school placement the parent wants, and the disagreement is that the school district is attempting to change this placement.

## **Compliance Complaints**

### **What can be done if the school district or county office of education violates special education law or discriminates against the student?**

A complaint may be filed with the Complaint Management and Mediation Unit of the California Department of Education for any one of the following reasons:

- The student is not receiving all the services on his or her IEP or not for the amount of time specified.
- There is a violation of special education law by the district or county office of education, such as:
  - Failure to assess or refer a student for special education
  - Failure to follow referral and assessment timelines
  - Failure to inform a student's parent of the student's IEP meeting.
- A mediation agreement, hearing decision, or other settlement agreement entered into with the district or county office of education is not being followed.
- The student is experiencing discrimination and is at risk of suffering some immediate loss of benefit as a result.
- The student or group of students is in danger or their health or welfare is threatened.<sup>69</sup>

To file a complaint, write to the following address and send a copy to your school district.  
 Complaint Management and Mediation Unit  
 Special Education Division  
 California Department of Education  
 1430 N Street, Suite 2401  
 Sacramento, CA 95814

### **Who may file a complaint?**

The following people or organizations may file a complaint:

- Any individual,
- A public agency (for example, a child welfare agency, a CASA organization), or
- An organization (such as a parent group)<sup>70</sup>

In addition, teachers and other staff may use the complaint process to address problems they experience with other school and district officials when trying to help parents or special education students obtain appropriate special education services. No school district or county office of education employee may use, or attempt to use, his or her official authority or influence to intimidate, threaten, or coerce any person attempting to assist a parent or guardian of a special education student to obtain services or accommodations for that student. Those who may file a complaint for this purpose include, but is not limited to the following individuals:

- teacher,
- related services provider,
- paraprofessional,
- aide, or
- contractor<sup>71</sup>

### **Whom may the complaint be about?**

The complaint may concern:

- a single child,

<sup>69</sup> 20 U.S.C. § 1415 (b)(6); 34 C.F.R. §§ 300.151 – 300.153; 300.660 – 662; 5 C.F.R. § 4650.

<sup>70</sup> 5 C. C. R. § 4600(b).

<sup>71</sup> Cal. Ed. Code § 56046



- a group of children, or
- a local education agency policy that violates federal or state special education law.

### **What happens after I file a complaint?**

The Complaint Management and Mediation Unit (CMMU) has 60 calendar days from receiving the complaint to carry out any necessary investigation and to resolve it.<sup>72</sup> Once received, the complaint must be reviewed by the CMMU to determine if the matter is

- for the state to investigate itself , or
- for the state to send to the local school district or county office of education for investigation.

Once the CMMU makes its determination, it must immediately notify the complainant of the decision and either refer the matter for local school district or county office of education investigation or begin its direct investigation.<sup>73</sup>

Although the CMMU must process your complaint within 60 days, the office has developed a process to “fast-track” certain complaints and provide resolution sooner than the 60 days. The complaints that can be “fast tracked” are those that present a small number of uncomplicated issues.

After filing a complaint, you may wish to call the CMMU to find out who the investigator is and to remind that individual of your need for quick processing. Whether or not you file your complaint as a fast-track complaint, if you do not hear from the CMMU with 10 days after you mailed the complaint, you should contact the CMMU to follow up by phone (916) 445-4632 or fax (916) 327-3516.

### **What will happen after I file a complaint with the Complaint Management and Mediation Unit?**

An investigator from the Complaint Management and Mediation Unit (CMMU) or, in some cases, your local school district will investigate the allegations in your complaint and make a written determination of whether the school district or county office of education was out of compliance in the area alleged by your complaint.

If found “out of compliance,” the school district or county office of education will be required to come back into compliance (i.e., do what it should have done). It also may be required to compensate the student for services that the student did not receive. For example, a school district found out of compliance for failing to provide a student with the amount of speech and language services specified in the student's IEP may be required to compensate the student for those services by providing the hours of service that the student did not receive but should have received in addition to the student's regularly scheduled speech and language services.

In addition, the CMMU may order the education agency to submit a plan of correction, which is a document that describes

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<sup>72</sup>34 C.F.R. § 300.661; 5 C.C.R. § 4631(a)

<sup>73</sup>5 C.C.R. § 4651

- the steps it has taken and will continue to take to assure that the problem does not occur again, either to this student or to others, and
- the timelines for taking those steps.

## **Early Intervention Services**

### **What are Early Intervention Services?**

Early intervention services are designed to meet the developmental needs of an infant or toddler between the ages of birth to 3 years and the needs of the child's family.

### **Who should be referred for Early Intervention Services?**

Infants and toddlers with the following diagnoses and conditions may be eligible for early intervention services:

- Diagnosed conditions (such as Down Syndrome or cerebral palsy),
- Significant differences between expected and current functioning levels in either the cognitive, physical, communication, social/emotional, or adaptive areas, or
- Two or more diagnosed biomedical risk factors, such as low birth weight (3 pounds or less) and prenatal drug exposure.

Furthermore, all infants and toddlers in foster care who have a substantiated case of abuse or neglect should be referred for early intervention services.

### **What agencies are responsible for providing Early Intervention Services?**

School districts and county offices of education are responsible for providing or paying for services to infants and toddlers who have hearing, vision, or severe orthopedic impairments. Regional Centers are responsible for providing or paying for services for all other eligible infants and toddlers.

### **What is an individualized family services plan (IFSP)?**

It is a written plan for providing services to eligible infants and toddlers and their families. It is developed within 45 days of a referral and reviewed every 6 months. An IFSP must contain:

- Current levels of development of the child,
- Concerns/priorities/resources of family,
- Developmental outcomes to be achieved by the child,
- Description of the natural environment where services are to be provided,
- Name of service coordinator,
- Statement of transition steps (at least 90 days before child becomes 3 years old), and
- Specific services to be provided, including the frequency, duration, service provider and initiation date.

### **What specific services might be included on an IFSP?**

- Special instruction (e.g., infant stimulation, preschool)
- Family training or counseling
- Respite services

- Physical or occupation therapy
- Assistive technology
- Speech-language pathology
- Audiology
- Nursing
- Nutrition
- Social work services
- Transportation
- Other services

### **504 Services**

#### **Are there services available for students who do not qualify for special education services?**

Even though a student has learning or other problems that negatively affect his or her ability to function adequately in school, he or she may not be found eligible for special education services because of

- not fitting into one of the special education eligibility categories and/or
- the student’s learning or other problems are not severe enough to qualify for special education services.

Such students, however, may qualify for special services and accommodations under Section 504.

#### **What is Section 504?**

Section 504, part of the Rehabilitation Act of 1973, forbids discrimination on the basis of disability by

- states,
- local governments, and
- public and private organizations that receive federal funds.<sup>74</sup>

This law prohibits school districts and county offices of education from discriminating against students with disabilities. The regulations authorize the use of a “504 plan” for making accommodations in public schools for students with qualified disabilities under this law. Another law, the Americans with Disabilities Act, prohibits private schools from discriminating against students with qualified disabilities.

#### **What is considered a disability under Section 504?**

A disability under Section 504 is a physical or mental impairment that substantially limits one or more of the person’s major life activities.

#### **What does physical impairment mean under Section 504?**

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

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<sup>74</sup>29 U.S.C. § 794

- neurological,
- musculoskeletal,
- special sense organs,
- respiratory, including speech organs,
- cardiovascular,
- reproductive, or
- digestive<sup>75</sup>

### **What does mental impairment mean under Section 504?**

Mental impairment means any mental or psychological disorder, such as

- mental retardation,
- organic brain syndrome,
- emotional or mental illness, or
- specific learning disabilities<sup>76</sup>

### **What are considered major life activities under Section 504?**

Major life activities include:

- caring for oneself,
- performing manual tasks,
- walking,
- seeing,
- hearing,
- speaking,
- breathing,
- learning, and
- working<sup>77</sup>

### **If a student is eligible for services under special education law, is that student also eligible under Section 504?**

All students who are eligible for special education services under the IDEA are also considered qualified individuals with disabilities under Section 504.

### **If a student is not eligible for services under special education law, might the student still have a qualified disability under Section 504?**

Some students who are not eligible for special education services under the IDEA are considered qualified individuals with disabilities under Section 504 and, therefore, may require that the school put together a 504 plan for them. Examples of students who may qualify for services under Section 504 include students who have

- dyslexia,
- pervasive developmental disorder,
- Tourette's Syndrome,

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<sup>75</sup>34 CFR §104.3(j)(2)(i)

<sup>76</sup>34 CFR § 104.3(j)(2)(i)

<sup>77</sup>34 CFR §104.3(j)(2)(ii)

- obsessive compulsive disorder,
- conduct disorder,
- oppositional defiant disorder, and
- Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD).

Other students, with certain permanent or temporary medical conditions, also may qualify, such as those with

- asthma,
- allergies,
- diabetes, or
- broken bones.

**What is required under Section 504 if a student has a qualifying disability?**

Section 504 requires a school district or county office of education to develop the following:

- a program designed to provide services comparable to those programs for students without disabilities,
- a written accommodation plan, typically called a 504 Plan, developed by people knowledgeable about the student, and
- an initial evaluation and periodic reevaluations.

**If a student is not found eligible for services under Section 504 or the services or accommodations recommended are not appropriate, are there any appeal procedures?**

You can appeal that decision. The school district or county office of education is responsible for arranging the Section 504 hearing process. The hearing officer selected must be independent of the local education agency.

**What can be done if you believe a student’s rights under Section 504 are being violated?**

The federal Office for Civil Rights (OCR) administers and enforces Section 504 protections in education. If you believe a student has not been afforded his or her rights under Section 504, you may file a complaint with the Office for Civil Rights at:

U.S. Department of Education  
 Office For Civil Rights  
 Region IX Office  
 Old Federal Building  
 50 United Nations Plaza, Room 239  
 San Francisco, CA 94102  
 Telephone: (415) 556-4275  
 TTY: (415) 437-7786  
 FAX: (415) 437-7783

## **Chapter V DISCIPLINE**

### **Disciplinary Terms and Procedures that Apply to All Students**

#### **How is suspension defined under California law?**

Under California law, suspension means the removal of a student from ongoing instruction for adjustment purposes.<sup>78</sup> There are both in-school suspensions and suspensions where students are sent home.

#### **For how many days may a student be suspended and who may suspend a student?**

- A teacher may suspend a student from a class he or she is teaching for the day of the suspension and the day following; however, the teacher must immediately report the suspension to the principal and send the student to the principal (or to his or her designee if the principal is not available).
- A student may be removed from a particular class period, however, without being sent to the principal for not more than once every five school days.
- Only the principal (or someone acting in place of the principal) may suspend a student from school and not for more than five consecutive school days.

#### **What procedures should occur prior to a student being suspended?**

- Under most circumstances, a principal (or someone acting in place of the principal) or the superintendent must hold a conference between the student and, whenever possible, the teacher or supervisor who made the referral for the misbehavior.
- At the conference, the student must be informed of
  - the reason for the disciplinary action and
  - the existing evidence.
- The student also must be given the opportunity to present his or her version of the alleged misbehavior and the evidence in the student's defense.

A student may be suspended without being afforded an opportunity for a conference only if the principal, a superintendent, or their designees determines that an emergency situation exists.

An emergency situation is defined in California law as one that constitutes a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without a conference prior to suspension, both the parent and the student must be notified of the student's right to a conference and the student's right to return to school for the purposes of a conference.

At the time of suspension, a school employee must make reasonable effort to contact the student's parent or guardian in person or by telephone. Whenever a student is suspended from school, the parent or guardian must be notified in writing of the suspension.

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<sup>78</sup>Cal. Ed. Code § 48925(d)

### **May a school or school district informally suspend a student without following formal suspension procedures?**

“Informal suspensions” are violations of the law. When a school or school district wants to send a student home for misbehavior, they must follow all the procedures required for formally suspending a student. Parents and other caregivers should not agree to take their children home from school for misbehavior unless proper paperwork is completed and all suspension procedures followed.

The problem with “informal suspensions” is that there is no paperwork documenting that the student is having problems and may need additional services, such as special education. Furthermore, formal suspension procedures require that students be informed of the evidence against them, that they have a right to give their version of what occurred, and that their parents are informed in writing about the suspension. These do not typically occur in informal suspensions.

### **What are the offenses for which a student may be suspended or expelled?**

For many offenses, suspension should be imposed only when other means of correction fail to bring about proper conduct. For more serious offenses, however, a student may be suspended on the first offense.

The following offenses constitute allowable grounds for suspending a student from school or recommending expulsion:<sup>79</sup>

- Caused, attempted to cause, or threatened to cause physical injury to another person.
- Willfully used force or violence upon the person of another, except in self-defense.
- Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object (unless the student had obtained written permission to possess a dangerous object from a certificated school employee and the principal or principal’s designee concurs).
- Unlawfully possessed, sold, or otherwise furnished, or was under the influence of, any controlled substance, an alcoholic beverage, or an intoxicant.
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property.
- Possessed or used tobacco, or any products containing tobacco or nicotine products.
- Committed an obscene act or engaged in habitual profanity.
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
- Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- Knowingly received stolen property or private property.

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<sup>79</sup> Cal. Ed. Code § 48900

- Possessed an imitation firearm. Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- Committed or attempted to commit a sexual assault or a sexual battery.
- Harassed, threatened, or intimidated a student who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
- Committed sexual harassment that is sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment (only pertains to students in grade 4 and above)
- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence (only pertains to students in grade 4 and above).
- Intentionally engaged in harassment, threats, or intimidation directed against a student or group of students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of that student or group of students by creating an intimidating or hostile educational environment.
- Has made terrorist threats against school officials or school property that include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of \$1000, with the specific intent that the statement is to be taken as a threat and hereby causes that person reasonably to be in sustained fear for his or her own safety, or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family

A student may not be suspended or expelled for the acts listed above unless they are related to a school activity or to school attendance under the jurisdiction of the superintendent or principal at the student's school district or at any other school district.

Acts related to a school activity or to school attendance may occur at any time, including, but not limited to, any of the following:

- while on school grounds,
- while going to or coming from school,
- during the lunch period whether on or off the campus, and
- during or while going to and from a school-sponsored activity.

**Is suspension or expulsion appropriate for students who are frequently truant from or tardy to school?**

Suspension or expulsion is not appropriate for students who are truant, tardy, or otherwise absent from school and alternative measures should be used with such students.



### **Are there alternatives to suspension or expulsion that may be imposed?**

Instead of recommending suspension or expulsion for a student, a principal of a school (or someone acting in the place of the principal, the superintendent of schools, or the governing board) may require a student to perform community service on school grounds during non-school hours. Community service may include, but is not limited to:

- work performed on school grounds in the areas of outdoor beautification or campus betterment, and
- teacher or peer assistance programs.

However, the community service option is not available for offenses for which suspension or expulsion is required.

### **How is expulsion defined under California law?**

Under California law expulsion means removal of a student from the supervision and control of school personnel.<sup>80</sup>

### **What are the offenses for which a student may be expelled?**

The governing board of the school district may expel a student for any of the offenses listed above.

### **What are “zero tolerance” offenses?**

There are certain offenses referred to in California law as “zero tolerance” offenses, which require that the governing board must expel any student who, at school or while engaging in school activities:

- Possessed, sold, or otherwise furnished a firearm;
- Brandished a knife at another person;
- Unlawfully sold a controlled substance; or
- Committed a sexual assault.<sup>81</sup>

Only the principal of the student’s school or the superintendent may recommend that a student be expelled; however, final action for expulsion is by the governing board.

## **Disciplinary Procedures for Students without Disabilities**

### **How many days may a student without a disability be suspended from school?**

The total number of days must not exceed 20 school days in any school year. However, if for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation school or class, the total number of school days for which the student may be suspended must not exceed 30 days in any school year.

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<sup>80</sup>Cal. Ed. Code § 48925(b)

<sup>81</sup>Cal. Ed. Code § 48915(c)

### **How many days may a student without a disability be expelled from school?**

A general education student (a student who does not have an IEP) may be expelled for the remainder of the semester in which the offense is committed and the next semester. However, if a student commits one of the “zero tolerance” offenses, the Board of Education must set a date of one year from the expulsion, when the student will be reviewed for readmission to the school.

### **If a student is expelled from school, what public educational options are available to him or her?**

California law provides that a regular education student who is under an expulsion order must be referred to an alternative education program. Depending on the nature of the offense, the alternative educational program may either be within the school district or in a program operated by the county board of education.

### **Disciplinary Procedures for Students with Disabilities**

#### **What are the procedures for suspending a student with a disability for 10 days or less?**

According to the Individuals with Disabilities Education Act (IDEA), school personnel may remove or suspend a student with a disability from his or her current school placement for not more than 10 school days in the same school year for any violation of a school’s code of conduct.<sup>82</sup> These students may be removed to an appropriate temporary:

- alternative educational setting, or
- another setting

However, based on the decision in *Honig v. Doe*<sup>83</sup>, a series of shorter suspensions that together add up to more than 10 days per school year may indicate a pattern of exclusion from school and a significant change of placement, both of which are a violation of the IDEA, if an IEP meeting is not held.

#### **May a student with a disability be kept out of school for more than 10 days in the same school year?**

There are circumstances under which school personnel may keep a student with a disability out of school for longer than 10 schooldays. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change of placement for a student with a disability who violates a code of student conduct.

If the violation of the school code of conduct is determined to be not directly connected to a student’s disability, then the relevant disciplinary procedures that may be applied to students without disabilities also may be applied to this student in the same manner, and for the same amount of time, in which the procedures would be applied to students without disabilities.<sup>84</sup> The student with a disability, however, still must receive a free and appropriate public education, although it may be provided in a temporary alternative educational setting.

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<sup>82</sup> 20 USC § 1415(k)(1)(B)

<sup>83</sup> *Honig v. Doe*, 484 U.S. 305 (1988)

<sup>84</sup> 20 USC § 1415(k)(C)

**Are there “zero tolerance” offenses that require a student with a disability to be removed from the school setting?**

Whether the behavior of a student with a disability is directly connected to the disability, the student still may be placed in a temporary alternative educational setting for not more than 45 days in cases where the student:

- Carries or possesses a weapon to or at school, on school premises, or to or at a school function;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or a school function;
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.<sup>85</sup>

**Who determines in which temporary alternative setting the student should be placed?**

The IEP team determines the specific alternative educational setting.

**Does the student have to be provided special education services while in the temporary alternative educational setting?**

The law requires that while in the temporary alternative educational setting the student must continue to:

- receive a free appropriate public education,
- participate in the general education curriculum, although in another setting, and
- progress toward meeting the goals set out in his or her IEP.

Furthermore, so that the behavioral violation does not recur that led to the student’s placement in the alternative educational setting, the student should receive, as appropriate:

- a functional behavioral assessment,
- behavioral intervention services, and
- behavioral modifications.

**What is a “manifestation determination” IEP?**

Within 10 days of any decision to change the placement of a student with a disability because of a violation of a code of school conduct (except for suspensions for not more than 10 days), an IEP meeting must be held that includes the local education agency and the parent.

Relevant members of the IEP Team must review all relevant information in the student’s file, including

- the child’s IEP,
- any teacher observations, and
- any relevant information provided by the parents.

The purpose of this IEP team review is to determine whether the misbehavior of the student is a manifestation of the student’s disability (i.e., whether the misbehavior is directly connected to the disability).<sup>86</sup>

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<sup>85</sup>20 USC § 1415(k)(G)

<sup>86</sup> 20 U.S.C. § 1415(k)(E)

**What decisions must the manifestation determination IEP team make?**

The IEP team must determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of the local education agency's failure to implement the IEP.

If the IEP team determines that either applies to the student, the misconduct cannot be determined to be a manifestation of the student's disability.

**If a determination is made that the student's misbehavior is directly connected to the disability or the misbehavior is the result of a failure to implement the student's IEP, what course of action must the IEP team recommend?**

The IEP team then must:

- conduct a functional behavioral assessment, and implement a behavioral intervention plan for the student, if the local education agency has not done so prior to the occurrence of the misbehavior; or
- in the situation where a behavioral intervention plan has been developed, review the plan and modify it, as necessary, to address the misbehavior.
- return the student to the placement from which he or she was removed, unless the parent and the local education agency agree to a change of placement as part of the modification of the behavioral intervention plan.

**Are there circumstances under which a student may be removed to an alternative educational setting even though the misbehavior was directly connected to the disability or the failure to implement the IEP caused the misbehavior?**

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, in cases of:

- weapons or drug possession or
- use or infliction of bodily injury.

**If a parent disagrees with the decisions of the manifestation determination IEP team, what course of action is available?**

If the student's parents disagree with a determination of the IEP team that the student's behavior was not directly connected to the student's disability or with any decision regarding the student's placement, the parent may request a special education hearing to resolve the disputed issue.

**Are there circumstances under which a local education agency may request a special education hearing related to a student's misbehavior?**

A local education agency that believes that maintaining the student in the current placement is substantially likely to result in injury to the student or to others, may also request a hearing.

**If a special education hearing has been requested by either the student's parent or the local education agency, what school placement does the student attend until the hearing is completed?**

When a hearing has been requested, unless the parents and the local education agency agree otherwise, the student is to remain in the alternative educational setting pending the decision of the hearing officer or the expiration of the time period for disciplinary removals as applied to children without disabilities, whichever occurs first.

## **APPENDICES**



## **SAMPLE LETTERS**

### Request for Evaluation for Special Education

- Parent with education rights
- Foster parent/relative caregiver with educational rights
- Foster parent/caregiver without educational rights
- Social worker

### Request for Evaluation for Special Education and Simultaneous 3632 Referral

### Request for Meeting to Review IEP

- Parent with education rights
- Foster parent with educational rights



**SAMPLE LETTER**  
***Request for Evaluation for Special Education***  
***(parent with educational rights)***

Date:

Principal/Director of Special Education  
School Name  
School Address  
City, State, Zip

RE: Child's Name  
Date of Birth

Dear [Name]:

I am the mother/father of **[name of child]**, who is enrolled in the **[grade]** at **[name of school]**. My child is having the following problems at school, and I am concerned that he/she is not making progress. I am writing to request that **[name of child]** be given a comprehensive assessment by the school district to determine if he/she is eligible for special education services. **[Describe in detail the specific difficulties that child is having in school or with school work.]**

I look forward to receiving the assessment plan for my consent within 15 days of this request. If you have any questions, you may contact me at the number below. Thank you.

Sincerely,

**Signature**

**Name**  
**Address**  
**Telephone**

**SAMPLE LETTER**  
**Request for Evaluation for Special Education**  
**(foster parent/relative caregiver with educational rights)**

Date:

Principal/Director of Special Education  
School Name  
School Address  
City, State, Zip

RE: Child's Name  
Date of Birth

Dear [Name]:

I am the foster parent/relative caregiver of **[name of child]**, who is enrolled in the **[grade]** at **[name of school]**. **[Name of child]** is having the following problems at school, and I am concerned that he/she is not making progress. I am writing to request that **[name of child]** be given a comprehensive assessment by the school district to determine if he/she is eligible for special education services. **[Describe in detail the specific difficulties that child is having in school or with school work.]**

The juvenile court has given me educational decision-making authority for **[name of child]**. I look forward to receiving the assessment plan for my consent within 15 days of this request. If you have any questions, you may contact me at the number below.  
Thank you.

Sincerely,

**Signature**

**Name**  
**Address**  
**Telephone**

**SAMPLE LETTER**  
**Request for Evaluation for Special Education**  
**(foster parent/caregiver without educational rights)**

Date:

Principal/Director of Special Education  
School Name  
School Address  
City, State, Zip

RE: Child's Name  
Date of Birth

Dear [Name]:

I am the foster parent/caregiver of **[name of child]**, who is enrolled in the **[grade]** at **[name of school]**. **[Name of child]** is having the following problems in class and I am concerned that he/she is not making progress. I am writing to request that **[name of child]** be given a comprehensive assessment by the school district to determine if he/she is eligible for special education services. **[Describe in detail the specific difficulties that child is having in school or with school work.]**

**[Name of person]** has educational decision-making authority for **[name of child]**. He/she may be reached at **[address/telephone number]**. Please send him/her the assessment plan for his/her consent within 15 days of this request. If you have any questions, you may contact me at the number below. Thank you.

Sincerely,

**Signature**

**Name**  
**Address**  
**Telephone**

**SAMPLE LETTER**  
**Request for Evaluation for Special Education**  
**(social worker)**

Date:

Principal/Director of Special Education  
School Name  
School Address  
City, State, Zip

RE: Child's Name  
Date of Birth

Dear [Name]:

I am the social worker for **[name of child]**, who is enrolled in the **[grade]** at **[name of school]**. **[Name of child]** is having the following problems in class and I am concerned that he/she is not making progress. I am writing to request that **[name of child]** be given a comprehensive assessment by the school district to determine if he/she is eligible for special education services. **[Describe in detail the specific difficulties that child is having in school or with school work.]**

**[Name of person]** has educational decision-making authority for **[name of child]**. He/she may be reached at **[address/telephone number]**. Please send him/her the assessment plan for his/her consent within 15 days of this request. I would like to attend the IEP meeting and would appreciate receiving prior notification.

If you have any questions, you may contact me at the number below. Thank you.

Sincerely,

**Signature**

**Name**  
**Address**  
**Telephone**

**SAMPLE LETTER**  
***Request for Evaluation for Special Education and 3632 Referral***  
***(parent with educational rights)***

Date:

Principal/Director of Special Education  
School Name  
School Address  
City, State, Zip

RE: Child's Name  
Date of Birth

Dear [Name]:

I am the mother/father of **[name of child]**, who is enrolled in the **[grade]** at **[name of school]**. My child is having the following problems in class and I am concerned that he/she is not making progress. I am writing to request that **[name of child]** be given a comprehensive assessment by the school district to determine if he/she is eligible for special education services. **[Describe in detail the specific difficulties that child is having in school or with school work.]**

I also am requesting that a simultaneous AB3632 referral be made to County Mental Health pursuant to Cal. Gov't. Code Section 7576(d). This provision allows a school district to make an AB3632 referral for a student who is suspected of being an individual with exceptional needs and in need to mental health services but prior to the IEP meeting where the student is found eligible.

I look forward to receiving the assessment plan for my consent within 15 days of this request. If you have any questions, you may contact me at the number below. Thank you.

Sincerely,

**Signature**

**Name**  
**Address**  
**Telephone**

**SAMPLE LETTER**  
***Request for Meeting to Review IEP***  
***(parent with education rights)***

Date:

Principal/Director of Special Education  
School Name  
School Address  
City, State, Zip

RE: Child's Name  
Date of Birth

Dear [Name]:

I am the parent of **[name of child]**, who is enrolled in the **[grade]** at **[name of school]**. I am requesting that an IEP meeting be convened for **[name of child]** as soon as possible. He/she has been having problems at school and is not making progress. I think that his/her program may need to be modified to address his/her individual needs. **[Describe in detail the specific difficulties that child is having in school or with school work.]**

I understand that this IEP meeting must be held within 30 days of my request. If you have any questions, you may contact me at the number below. Thank you.

Sincerely,

**Signature**

**Name**  
**Address**  
**Telephone**

**SAMPLE LETTER**  
**Request for Meeting to Review IEP**  
**(foster parent/relative caregiver with educational rights)**

Date:

Principal/Director of Special Education  
School Name  
School Address  
City, State, Zip

RE: Child's Name  
Date of Birth

Dear [Name]:

I am the foster parent/relative caregiver of **[name of child]**, who is enrolled in the **[grade]** at **[name of school]**. I am requesting that an IEP meeting be convened for **[name of child]** as soon as possible. He/she has been having problems at school and is not making progress. I think that his program may need to be modified to address his individual needs. **[Describe in detail the specific difficulties that child is having in school or with school work.]**

I understand that this IEP meeting must be held within 30 days of my request. I have educational decision-making authority for **[name of child]**. If you have any questions, you may contact me at the number below. Thank you.

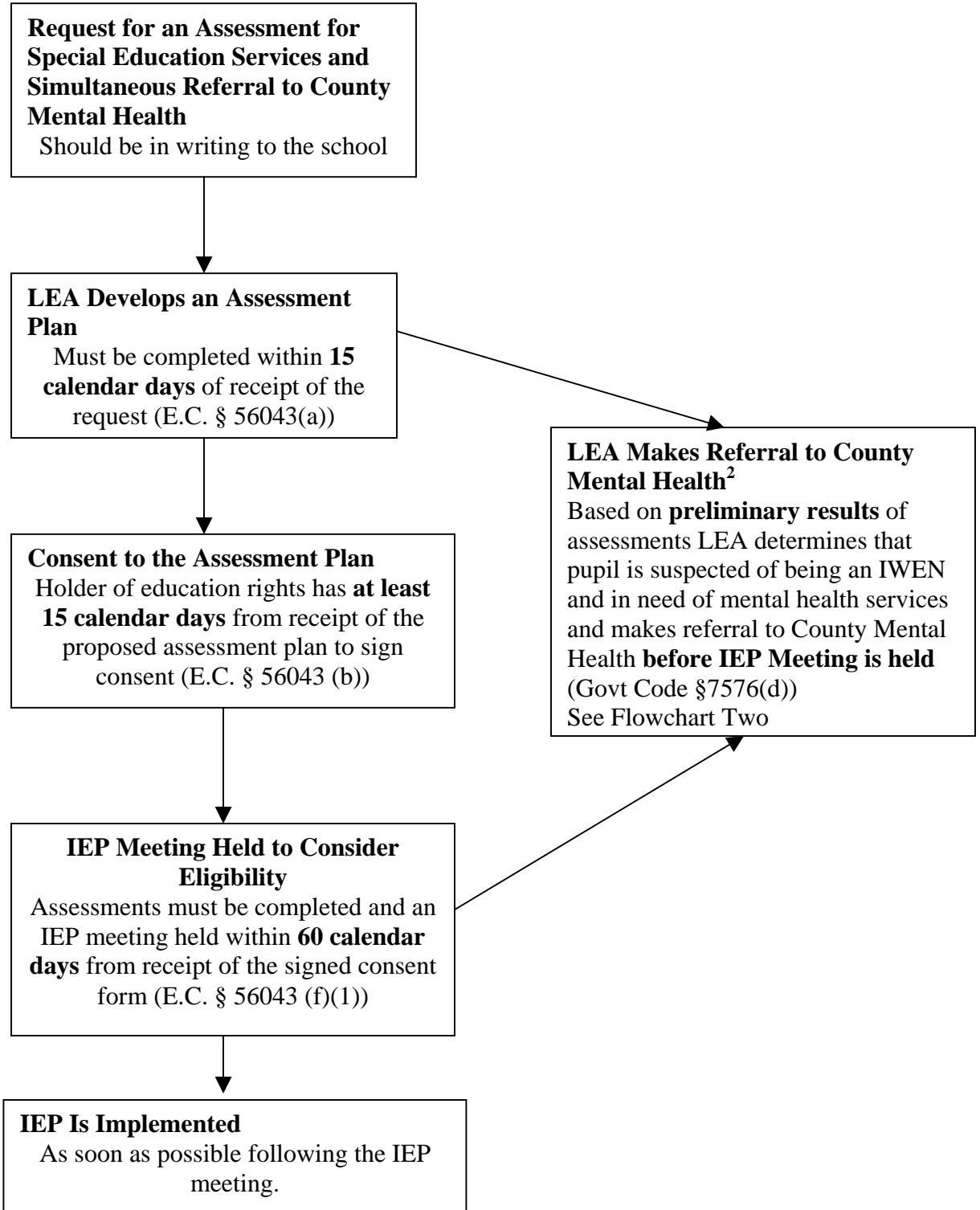
Sincerely,

**Signature**

**Name**  
**Address**  
**Telephone**

**FLOWCHART ONE**

**Request for an Assessment for Special Education Services And Simultaneous Referral to County Mental Health for AB 3632<sup>1</sup> Mental Health Services Student Has Not Yet Been Found Eligible for Special Education Services**





## Notes for Flowchart One

<sup>1</sup>In some counties AB 3632 mental health services are referred to as AB 2726 or Gov't Code 26.5 mental health services.

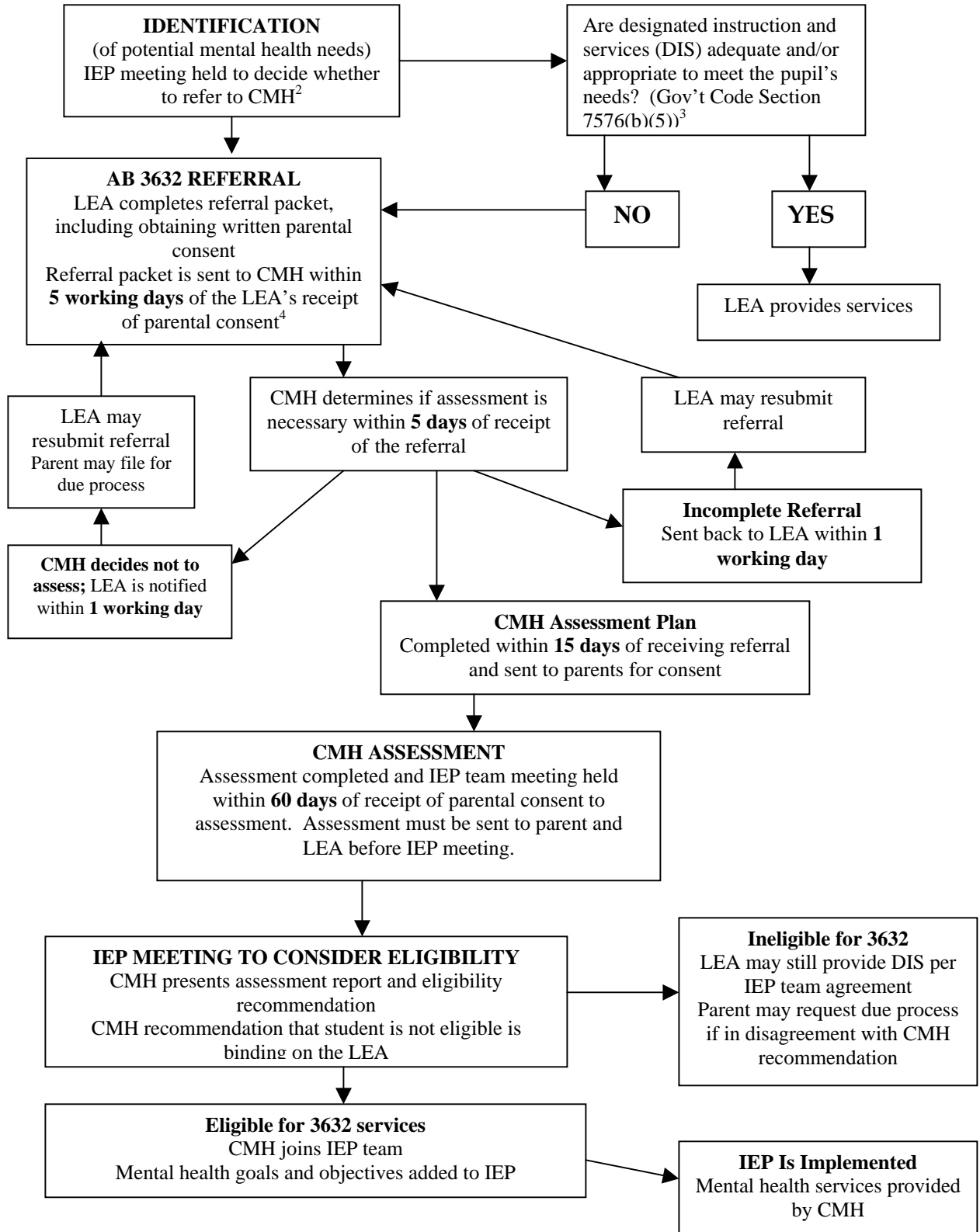
<sup>2</sup>A pupil may be referred to county mental health prior to his or her being deemed eligible for special education services if the local education agency has reason to believe the he or she is an individual with exception needs and is suspected of needing mental health services, and if the following conditions are met:

1. The local education agency has obtained written parental consent for the referral.
2. As determined using educational assessments, the pupils' functioning, including cognitive functioning, is at a level sufficient to enable the pupil to benefit from mental health services.
3. The pupil has emotional or behavioral characteristics that
  - Are observed by qualified educational staff in educational and other settings, as appropriate
  - Impede the pupil from benefiting from educational services
  - Are significant as indicated by their rate of occurrence and intensity
  - Are associated with a condition that cannot be described solely as a social maladjustment or a temporary adjustment problems and cannot be resolved with short-term counseling

In addition to the above criteria, counseling and guidance services, psychological services, parent counseling and training, social work services, and behavioral and other interventions as provided in the individualized education program of the pupil are clearly inadequate or inappropriate in meeting his or her educational needs.

(Gov't Code §§ 7576 (d) and 7576(b)(2) – (4))

**FLOWCHART TWO**  
**Referral for AB 3632<sup>1</sup> Mental Health Services**  
**Student is Eligible for Special Education Service**



## Notes for Flowchart Two

<sup>1</sup>In some counties AB 3632 mental health services are referred to as AB 2726 or Gov't Code 26.5 services.

<sup>2</sup>To qualify for 3632 mental health services a pupil may be eligible for special education services under any eligibility criteria unless the request is for residential services. In that situation the pupil must be eligible for special education under the "emotional disturbance" criteria. In addition, the pupil must need mental health services in order to benefit from his or her special education program (Gov't Code §§ 7572 and 7572.5). There is one exception where the pupil may be referred to county mental health at the same time that he or she is being initially assessed for special education services. See Flowchart One (Gov't Code §§ 7576 (d); 7576(b)(2) – (4)).

<sup>3</sup>Prior to the referral to county mental health the IEP team must determine whether the local education agency has appropriate counseling and guidance services, psychological services, parent counseling and training, social work or behavior intervention services that will meet the pupil's mental health needs. If the team determines that these services do not meet the educational needs of the pupil, or in cases where these services are clearly inadequate or inappropriate to meet the educational needs of the pupil, the team must document which of these services were considered and why they were determined to be inadequate or inappropriate (Gov't Code § 7576 (b) (5)).

<sup>4</sup>If referring a pupil to county mental health the local educational agency or the IEP team shall provide the following documentation:

1. Copies of the IEP, all current assessment report and other relevant information, including reports completed by other agencies.
2. A copy of the parent's consent
3. As determined using educational assessments, the pupils' functioning, including cognitive functioning, is at a level sufficient to enable the pupil to benefit from mental health services.
4. A description of the counseling, psychological, and guidance services, and other interventions that have been provided to the pupil, as provided in the IEP of the pupil, including the initiation, duration and frequency of these services, or an explanation of the reasons a service was considered for the pupil and determined to be inadequate or inappropriate to meet his or her educational needs.
5. A summary of the emotional or behavioral characteristics of the pupil, including documentation that the pupil meets the following criteria:
  - Are observed by qualified educational staff in educational and other settings, as appropriate
  - Impede the pupil from benefiting from educational services
  - Are significant as indicated by their rate of occurrence and intensity
  - Are associated with a condition that cannot be described solely as a social maladjustment or a temporary adjustment problems and cannot be resolved with short-term counseling.

(Gov't Code § 7576 (c))

**SOME ACRONYMS AND ABBREVIATIONS**  
**USED IN EDUCATION**

AB	Assembly Bill (California State Assembly)
AB 3632	The bill established California's process for coordinating the delivery of services to children eligible for special education from education, mental health and California Children's Services; also referred to as Chapter 26.5, AB 2627, SB 1895.
AB 490	State legislation which created certain specific rights to education for children and youth in foster care.
ADA	Americans with Disabilities Act – federal law which prohibits the discrimination of persons with disabilities and allows claims for damages.
ADA	Average Daily Attendance
ADD/ADHD	Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder
AP	Advanced Placement
APE	Adapted Physical Education
API	Academic Performance Index
AUT	Autism
AYP	Adequate Yearly Progress
BIP	Behavior Intervention Plan
CA	Chronological Age
CAC	California Advisory Committee
CAHSEE	California High School Exit Exam
Cal.Ed.Code	California Education Code
CASA	Court Appointed Special Advocates
CCR	California Code of Regulations

CCS	California Children Services
CDE	California Department of Education
CDS	Community Day Schools
CELDT	California English Language Development Test
CFR	Code of Federal Regulations
CMH	County Mental Health
COE	County Office of Education
DB	Deaf-Blind
DDS	Department of Developmental Services
DIS	Designated Instructional Service
DMH	Department of Mental Health
ED	Emotional Disturbance (formerly Serious Emotional Disturbance)
ELL/EL	English Language Learner/English Learner
ESY	Extended School Year
FAA/FBA	Functional Analysis Assessment/Functional Behavioral Assessment
FAPE	Free and Appropriate Public Education
FEP	Full English Proficient
FERPA	Family Educational Rights and Privacy Act
GED	General Education Diploma
HI	Hearing Impairment
IDEIA	Individuals with Disabilities Education Improvement Act of 2004 – the primary federal special education statute (formerly referred to as IDEA, EACHA, EHA, and PL 94-142)
IEP	Individualized Education Program

IFSP	Individualized Family Service Plan
ITP	Individualized Transition Plan
IWEN	Individual with Exceptional Needs
LCI	Licensed Children's Institution
LD/SLD	Learning Disability/Specific Learning Disability
LEA	Local Education Agency
LRE	Least Restrictive Environment
LSS	Language and Speech Services
MA	Mental Age
MR	Mental Retardation
MTU	Medical Therapy Unit
NCLB	No Child Left Behind
NPS/NPA	Non-Public School/Non-Public Agency
OCR	Office of Civil Rights (federal)
OHI	Other Health Impairment
OI	Orthopedic Impairment
OSEP	Office of Special Education Programs (federal)
OT	Opportunity Transfer
OT/PT	Occupational Therapy/Physical Therapy
PTSA	Parent Teacher Student Association
ROC/ROP	Regional Occupational Center/Regional Occupational Program
RS/RSP	Resource Specialist/Resource Specialist Program
RTI	Responsiveness to Intervention

SARB	School Attendance Review Board
SB	Senate Bill (California State Senate)
SDC	Special Day Class
SEA	State Education Agency
Section 504	Section 504 of the Rehabilitation Act of 1973 – the federal statute prohibiting discrimination on the basis of disability in programs receiving federal funding.
SELPA	Special Education Local Plan Area
SLI	Speech or Language Impairment
SST	Student Study Team/Student Success Team
TBI	Traumatic Brain Injury
USC	United States Code
VI	Visual Impairment





# Education of Foster Youth in California



Legislative Analyst's Office



# Introduction—Foster Youth Are the State’s Responsibility

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When a court determines children are no longer safe with their biological parents and removes them from the home, the state assumes ultimate responsibility for their well-being.

At any given time, there are approximately 73,000 children considered dependents of the state of California.

The state’s objective is to find permanent placements for these “foster youth” as soon as safely possible. Until that happens, the state is responsible for their custody and care, including their education.

While California has taken several steps to address the unique educational needs of foster youth, academic outcomes for these children continue to lag behind those of their peers.

# Overview of Presentation

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This presentation looks at educational outcomes and opportunities for foster youth and makes recommendations for how the state could improve its services. The presentation is organized into three sections:

- I. Background.* Introduction to California's foster youth, their unique educational challenges, and their academic performance.
- II. Educational Resources.* Description of educational programs and services currently available to foster youth in the state.
- III. Issues and Recommendations.* Identification of shortcomings with existing programs and services and recommendations for ways the state might improve educational opportunities for the state's foster youth.

# I. Background on Foster Youth in California

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At any given time, California supports approximately 73,000 foster children. This represents a disproportionately high percentage—nearly 20 percent—of the nation’s total foster youth population.

## ***Foster Youth Characteristics***

- There are foster youth in every county, from every racial group, and from all socioeconomic backgrounds.
- A court’s reason for removing a child from the home varies, from severe physical or emotional abuse to neglect.
- One-quarter of the foster youth in California are under the age of five. The rest are school-age.

## ***Foster Placements***

- The court may place foster youth with an approved relative (“kinship”) or guardian, or in a licensed group or foster home.
- On average, foster youth change residential placements one to two times per year. Older children and children who remain in the foster care system for several years tend to change even more frequently, while children placed with relatives tend to change less frequently.



## I. Background on Foster Youth in California (cont.)

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### *Length of Time in the Foster System*

- The majority of foster youth are in the state's care for less than four years but some will be dependents of the state from birth to age 18.
- Foster youth remain in the care of the dependency system until the court determines one of the following applies:
  - **Reunification.** The child is returned to the home from which he/she was removed because the court has determined that health and safety risks have been resolved.
  - **Permanency.** The child has found a home situation the court considers permanent.
  - **Emancipation.** The child has achieved adult status (typically at age 18).
  - **Delinquency.** In some counties a child's foster status is terminated if the child becomes a ward of the state's criminal justice system.

## Background—Educational Responsibilities In a Foster Youth Case

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In assuming custody of a foster youth, the state also takes responsibility for his or her education. Current law requires that two individuals be tasked with monitoring the child's education.

- ***Social workers*** are responsible for maintaining a ***health and education passport*** for each foster child to track health and academic records including (but not limited to) school placements, courses completed, and school credits.
- The ***right to make educational decisions for a foster child*** (including, but not limited to, which school he or she will attend and what special services the school can and should provide to the child) remains with the ***biological parent*** unless the judge assigns an ***Education Representative***. In many cases judges leave this responsibility with the biological parent, even if the child is placed in a separate living situation.

# Background— Unique Challenges for Foster Youth

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Foster youth face challenges in their personal lives that impact their education.

***Foster youth often arrive at school with inherent barriers to academic success and lacking academic resources.***

- Parental neglect in the formative years can impede development of school readiness skills.
- Emotional, physical, and/or psychological issues can distract from academics.
- Inadequate adult support and limited out-of-school resources (such as help with homework, access to the internet, or transportation for group projects).

***Academic success is further compromised by inconsistent attendance and school transfers.***

- Parental neglect, changes to living placements, or court-related activities can lead to high absence rates.
- Changes in living placements often lead to changes in schools, which are further complicated by problems transferring records and credits. Research shows that on average foster students fall four to six months behind academically each time they transfer schools.



## Background— Educational Outcomes of Foster Youth in California

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Because of their unique challenges, foster youth display lower academic performance than their peers. Specifically, they are more likely than their peers to:

- Display higher rates of absenteeism and disciplinary problems.
- Earn lower grades, achieve lower test scores, and perform below grade level.
- Be retained a grade.
- Qualify for special education services.
- Drop out of high school before graduation.
- Fail to complete college.

Specific data on the academic performance of foster youth is shown on the subsequent slides.

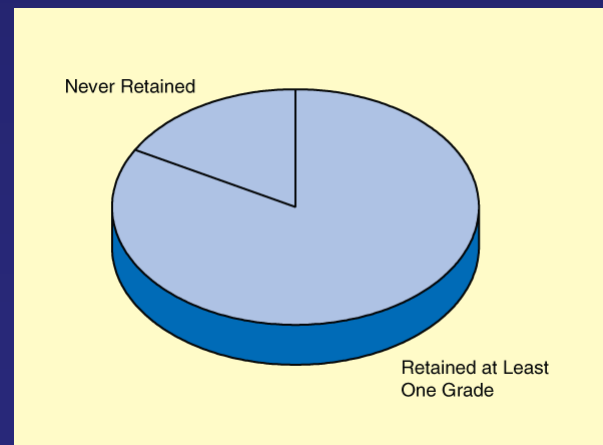
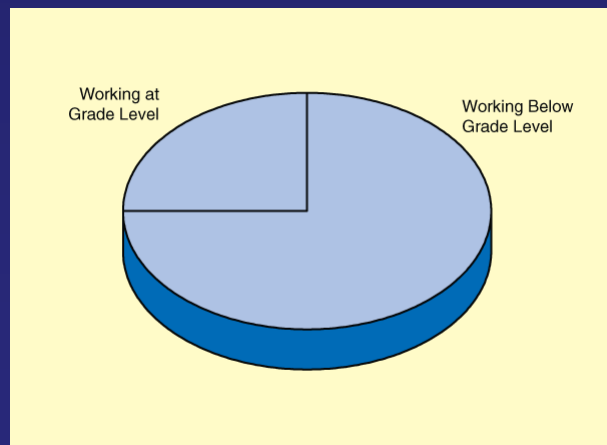
# Background— K-12 Academic Performance



National studies have found that in general foster youth score far below (15-20 percentile points) their peers on state standardized tests.

Recent studies have shown similarly poor academic performance for foster youth in California. As shown in the figures, 75 percent of foster youth perform below grade level standards, and by third grade 83 percent of foster youth have had to repeat a grade.

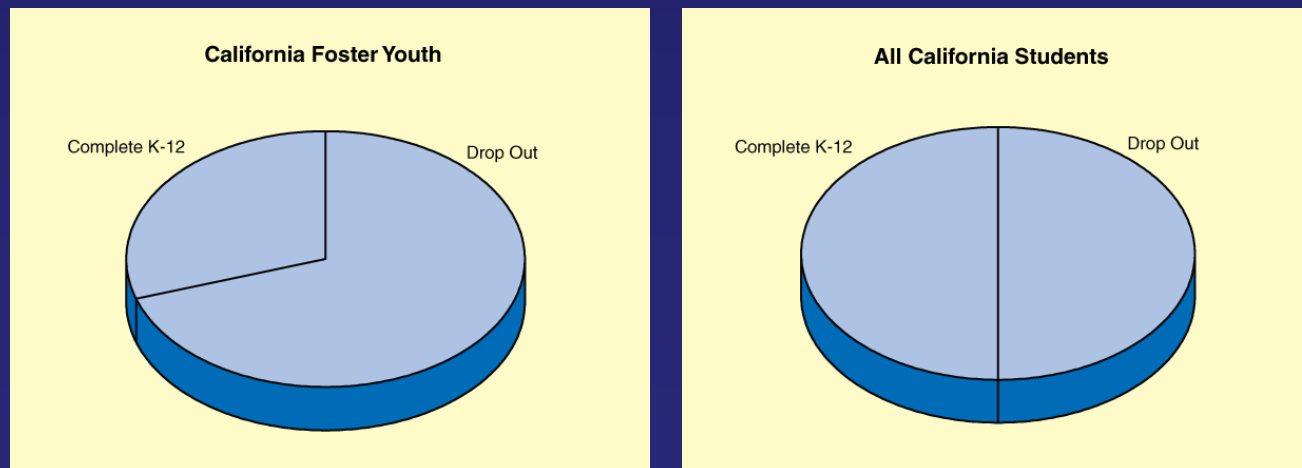
## California's K-12 Foster Youth



# Background— K-12 Completion Rates



While K-12 completion rates are low across California, foster youth are even less likely than their peers to complete the K-12 system. Only 30 percent of foster youth graduate.

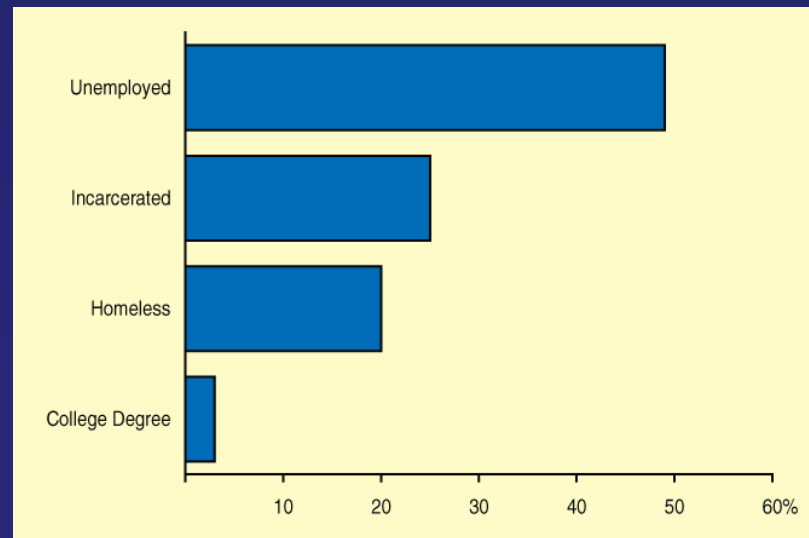


# Background— Post-Emancipation Outcomes



Weak K-12 performance and high drop out rates result in poor post-secondary outcomes for foster youth, with high percentages unemployed, incarcerated, and/or homeless within four years of emancipation. Only 3 percent of emancipated foster youth ever earn a college degree.

Outcomes of Emancipated Foster Youth



## II. Educational Resources for California's Foster Youth

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Because foster youth face significant educational challenges, the state has developed several protections, programs, and services specifically designed to help improve their academic outcomes.

- Foster youth rights (Assembly Bill 490).
- Foster Youth Services (FYS) programs.
- Higher education programs.
- Other support programs.

# Educational Resources— Foster Youth Rights (AB 490)

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In response to research showing that school stability is a key factor in improving educational outcomes, in 2003 the Legislature enacted AB 490 (Steinberg). The objective of this legislation is to preserve educational stability and continuity for highly mobile foster youth.

Specifically, AB 490 requires:

- Foster youth be allowed to finish an academic year in the same school even if changes in living arrangements mean the student moves to another school zone.
- Each school district employ a foster youth liaison to ensure compliance with AB 490 requirements.
- Schools enroll entering foster students immediately without waiting for otherwise-required paperwork.
- Schools provide foster youth access to the same resources available to all pupils (such as extracurricular activities).
- Schools transfer school records for foster youth who have changed schools within two days of a request.
- Schools accept school credits for work completed by foster youth while at a previous school.

# Educational Resources— FYS Programs

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One of the primary ways the state supports foster youth in the K-12 system is through FYS programs, which provide supplemental services with the objective of improving educational outcomes for foster youth.

Under current law, FYS programs may only serve foster youth living in licensed group or foster homes, not those the court has placed with relatives or guardians.

Local entities receive competitive grants from the California Department of Education to run FYS programs.

- **57 Countywide Programs.** All but one of the state's 58 county offices of education run FYS programs.
- **6 District Programs.** Originally FYS was piloted via grants to school districts and these pilot programs remain in existence today.
- **28 Juvenile Detention Programs.** These programs are dedicated to supporting foster youth in juvenile detention.

# Educational Resources— Foster Youth Services Program Offerings

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Each FYS program may determine its unique mix of service offerings but each provides one or more of the following.

- **Tutoring.** All FYS programs must ensure foster youth have access to tutoring, either by providing the service themselves or by referring the student to another provider.
- **Educational Monitoring.** Some FYS programs monitor and guide the education of foster youth in their area (for example by checking students' attendance, completion of school work, and participation in college preparation activities).
- **Extracurricular Activities.** Some FYS programs offer activities (such as karate or music courses) for foster youth who cannot participate in school activities because of frequent moves.
- **Track Credits and School History.** Some FYS programs assist the social worker in completing students' education passports and making sure school records are up to date.
- **Other.** In some cases FYS staff serve as liaisons between the children's academic stakeholders (teachers and school districts) and outside stakeholders (foster parents, social workers, and courts).



# Educational Resources— Higher Education

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Once foster youth have completed the K-12 system, the state supports several programs to help them gain acceptance to, pay for, and complete college. Such resources include:

- **California Community College (CCC) Tuition Assistance.** The CCCs provide virtually free tuition to former foster youth.
- **Chafee Educational and Training Vouchers Program.** This program offers up to \$5,000 per year to former foster youth under age 22 for post-secondary training.
- **Guardian Scholars Programs.** Available on many CCC and California State University campuses, these programs offer housing, tuition, and academic support to former foster youth.
- **Other Campus-Specific Supports.** Some state college campuses have designed local programs to support former foster youth. For example, the University of California at Santa Cruz allows former foster youth to stay in student housing year-round, rather than having to move out for the summer.

# Educational Resources— Support Programs

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In addition to academic-centered programs, the state also funds two support services that help foster youth access educational resources.

- ***Independent Living Programs.*** These county-based programs serve youth ages 16-21 by teaching skills necessary to find housing, manage finances, and run a household.
- ***Foster Care Ombudsman.*** The Department of Social Services maintains a Web site and help line that assists foster youth in learning about and accessing needed programs and services.

## Educational Resources— Access to Mainstream Programs and Services

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Foster youth are also eligible to access the services available to all public school students. Because of their unique educational challenges, foster youth tend to have a disproportionately high need for the following services.

- ***Pre-Kindergarten*** including daycare and school readiness classes.
- ***Special Education*** including specialized instruction and speech therapy.
- ***Special needs services*** including mental health counseling, behavioral interventions, and other individualized services.
- ***Alternative schools*** including court schools, juvenile halls, and alternative schools.
- ***Tutoring*** including after school lessons and homework assistance.
- ***College preparation assistance*** including counseling services and the Advancement Via Individual Determination program.
- ***Higher education resources*** including financial aid and college assistance programs offered to low-income students.

### III. Issues With Existing Programs and Recommendations for Improvements

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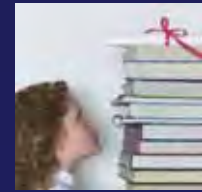
Despite additional state programs and resources, foster youth continue to display poor educational outcomes. This could be partially due to continued shortcomings and inefficiencies with existing programs and services. Specifically, we find that:

- 1. Many foster youth continue to lack dedicated educational monitoring.*
- 2. Participation restrictions for the FYS program prevent many foster youth from accessing needed support services.*
- 3. Running the FYS program through multiple providers leads to inefficiencies and gaps in services.*
- 4. Transportation funding issues restrict access to education for both K-12 and post-secondary foster youth.*

In the subsequent slides we describe some of these issues in more detail and offer recommendations for how the Legislature could improve educational opportunities for foster youth through better implementation of the FYS program and expanded transportation services.

# Recommendations— Reprioritize to Make Improvements

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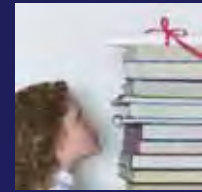


Our recommendations are intended to be cost-neutral. While the state may choose to invest additional dollars in the FYS program at some point, we envision improvements in FYS programs by reallocating existing resources. Specifically, we believe the state and local programs must **reprioritize** the way existing funds are spent in order to improve educational opportunities for foster youth. In formulating the recommendations that follow, we kept these principles in mind:

- Local FYS programs should continue to have **flexibility** in making specific implementation decisions, with **improving educational outcomes** as the overarching goal behind all expenditure decisions.
- **Academic monitoring, educational stability, and transportation** are key drivers of academic success and are, therefore, worthy of higher prioritization.

## Issue 1— Foster Youth Lack Dedicated Educational Monitoring

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***Many foster youth continue to lack dedicated educational monitoring.*** There are many individuals involved in overseeing foster youth's education, including judges, biological and foster parents, educational representatives, social workers, teachers, and FYS program staff. However, because health and safety issues are often of primary concern in foster cases, in many cases explicit attention to a student's educational progress is overlooked. Specifically, the following are often true:

- ***Many foster youth lack an individual to provide educational guidance.*** Because of frequent moves and health and safety issues, in many cases foster youth do not have access to individuals who are focused on helping monitor and advise their educational progress. Many foster youth need supplemental support including advice on class selection, help with missing credits, and dealing with transfer-related issues.
- ***Many education passports are incomplete or inaccurate.*** Social workers are responsible for tracking school credits, school and class placements, and other basic information in these official documents. These are supposed to be historical records for facilitating school transfers, as well as a means by which social workers and other stakeholders can monitor and track the students' educational progress. In many cases, however, these data are not well maintained.

## Recommendations— Require FYS Programs to Monitor Foster Youth Education

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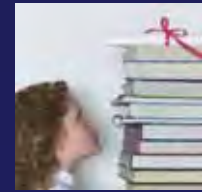


*We recommend expanding the responsibilities of county FYS programs to ensure foster youth receive adequate and consistent educational guidance and monitoring.* Specifically, we recommend that as a condition of receiving grant funding, all FYS programs offer the following services for the most high-need foster youth.

- **Academic Counseling.** Currently, FYS programs are required to offer tutoring but any other services for foster youth are at the discretion of the local program. We recommend academic counseling be an explicit responsibility for every FYS program for all foster youth who are not in a relative or guardian placement.
- **Completion of Education Passports.** To improve completion rates and accuracy of educational records for foster youth, we recommend tasking FYS with providing the academic details needed to complete this tracking document for foster youth living in a group or licensed foster home. This data can be gathered during academic counseling and provided to the Child Welfare Services (CWS) agency in a manner approved locally. This may require local data sharing arrangements between CWS, school districts, and FYS programs.

## Issue 2— FYS Program Restrictions Limit Foster Youth Participation

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***Participation restrictions for the FYS program prevent some foster youth from accessing needed support services.*** Currently, FYS programs may only offer services to students living in group or licensed foster homes. Foster youth who are placed with relatives or guardians or who attain a permanent placement are not viewed as “high-need” because it is assumed their relatives or guardian caregivers can provide any needed support. However, the academic challenges these youth face do not disappear when they are placed with a relative or permanent guardian and many of these students display similarly poor outcomes as other foster youth.



## Recommendation— Modify Eligibility Restrictions for Foster Youth Programs

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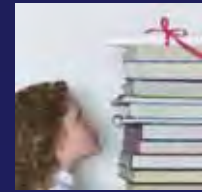


***We recommend changing FYS program guidelines so they can provide limited services to all current and recent foster youth.*** All current and recent foster youth would benefit from some level of supplementary educational assistance. Specifically, we recommend FYS programs be able to offer tutoring and short-term assistance (such as answering questions and making referrals) to students who are placed with relatives or guardians as well as students who may have placed out of the foster system within the past five years.

More intensive services, such as academic counseling and tracking of school records, should continue to be reserved for the most high-need foster youth—those living in group or licensed homes and those classified as delinquents.

## Issue 3— Inefficient FYS Structure Decreases Quality of Services

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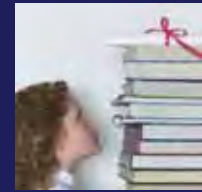


***Running multiple types of FYS programs leads to inefficiencies and gaps in services.*** Currently, most FYS programs (57) are run through county offices of education (COEs) and these programs serve the majority of foster youth. However, a limited number of additional FYS programs operate from school districts (6) or are exclusively targeted at foster youth in the delinquency system (28). Consequently, in several counties there are multiple FYS programs in operation. Several problems can result.

- Unnecessary duplication of paperwork and transferring of responsibilities, and loss of relationships when foster youth move within a county.
- Confusion for stakeholders (teachers, social workers, foster parents) regarding which FYS program is serving which foster youth.
- Gaps in services for “delinquent” foster youth. Lack of clarity who is monitoring educational records and progress, especially when exiting delinquency system.

## Recommendation— Consolidate FYS Programs at COEs

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***We recommend consolidating FYS programs at the COE level.*** Specifically, we recommend eliminating the separate district-run and delinquency FYS program grants and shifting the funding and responsibilities to the existing COE programs. This change would eliminate unnecessary confusion and duplication of effort, streamline service delivery, and help ensure consistency of services for all foster youth, including delinquents.

## Issue 4— Transportation Issues Restrict Access to Education

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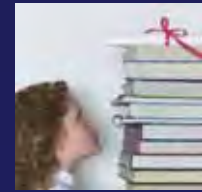


***Transportation funding issues restrict access to education for both K-12 and postsecondary foster youth.*** Foster youth often lack the resources and assistance to help them get to school and school-related activities. Specifically:

- Although AB 490 protects the right of K-12 foster students to stay at their “schools of origin” for the remainder of the school year even when they change living placements, the law does not clarify who bears the cost if this arrangement requires student transportation. The result is often that no entity will bear the cost, and many foster youth are forced to transfer schools in the middle of the year despite the AB 490 laws that are supposed to protect against this.
- California currently has no designated funding stream to help provide transportation services for foster youth. Current and emancipated foster youth frequently cite this as a primary barrier to enrolling in and completing college, as they do not have the means to reliably get themselves to both school and work (to support themselves through school).

## Recommendation— Develop Means for Foster Youth to Get to School

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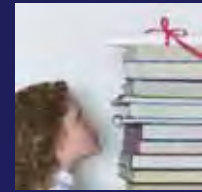


*We recommend the Legislature convene a workgroup to address the transportation needs of K-12 and postsecondary foster youth. Specifically, we recommend a group consisting of representatives from the Legislature, state departments, county CWS agencies, school districts, and FYS entities devise a transportation funding model that will improve current and emancipated foster youth's access to educational activities. The funding model should:*

- Discourage midyear school transfers and create incentives for social workers to find new placements for foster youth within the same school attendance area.
- Enable compliance with AB 490 and allow foster youth who are moved to a new school attendance area to complete the year at their school of origin.
- Maximize use of federal foster care transportation dollars.
- Allow local flexibility regarding mode of transportation while clarifying financial responsibility.
- Provide transportation assistance to current and emancipated foster youth (ages 16-21) to assist them with school-related transportation needs.
- Address cross-county placements.

# Recommendations— Summary

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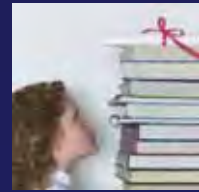


Foster youth face many challenges, particularly with regard to their education. We believe that by implementing the following recommendations, the state can help improve educational opportunities for these needy students.

- 1. Expand FYS program responsibilities to include academic counseling and completion of education passports.*
- 2. Change FYS program guidelines so they can provide certain services to all current and recent foster youth.*
- 3. Consolidate FYS programs at COEs.*
- 4. Convene a workgroup to address the transportation needs of K-12 and postsecondary foster youth.*

# Thank you

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For more information on any of the items in this presentation, please contact the Legislative Analyst's Office:

***Stefanie Fricano***

**916-319-8336**

***www.lao.ca.gov***

For more information about FYS programs in general, please see the following link to the Department of Education:

<http://www.cde.ca.gov/ls/pf/fy/>

## The Education of Foster Youth

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Laws that you need to know  
to help foster youth  
succeed in school

## Foster Youth Education

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**Assembly Bill 490**  
**(Chaptered in 2004)**

**Assembly Bill 167**  
**(Chaptered in 2009)**

2

## Foster Care Education Facts

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- 75% work below grade level
- 15% vs. 32% enroll in college prep courses
- 37% vs. 16% dropout of school
- 46% do not complete high school
- 2% obtain a Bachelor's degree or higher (70% express a desire to go to college)
- 51% are unemployed after emancipation
- 10-25% become homeless

3

## AB 490

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## Foster Youth Education Rights

## Definition of Foster Youth for AB490

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A student who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

*E.C. 48853.5 (a)*

5

## Educational Barriers for Foster Youth

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- Education records may not transfer in a complete and timely manner
- Youth often sit out of school for days/weeks at a time, or are placed in inappropriate classes
- Records may be lost or misplaced, causing loss of credits and/or repeat of classes
- Often no one assumes responsibility for checking the student out of school, resulting in a loss of credits or lowering of grades

6



## Equal Access for Foster Youth

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- Foster youth must be given the same opportunity as non-foster youth to meet the state academic achievement standards.
- Foster youth must have access to the same academic resources, services, and extracurricular and enrichment activities available to all students.
- Foster youth must be placed in the least restrictive educational environment, with placement in a regular, mainstream public school being the first consideration.

*Education Code (EC) 48850*

7

## Key Principles of AB 490

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- Educators, school personnel, social workers, probation officers, caregivers, advocates, and juvenile court officers must all work together to serve the educational needs of foster youth.
- In all cases, educational placement decisions must be made in the best interests of the foster youth.

8

## AB 490 Educational Liaison for Foster Youth

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County offices of education and school districts must have an educational liaison for foster students who will:

- Ensure checkout from school and proper school placement (responsibility shared with placing agency)
- Ensure IMMEDIATE enrollment of foster youth, even without academic or medical records, immunization records, proof of residency, school uniform, or fees/materials owed to prior school
- Assist with timely transfer of grades, credits, and records when students transfer schools
- Complete school transfers within two business days

*EC 48853.5*

9

## School Placement for Foster Youth

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- Per AB 490, foster youth have the right to maintain stable school placements.
- Educational placement decisions must be made in the best interest of the child.
- In making out-of-home placements, the placing agency must consider proximity to the child's present school and the impact the placement will have on the child's educational stability.

*WTC 16501.1*

10

## School Placement for Foster Youth (continued)

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- When a foster student is moved from one foster home to another, the foster youth has the right to remain in his/her school of origin to the end of the school year, if it is in their best interest to do so.
- The person with educational rights and the foster youth, in consultation with the AB 490 educational liaison, determines whether it is in the student's best interest to remain in the school of origin.

*EC 48853.5*

11

## School Placement for Foster Youth (continued)

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- If the AB 490 educational liaison wishes to recommend that it is not in the student's best interest to remain in the school of origin, the liaison must provide the person responsible for the student's educational rights with a written explanation.
- If a dispute arises, the student has the right to remain in the school of origin until the dispute is resolved or until the end of the school year.

*EC 48853.5*

12

## Immediate Enrollment

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- “Enroll” and “enrollment” are defined to include attending classes and participating fully in school activities.
- Foster children must be immediately enrolled.
- No prior records are needed, but should be obtained by the enrolling school as quickly as possible.
- This includes birth certificates, social security numbers, immunization records, transcripts, and other records

EC 48853.5 <sup>13</sup>

## Transportation for Foster Youth

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- AB 490 does not contain transportation provisions for foster youth.
- Local Educational Agencies (LEAs) and county welfare agencies must work together at the local level to reach an agreement on transportation for foster youth who remain in their school of origin.
- If a foster youth is in temporary placement, they are considered homeless and are covered under McKinney-Vento transportation provisions.
- Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) provided federal provisions for social services to be reimbursed for reasonable travel to school of origin.

<sup>14</sup>

## Definition of a Homeless Foster Youth

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- Foster youth who reside in emergency shelters, or who are in temporary placement pending determination of permanent placement, are considered “homeless” and are covered under McKinney-Vento provisions, as well as AB 490 provisions.

<sup>15</sup>

## CDE Homeless Coordinator

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Leanne Wheeler

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<sup>16</sup>

## Credit Protection for All Students

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Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript.

EC 48645.5

<sup>17</sup>

## Credit Protection for All Students Continued...

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As part of the transfer process described under subdivisions (c) and (d), the local educational agency shall compile the complete educational record of the pupil including a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the pupil's plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

EC 49069.5.(e)

<sup>18</sup>

## Credit Protection for All Students Continued...

The local educational agency shall ensure that if the pupil in foster care is absent from school due to a verified court appearance or related court ordered activity, no lowering of his or her grades will occur as a result of the absence of the pupil under these circumstances.

EC 49069.5.(h)

19

## What Methods can be used to calculate partial credits?

- ❑ Calculation of Seat Time
- ❑ Content Standard Assessments
- ❑ Combination of the two

20

## What is a Content Standard?

- ❑ Content standards were designed to encourage the highest achievement of every student, by defining the knowledge, concepts, and skills that students should acquire at each grade level.
- ❑ Approved by the State Board of Education.

[www.cde.ca.gov/be/st/ss/](http://www.cde.ca.gov/be/st/ss/)

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## What does a Content Standard Look Like?

Algebra I (25 content standards)

Grades Eight Through Twelve - Mathematics Content Standards

Symbolic reasoning and calculations with symbols are central in algebra. Through the study of algebra, a student develops an understanding of the symbolic language of mathematics and the sciences. In addition, algebraic skills and concepts are developed and used in a wide variety of problem-solving situations.

1.0 Students identify and use the arithmetic properties of subsets of integers and rational, irrational, and real numbers, including closure properties for the four basic arithmetic operations where applicable:

1.1 Students use properties of numbers to demonstrate whether assertions are true or false.

2.0 Students understand and use such operations as taking the opposite, finding the reciprocal, taking a root, and raising to a fractional power. They understand and use the rules of exponents.

3.0 Students solve equations and inequalities involving absolute values.

4.0 Students simplify expressions before solving linear equations and inequalities in one variable, such as  $3(2x-5) + 4(x-2) = 12$ .

22

## How could a district calculate credits based on attendance?

CASE A

State Minimum Number of School Days in a year = 175 days

Minimum number of days for a district with 2 semesters =  $175/2 = 88$  days per semester

District A awards 5 credits per class per semester  
 $5 \text{ credits}/88 \text{ days} = .06 \text{ credits per day}$

Student A attends school for 44 days  
 $(44 \text{ days} \times 5 \text{ credits})/88 \text{ days} = 2.5 \text{ credits}$

23

## How could a district calculate credits based on attendance? Continued...

CASE B

State Minimum Number of School Days in a Community Day School = 180 days

Minimum number of days for a district with 2 semesters =  $180/2 = 90$  days per semester

District B awards 3 credits per class per semester  
 $3 \text{ credits}/90 \text{ days} = .03 \text{ credits per day}$

Student B attends community day school for 44 days  
 $(44 \text{ days} \times 3 \text{ credits})/90 \text{ days} = 1.5 \text{ credits}$

24

## AB 167

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# Foster Youth High School Graduation Requirements

## What is AB 167?

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- ❑ Exempts foster youth who transfer schools or school districts in eleventh or twelfth grade from local graduation requirements if they would not be able to reasonably meet these additional local requirements.
- ❑ Requires school districts and schools to provide notice to foster youth being exempted from additional local requirements if failure to satisfy such local requirements will affect the pupil's ability to gain admission to a postsecondary educational institution.

*EC 51225.3 (c)*

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## What problem does AB 167 seek to address?

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- ❑ Address challenges of educational instability of foster youth who transfer in the middle of their high school career.
- ❑ Ensure that foster youth receive their high school diploma, if they are forced relocate to another school that may have increased graduation requirements compared to their former school

27

## California Minimum High School Graduation Requirements

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- ❑ A pupil shall complete all of the following while in grades nine to twelve, inclusive, in order to receive a diploma of graduation from high school— at a minimum, the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified:
  - Three courses in English
  - Two courses in mathematics
  - Two courses in science, including biological and physical sciences

*EC 51225.3 (a)*

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## California Minimum High School Graduation Requirements (continued)

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Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.

One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.

Two courses in physical education, unless the pupil has been exempted.

*EC 51225.3(a)*

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## California Minimum High School Graduation Requirements (continued)

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- ❑ One course of the math requirements needs to be Algebra 1  
*EC 51224.5*  
<http://www.cde.ca.gov/ci/gs/hs/hsggrmin.asp>
- ❑ Passage of the California High School Exit Exam (CAHSEE)  
*EC 60851(a)*  
<http://www.cde.ca.gov/ta/tg/hs/>

30

### Does the grad requirements of the prior school impact the AB167 assessment?

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- ❑ Education Code section 51225.3 makes no reference to the requirements of the school or school district from the school the foster youth came from. The requirements of the prior school or school district do not affect whether AB 167 applies to a pupil in foster care. AB 167 applies to every pupil in foster care who transfers schools or school districts during his or her 11th or 12th grade year, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

31

### Does AB 167 apply to foster youth who transferred prior to the passage of AB 167?

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- ❑ Legislative language makes clear that AB 167 applies to all currently enrolled foster youth who transferred in the 11th or 12th grade, regardless of when the transfer occurred.

32

### How do you determine whether or not a student transfers in the 11th or 12th grade?

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- ❑ There is no state-mandated method for determining a student's grade level. This decision is left up to the school district and, in some cases, individual schools.
- ❑ Many school districts have established guidelines to determine a student's grade level.

33

### Can the district award a high school diploma under the AB 167 exemption, to an 11<sup>th</sup> grade student?

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- ❑ Yes, as long as the minimum state requirements were met and the school district makes a finding that the pupil is not reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.
- ❑ The school must ensure that this is in the best interest of the student

34

### Is every foster youth who transfers during 11th or 12th grade exempt from the additional requirements imposed by their new school district?

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- ❑ No. AB 167 applies to pupils in foster care who transfer during 11th or 12th grade, but, if a school district "makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits pursuant to state law," then the foster youth must complete these additional requirements in order to graduate. *E.C. 51225.3(c)*

35

### May a school district reconsider its "reasonableness" finding?

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- ❑ Given a district's limited familiarity with a recent transferee, it is best practice to reevaluate their reasonableness finding in light of the student's performance post-transfer. While a district might have initially thought it reasonable for the youth to complete their additional requirements, post-transfer evidence might suggest otherwise.

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### How does a district evaluate reasonableness ?

- ❑ Neither AB 167 nor any other provision of California's Education Code answers this question with any specificity. However, Education Code section 51225.3(c) requires that the pupil be "reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits". The determination as to whether the pupil is reasonably able to complete the additional requirements should be made on an individual case-by-case basis. The school district should consider the courses completed/credits earned, the additional district requirements, and the amount of time remaining before graduation while the pupil continues to be eligible for foster care benefits.

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### Are their Age limitations in regards to application of AB 167?

- ❑ The school district must determine whether the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she **remains eligible for foster care benefits** pursuant to state law. *E.C. 51225.3(e)*.
- ❑ Foster Youth are eligible for foster care benefits up to age 18
- ❑ Foster youth may be eligible for care up to age 19, but the decision to extend care is up to local jurisdictions.

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### Can a district refuse to award a diploma based on credit deficiencies?

- ❑ No. The statewide graduation requirements make no mention of credits; credit requirements are local requirements. Thus, if a foster youth transfers schools or school districts in the 11th or 12th grade and cannot reasonably complete the additional local graduation requirements, including any requirements related to credits, then they should be awarded a diploma as long as they've satisfied California's graduation requirements, regardless of the number of credits possessed by the foster youth.

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### What must a school district do if it determines that a pupil in foster care will be exempt from its additional requirements?

- ❑ Notification to student and the education rights holder of any ineligibility for admission into post-secondary education institution
- ❑ Provide CA Community College transfer information to the student and education rights holder

40

### Does a diploma awarded under AB 167 weigh the same as all other diplomas?

- ❑ Yes. AB 167 recognizes that some foster youth transferring in the 11th or 12th grade, through no fault of their own, are not able to complete the additional requirements of their new school district. AB 167 provides an exemption for these students, allowing those who cannot reasonably fulfill the district's additional requirements to obtain a diploma of graduation. While AB 167 says nothing about a district's ability to award special certificates to students who fulfill additional requirements, foster youth falling under AB 167's exemption must receive the same diploma of graduation as all other students in that district.

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### How does this impact a child who has an IEP?

- ❑ IDEA requires an transition plan for all special needs students
- ❑ Thus, whenever a student is receiving special education services the applicability of AB 167 should be addressed in the student's Individualized Education Program (IEP) team meeting.
- ❑ For the current school year (2009-10), special education students are exempt from the CAHSEE and may be eligible for a high school diploma if they have met all of the other State requirements.

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## CA School Boards Association Sample Board Policies

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AR 6146.1 - Administrative Regulation, High School Graduation Requirements

BP 6146.1 – Board Policy, High School Graduation Requirements

AR 6146.3 - Administrative Regulation, Reciprocity Of Academic Credit

BP 6146.3 – Board Policy, Reciprocity Of Academic Credit

AR 6173.1 - Administrative Regulation, Education for Foster Youth

BP 6173.1 – Board Policy, Education for Foster Youth

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## What went wrong?

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## Questions and Answers?

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## Resources for Foster Youth

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- ▣ Foster Youth Services Program - CDE  
[www.cde.ca.gov/lis/pf/fy/](http://www.cde.ca.gov/lis/pf/fy/)
- ▣ National Center for Youth Law  
[www.youthlaw.org](http://www.youthlaw.org)
- ▣ California School Boards Association  
[www.csba.org](http://www.csba.org)

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## Contact Information

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### Removing Barriers to Educational Success for Foster Youth

An Overview of Educational Decision-Making  
and Special Education



### Educational Decision- Making for Foster Youth

Concepts

### Who Makes Educational Decisions For Foster Youth?



- Ordinarily, parents/guardians hold educational rights for their children.
- When parents do not fulfill their educational responsibilities, the court MAY limit their educational rights and assign them to another adult (called an “educational representative” or “responsible adult”).
- This new holder of educational rights steps into the shoes of the parent in making educational decisions for the foster youth.
- The court can also limit an educational representative’s ed. rights and assign them to someone else.

Cal. Welf. & Inst. Code § 358.1(e)

### What are these Educational Responsibilities?



- The holder of educational rights is responsible for making education decisions that are in the child’s best interests.
  - Representing child’s special education needs (including consenting to IEPs, school discipline, etc.)
  - Meeting with the student at least once and as often as necessary to make education decisions in child’s best interests
  - Participating in all decisions affecting child’s education consistent with child’s best interests
  - Having knowledge and skills to ensure adequate representation of child in educational matters

See Rule of Court 5.650

### What are Education Rights?



- The right to make education decisions for a youth.
  - Right to see all education records;
  - Right to participate in Individual Education Plan (IEP) meetings and consent to IEPs;
  - Enrollment decisions such as whether the youth should continue in their school of origin.

### Who Should be Appointed as an Educational Representative?



Educational Representatives should be:

- Foster parent
- CASA
- Relative caregiver
- Other adults in the child’s life (but see exceptions)

Cal. Welf. & Inst. Code § 361(a)



## Who Cannot be Appointed as an Educational Representative?



Educational Representatives and surrogate parents cannot have a “conflict of interest.”

- A conflict of interest exists where an individual receives compensation or attorneys fees for acting as an educational representative.
- Foster parents do not have a conflict of interest solely because they receive compensation.
- **Under CA law, social workers, school employees, and group home staff have conflicts of interest.**

Cal. Welf. & Inst. Code § 361(a)(5)

## How Long Does an Ed Rep Hold Educational Rights?



Appointment as an ed rep lasts until:

- Another adult is appointed
- Child placed in permanent living arrangement as determined by the court (at which time foster parent, relative caretaker, or non-relative extended family member has right to make education decisions) (but should file a new JV-535 form); or
- Child turns 18.

Cal. Welf. & Inst. Code § 361



## Educational Decision-making for Foster Youth

### Nuts and Bolts

## How is an Educational Representative Appointed?



If you know someone who is appropriate and willing to hold educational rights:

- File a JV 535 form with the Juvenile Court
- Either the social worker or dependency attorney can file this form
- The Juvenile Court will determine whether child’s parent should continue to hold ed rights or if a educational representative is needed.
- If an educational representative is needed, the Court will use the JV 535 form to take away the parent’s educational rights and appoint a new ed rights holder.

## What if You Can’t Identify an Educational Representative?



- You should still file a JV 535 form
- If the child is potentially eligible for special education or has an IEP, the Court can refer the child to her school district for appointment of a “surrogate parent.”
- School district must make reasonable efforts to appoint a surrogate parent within 30 days.
- School district must notify the Court of this appointment within 21 days on form JV 536.

## Educational Representative v. Surrogate Parent



- Educational Representative has broad responsibility to make “educational decisions for the child”
- Surrogate parent’s role is limited to matters relating to special education and related services
- Practice Tip: court appointment is preferable to school districts’ “surrogate parent” agreement



## Special Education

### Concepts: Substantive Protections

## What is Special Education?



- Special education is a system of services and supports designed to meet the specific learning needs of a child with a disability.
- Special education is largely governed by federal law:
  - The IDEA: Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*; 34 C.F.R. § 300 *et seq.*
  - Section 504, 29 U.S.C. § 794; 34 C.F.R. § 104

## Substantive Protections



- All students are eligible for special education as long they meet the eligibility requirements;
- If a youth meets these standards, they are entitled to:
  - FAPE: free, appropriate, public education; in
  - LRE: the least restrictive environment

## Eligibility



- Two triggering conditions:
- The child has an impairment adversely affecting educational performance that requires special education; and
  - The impairment fits into a qualifying category of disability:
    - Autism
    - Deaf-blindness
    - Deafness
    - Emotional Disturbance
    - Hearing Impairment
    - Mental Retardation
    - Multiple Disabilities
    - Orthopedic Impairment
    - Other Health Impairment
    - Specific Learning Disability
    - Speech and Language Impairment
    - Traumatic Brain Injury
    - Visual Impairment

## FAPE



- FAPE: Free, Appropriate, Public Education
- The student must be provided with individualized special ed services; and
  - Related services to help the student benefit from the educational program (e.g., transportation, psychological services, speech therapy, etc.)

## LRE



- LRE: Least Restrictive Environment
- Students must be placed into the “most mainstreamed” environment possible.



## Special Education

### Nuts and Bolts: Procedural Protections

### What is an IEP?



IEP stands for Individualized Education Plan.

It can refer to:

- The youth's education plan
- The meeting at which the IEP is written and agreed upon

### Fundamental Procedural Protections



- **Due Process**
  - An IEP is developed and modified during IEP team meetings
  - Education rights holders are entitled to be at these meetings, and must agree (sign) the IEP
  - If the school district and ed rights holder can not agree on an IEP, a judge will create the IEP in a legal proceeding called a due process hearing
- **Compliance Complaint**
  - If an IEP is not being followed, or if a special education timeline has been violated, anyone may file a compliance complaint with California's Department of Education to force the district to follow the IEP or timeline

### The Special Education Timeline



- **Getting the ball rolling:** Referral for an assessment (may be made by parent/ed rights holder, teacher, or other provider). Must be in writing to start timeline.
- District has 15 calendar days within which to submit an assessment plan to ed rights holder, along with consent form.
- Ed rights holder has at least 15 days to provide consent.
- District must complete assessment and hold an IEP meeting within 60 calendar days of receipt of signed consent form.

### The IEP Process



- At the IEP meeting, eligibility for special ed is determined. If eligible, IEP plan is developed.
- IEP should be reviewed annually, or more often upon request.
- Every three years, there should be a complete re-evaluation of the IEP.

### What happens when a special ed student moves into a new school district?



- New school district must follow previous district's IEP for the first 30 days of attendance, called an interim placement.
- At a 30-day review, the IEP team decides whether to adopt or modify the previous district's IEP.



## Special Education

### Related Services

## Mental Health Services



AB3632 Services = 26.5 Services = Mental Health Services

- If the IEP team believes the student needs mental health services to benefit from their education, they must submit a referral packet to County Mental Health.
- County Mental Health will develop an evaluation plan (that must be signed by ed rights holder) to determine whether they youth is eligible for mental health services.
- Eligibility = emotional or behavioral characteristic that is:
  - Observed by ed staff;
  - Preventing student from benefiting from ed services;
  - Significant;
  - Not simply social maladjustment;
  - Not a temporary adjustment problem that could be resolved with short-term counseling.
- If the youth is found eligible, the necessary mental health services will be written into the IEP.

## Functional Analysis Assessment (FAA) and Behavioral Intervention Plans (BIPs)



- Functional Analysis Assessments (FAAs) analyzes specific causes of a student's behavior problems and specifies ways to change the behavior using positive interventions.
- Must be completed by someone with documented training in behavior analysis and must emphasize positive behavioral interventions.
- If appropriate, IEP team develops a Behavioral Intervention Plan (BIP) that addresses maladaptive behaviors, replacement positive behaviors, goals and objectives, and positive behavioral interventions and circumstances when they are used.
- Behavior Intervention Plan becomes part of IEP.

## Transition Services



- Transition services = services that help a student transition from school to work and adult life
- Starting at age 14, IEP must address student's transition service needs related to courses of study.
- Starting at age 16, IEP must contain a statement of needed transition services for the student, including, when appropriate, a statement of interagency responsibilities.
- Starting at age 14, student must be invited to participate in the IEP meeting when transition services are addressed.

## Special Ed & Discipline



- Special ed students may be disciplined in same manner as non-disabled peers so long as discipline does NOT constitute a "change in placement."
  - All expulsions = change in placement
  - More than 10 days of suspensions = change in placement
- If discipline = change in placement, must be an IEP meeting to determine whether behavior was a "manifestation" of student's disability.
- Manifestation determination = (1) Was conduct caused/directly related to disability? OR (2) Was conduct direct result of failure to implement IEP?
- If YES, student can stay in placement unless ed rights holder agrees to new placement OR zero tolerance offense (weapon or drug possession OR use/infliction of bodily injury).

## A Brief Review of the Research and Issues Related to Crossover Youth

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## Bridging Two Worlds: Youth Involved in the Child Welfare and Juvenile Justice Systems

- Report commissioned by APHSA, Casey Family Programs, and Georgetown University Center for Juvenile Justice to inform work at Wingspread Conference held in May 2008
- Co-authored by Joseph Ryan, School of Social Work, University of Illinois at Urbana—Champaign
- Purpose of the report was to summarize (1) extant literature related to crossover youth and (2) the findings from a national survey of states conducted as part of this project.

## What is the definition of a crossover youth and what are the pathways to crossing over?

## Defining “Crossover Youth”

- Definition: A crossover youth is any youth who has a history of maltreatment (abuse/neglect) and is involved in the juvenile justice system.
- Pathways to Crossing Over:
  - Pathway 1: Youth currently in the child welfare system that engage in delinquency
  - Pathway 2: Youth who enter the delinquency system with previous (but not current) contact with child protective services
  - Pathway 3: Youth who enter the delinquency system with maltreatment histories who have no previous or current contact with child protective services
  - Pathway 4: Youth with or without child welfare contact whose families abandon them by the time they complete their delinquency disposition

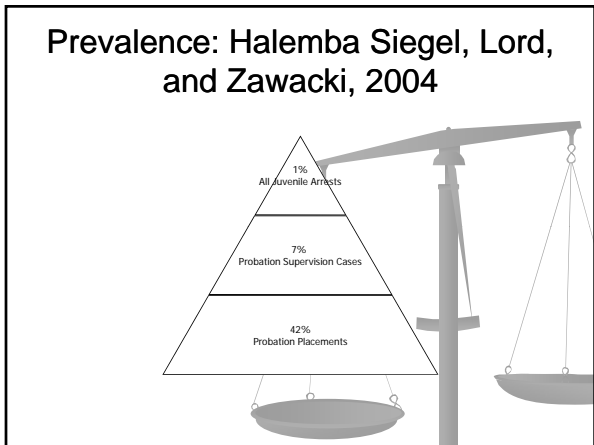
## What is the link between maltreatment & delinquency?

## Summary of Research

- Established link between maltreatment (abuse and/or neglect) and delinquency: Maltreated youth are at greater risk for delinquency and have higher delinquency rates than non-maltreated children
- The mechanisms by which this link exists, however, are still unknown
- To date, the following factors seem to play a role in this relationship:
  - Placement Instability—Number and type of placements
  - Age at Time of Maltreatment—Childhood Limited v. Persistent and Adolescent Limited
  - Social Bonds—Attachment, Commitment to School

What is the prevalence of crossover youth and what are the characteristics of crossover youth?

- ### Measuring Prevalence
- Very little information on prevalence
  - Depends on how "crossover" is defined
    - Dependency to delinquency
    - Upon delinquency, discover abuse/neglect
    - Delinquent but no formal identification of abuse/neglect
  - System information systems across agencies are not integrated and barriers to sharing information exist



### Characteristics of Crossover Youth

Results from the Los Angeles Study

### General Characteristics (N=581)

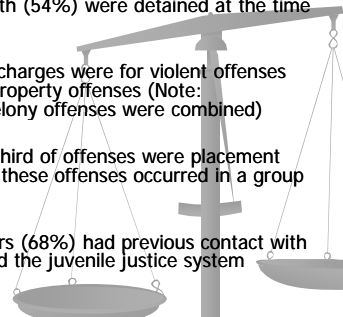
Demographic Information	
Female	33%
Average Age	15.73
African-American	63%
Hispanic	28%
Caucasian	8%
School Status	
Enrolled	76%
Poor Attendance or Truant	45%
Behavioral Problems at School	48%
Poor Academic Performance	49%

### Placement History (N=581)

Avg. Length of Stay in Dependency Court		
7.38 Years		
Youth Placed in at Least One Placement		Average No. Of Placements
Relative	63%	1.85
Foster Care	72%	3.66
Group Home	62%	3.22
Residential Treatment Placement	18%	2.71

### Involvement in Systems

- Over half of the youth (54%) were detained at the time of arrest
- 40% of the current charges were for violent offenses and 28% were for property offenses (Note: Misdemeanor and felony offenses were combined)
- Approximately one-third of offenses were placement related and most of these offenses occurred in a group home
- Almost three-quarters (68%) had previous contact with law enforcement and the juvenile justice system

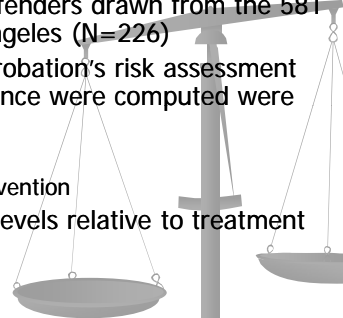


### Mental Health & Substance Abuse Problems



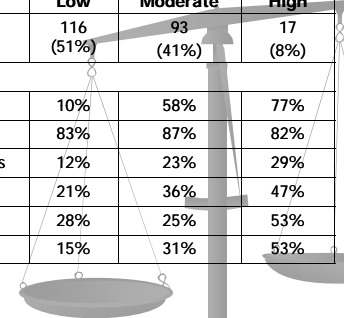
### Examining Risk to Reoffend and Treatment Need

- All first-time offenders drawn from the 581 cases in Los Angeles (N=226)
- Scores using Probation's risk assessment tool as a reference were computed were generated
  - Risk level
  - Areas for intervention
- Examined risk levels relative to treatment need



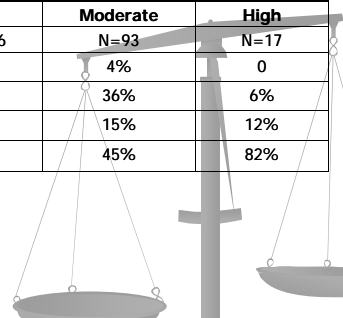
### Risk & Intervention Need Levels

	Low	Moderate	High
<b>Risk to Reoffend Level</b>	116 (51%)	93 (41%)	17 (8%)
<b>Need for Intervention</b>			
Delinquent Orientation	10%	58%	77%
Family Interaction	83%	87%	82%
Interpersonal Relationships	12%	23%	29%
Social Isolation	21%	36%	47%
Academic Engagement	28%	25%	53%
Self-Regulation	15%	31%	53%



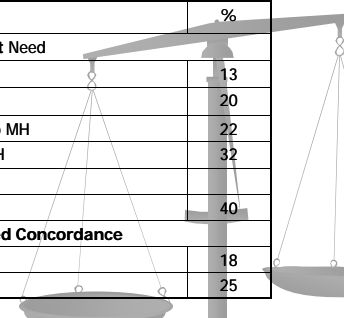
### Need for MH/SA Treatment

	Low N=116	Moderate N=93	High N=17
No Problem	40%	4%	0
MH Only	40%	36%	6%
SA Only	13%	15%	12%
MH & SA	8%	45%	82%




### Recidivism

	%
<b>Risk/Treatment Need</b>	
Low Risk/No MH	13
Low Risk/MH	20
Moderate Risk/No MH	22
Moderate Risk/MH	32
High Risk/No MH	
High Risk/MH	40
<b>Treatment/Need Concordance</b>	
No Match	18
Match	25



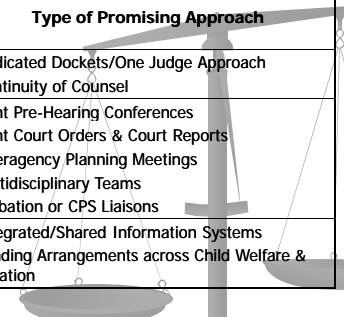
## How are states handling crossover youth?

Overview of Findings & Reflections



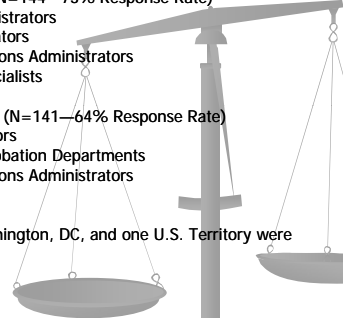
### Promising Approaches

Siegel & Lord's (2004) Categories	Type of Promising Approach
<u>Case Assignment</u>	<ul style="list-style-type: none"> <li>■ Dedicated Dockets/One Judge Approach</li> <li>■ Continuity of Counsel</li> </ul>
<u>Case Flow Management/ Case Planning &amp; Supervision</u>	<ul style="list-style-type: none"> <li>■ Joint Pre-Hearing Conferences</li> <li>■ Joint Court Orders &amp; Court Reports</li> <li>■ Interagency Planning Meetings</li> <li>■ Multidisciplinary Teams</li> <li>■ Probation or CPS Liaisons</li> </ul>
<u>Interagency Collaboration</u>	<ul style="list-style-type: none"> <li>■ Integrated/Shared Information Systems</li> <li>■ Funding Arrangements across Child Welfare &amp; Probation</li> </ul>



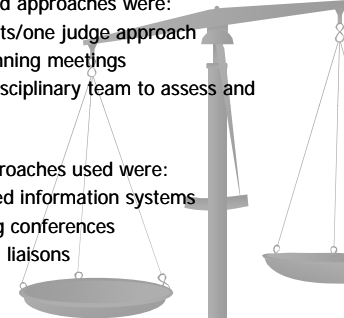
### State Survey

- State Decision-Makers (N=144—73% Response Rate)
  - Child Welfare Administrators
  - Probation Administrators
  - Institutional Corrections Administrators
  - Juvenile Justice Specialists
- County Decision-Makers (N=141—64% Response Rate)
  - Child Welfare Directors
  - Chief Officers for Probation Departments
  - Institutional Corrections Administrators
  - Judges
- In total, 47 states, Washington, DC, and one U.S. Territory were represented

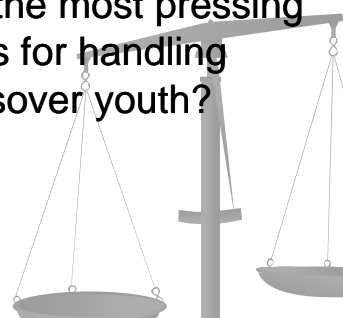


### Use of Promising Approaches

- The most often used approaches were:
  - Dedicated dockets/one judge approach
  - Interagency planning meetings
  - Use of a multi-disciplinary team to assess and manage cases
- The least likely approaches used were:
  - Integrated/shared information systems
  - Joint pre-hearing conferences
  - Use of probation liaisons

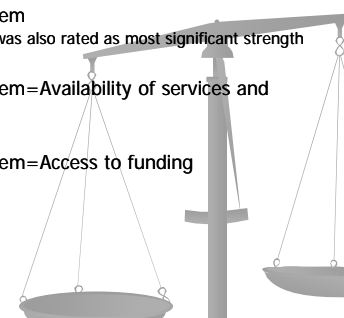


## What are the most pressing issues for handling crossover youth?



### The Top 3 Challenges/Problems

- #1 Challenge/Problem
  - Yet...Collaboration was also rated as most significant strength
- #2 Challenge/Problem=Availability of services and placements
- #3 Challenge/Problem=Access to funding





## Follow-Up Calls: Collaboration

- Characteristics
  - Strength of collaboration varied
  - Dependent upon people—those who valued and were committed to collaboration
  - Seen as essential to effectively handling crossover youth
- Keys to Accomplishing Collaboration
  - Leadership
  - Compromise
  - Clarity in roles and responsibilities
- Obstacles to Collaboration
  - High turnover/dependence on individuals
  - Staff unsupportive of collaboration
  - Differences in philosophies and procedures—“turf”

## Follow-Up Calls: Services

- Although respondents felt that crossover youth did not necessarily require different services from non-crossover youth, they believed that crossover youth required more attention and case management with regard to:
  - Early identification and intervention (i.e., responding to status offenses more effectively among crossover youth)
  - Stabilization in placement
  - Permanency
- More services, in general, were necessary. This included:
  - Gender-specific programming
  - Day centers
  - Treatment for mental health problems and substance abuse
  - Educational assessments and services
  - Transitional services and supports
  - Mentors
  - Community-based services in general

## Follow-Up Calls: Placement

- Stabilizing a placement for crossover youth=primary issue
- Need for additional access to current placements as well as more innovative placements
  - In particular, there is a need for more therapeutic living arrangements that were structured and intensively supervised
  - Programs need to address mental health problems, substance abuse, and problem behavior simultaneously
- Current placements often inappropriate because they don't offer needed levels of supervision and structure
- Keys features to improving the overall handling of crossover youth were consistency and listening—i.e., listening and responding to the needs and desires of crossover youth

## In Sum...

- Need more information on the mechanisms by which maltreatment is related to delinquency
- It is critical that jurisdictions build collaborative approaches that involve (at a minimum) child welfare, juvenile justice, behavioral health, and education systems
- Cross-training and clarity in roles and responsibilities is essential to effective collaboration
- Assessments must be comprehensive and account for both risk to re-offend as well as treatment needs—supervision and treatment must be integrated in case plans
- Systems must think creatively about family engagement and develop innovative ways to stabilize the living situations of crossover youth

## To Access the Report

- Go to <http://cjjr.georgetown.edu>
- Click “Resources”
- Several Files
  - Introduction
  - Policy Guide
  - Policy Matrix
  - Research Paper (Herz & Ryan)

# A Road Map for Learning

Improving Educational Outcomes in Foster Care



A FRAMEWORK FOR EDUCATION PRACTICE FROM CASEY FAMILY PROGRAMS



## About Casey Family Programs

Casey Family Programs' mission is to provide and improve—and ultimately to prevent the need for—foster care.

Established by United Parcel Service founder Jim Casey, the Seattle-based national operating foundation has served children, youth, and families in the child welfare system since 1966.

The foundation operates in two ways. It provides direct services, and it promotes advances in child-welfare practice and policy.

Casey collaborates with foster, kinship, and adoptive parents to provide safe, loving homes for youth in its direct care. The foundation also 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.

Drawing on four decades of front-line work with families and alumni of foster care, Casey Family Programs develops tools, practices, and policies to nurture all youth in care and to help parents strengthen families at risk of needing foster care.



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For more information about this framework, contact Casey Family Programs at 1300 Dexter Avenue North, Floor 3, Seattle, WA 98109.

Visit our Web site at [www.casey.org](http://www.casey.org).

# A Road Map for Learning

## Improving Educational Outcomes in Foster Care

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# Framework at a Glance

Helping youth in out-of-home care to achieve a successful education is a cornerstone of our practice at Casey Family Programs. Success requires knowledge and collaboration across the child welfare, legal, and education systems at all levels—local, state, and federal.

This framework is set up in a modular format to encourage quick access to the eleven key education objectives that we target and the practices and resources that we support for attaining them.\* For ease of reference, we've grouped the objectives into five subsets, according to the general issues they address:

## **School transfer issues**

1. Provide school placement stability.
2. Secure and maintain accurate and accessible school records.

## **Collaboration and training issues**

3. Facilitate collaboration and training among all involved systems.
4. Train caregivers to be education advocates at school and at home.

## **Supports and services issues**

5. Provide education advocates and education specialists/advocates.
6. Give youth access to supplemental education supports and services.
7. Address special education needs as appropriate to the youth.
8. Decrease disparate outcomes for youth of color.

## **Preparation issues**

9. Ensure that youth are literate, acquire basic skills, and have extracurricular opportunities.
10. Prepare youth to achieve their postsecondary education, training, and career goals.

## **Public policy issues**

11. Promote public policies that support education during and after care.

The framework provides a combination of background information plus almost fifty practical applications that Casey field staff, or anyone involved with serving youth in care, can use in developing a holistic, comprehensive, and culturally responsive approach to education.

\*The material in this framework draws from many sources, including field work and research; the Federal Child and Family Services Reviews, Section WB2; and the Council on Accreditation (COA) for Children and Family Services' standards.

■ The framework also serves as a resource for informing others about the unique education needs of youth in out-of-home care.

## How to Use This Framework

This framework emphasizes the K–12 population. It also touches on the education issues of the preschool population and youth who have emancipated from care.

We designed the framework to be modular, so it can be used as both a practical and an educational tool by anyone who works with the education needs of youth in out-of-home care. We intend it to be particularly useful for Casey's own education specialists.

We encourage you to choose whichever objectives and tools serve the most critical areas for your specific clientele and community, as well as those that help you explore ways to improve your overall services, support, and systems.

The framework also serves as a resource for informing others about the unique education needs of youth in out-of-home care.

### What you'll find in each objective

Each education objective in this framework has the following components:

- **Background**—supporting information, statistics, and studies that explain the issues behind the objective. Because educating youth in care is a holistic endeavor that has many intersections of service, supports, and challenges, we've added cross-references to other education objectives that may provide relevant additional information.
- **Promising Practices and Resources**—a list of services and supports that have been successfully applied by Casey or others to attain the particular objective. For quick identification, the names of these practices and resources are in ***bold-italic*** type. Details and contact information for each entry are in section 2.
- **Handouts and Checklists**—one or more ready-made materials that others have found useful in achieving the education objective. These documents can be found in section 3 for photocopying and distribution.
- **Other Recommended Resources**—a list of books, papers, Web sites, and legislation that may be relevant to the education objective.
- **What You Can Do Now**—actions that you can immediately apply to your own clientele to help attain the objective. These are divided into three categories of successively expanding spheres of influence:
  1. *Direct Services to youth and families*
  2. *Supports and Technical Assistance* for other providers, partners, and families

3. *System Improvements*, for advancing local, state, and national efforts to support the education of youth in out-of-home care

## Underlying Principles

For youth in out-of-home care, education has the potential to be a positive counterweight to abuse, neglect, separation, and impermanence. Positive school experiences enhance their well-being, help them make more successful transitions to adulthood, and increase their chances for personal fulfillment and economic self-sufficiency, as well as their ability to contribute to society.

School also provides the opportunity for youth to form lasting connections with adults and to experience the benefits of participation in extracurricular activities. School “connectedness” has been found to be a protective factor against every health risk except



### **A Reminder to Casey Employees**

Casey Family Programs is a private operating foundation and, as such, we cannot carry out any lobbying activities. When implementing any suggestions and practices in this framework, please remember:

1. Any time you communicate with or educate federal, state, or local legislators or other government officials, you may not refer to specific legislation (whether enacted, pending, or proposed) in a way that implies that Casey takes a particular view on the legislation.
2. Any time you communicate with or educate the general public, you may not refer to specific legislation (whether enacted, pending, or proposed) in a way that reflects any particular viewpoint on the legislation or that encourages the listener or reader to take a particular action about the legislation (such as contacting a legislator).



■ ■ Positive school experiences enhance their well-being, help them make more successful transitions to adulthood, and increase their chances for personal fulfillment, economic self-sufficiency, and their ability to contribute to society.

pregnancy.<sup>1</sup> And as the Child Welfare League of America states, “for youth leaving the child welfare system, education is their best hope of achieving independence in adulthood.”<sup>2</sup>

Five principles underlie the objectives in this framework:

- **Youth in out-of-home care must be the primary voice in education decisions.** We must teach youth to have an active voice, and we must listen to that voice as appropriate for the youth’s age, development, safety, and well-being when establishing education plans. This includes providing age-appropriate tools and strategies to help youth express their capabilities and desires, as well as soliciting their input on the supports, outcomes, and goals they follow to realize their dreams.
- **School success requires addressing a mix of variables.** Education plans must consider the youth’s cognitive abilities, emotional needs, home influences, motivation, and peer influence, as well as the quality of the school the youth attends. Additionally, plans must include developmentally age-appropriate activities that give youth the chance to play, have fun, and live normalized lives.
- **Education planning must incorporate practices that are predictors of education success.** Factors such as school placement stability, employment experience, a positive relationship with agency staff, and plans for postsecondary or career options are strong predictors that a student will complete high school.<sup>3</sup> The more of these positive factors we can build into a youth’s education plan, the better for the youth.
- **Youth need education services and supports that build skills for economic self-reliance.** This means helping youth develop life-preparation skills in all areas of life, including completion of a high school diploma or GED and postsecondary or vocational training.
- **Education systems must partner with as many individuals and agencies as possible on behalf of youth in out-of-home care.** Formal and informal collaborators include birth parents, foster parents, kinship caregivers, schools, teachers, child welfare agencies, communities of faith, the judiciary, and agencies that serve youth who have emancipated to independent living and employment.<sup>4</sup>

<sup>1</sup> Resnik et al. (1997).

<sup>2</sup> Yu, Day, & Williams (2002a), p.xii.

<sup>3</sup> Burley & Halpern (2001).

<sup>4</sup> U.S. General Accounting Office (1999).

# 1

## Provide School Placement Stability



### Background

Studies have shown that the longer a youth is in out-of-home care, the greater the number of home placements he or she is likely to experience.<sup>5</sup> Furthermore, a change in home placements is quite often accompanied by a change in schools.

The educational impact of every school change is significant. Each time youth enter a new school, they must adjust to different curricula, different expectations, new friends, and new teachers. They frequently suffer disruptions in valuable education services, such as special education support, counseling, enrichment programs, and extracurricular opportunities. And they often lose days or even weeks of schooling due to enrollment delays or temporary placement in emergency care, where they are held out of school pending a more permanent placement.

Reports from youth and foster parents highlight the urgency of this issue. Consider the following statements taken from focus groups conducted by the Youth Law Center in California:

- > I was in eighth grade for two months, doing well, but then was moved 11 times in nine months. It was almost impossible to go to school. During the first three moves, I stayed in the same school, but after that, I changed districts and had to change schools.
- > I was in 52 placements. I did not do eighth grade, but went to a charter school, where the principal let me in, and went to summer school there.
- > I have been in 47 placements, through three agencies. I did not have a lot of school options. I kept talking to social workers and eventually got to go to [a] regular school.
- > The system abuses foster children further, moving them from one educational placement to another. Time after time, I [a foster parent]



Perhaps the single most important thing that each of us can do to improve the educational outcomes for foster children is to ensure that their school placement remains stable. Historically, change of placement of the child has meant an almost automatic change of school. Yet for every school change, a child experiences serious loss and suffers academically.<sup>5</sup>



<sup>5</sup> Heybach & Winter (1999), p. 3.

<sup>6</sup> Yu, Day, & Williams (2002a).

have seen kids [who are] two weeks from graduation, and the social worker moves them.<sup>7</sup>

Casey's 2003 national study of its alumni, one of the few studies of its kind, underscores the link between home placement stability (with its corresponding school placement stability) and a youth's academic success. This study of more than 1,000 alumni shows that youth who had one or fewer home placements per year were twice as likely to graduate from high school before leaving care.<sup>8</sup>

Other studies of the general population have found correlations between a lack of school placement stability and academic performance:

- A 1993 study reported in the *Journal of the American Medical Association* found that frequent school changes were associated with an increased risk of failing a grade in school and of repeated behavior problems.<sup>9</sup>
- A study by researchers at the University of Chicago found that by the sixth grade, students who had changed schools four or more times had lost approximately one year of educational growth.<sup>10</sup>
- A 1999 study by researchers at the University of California at Berkeley found that high school students who changed schools even once were less than half as likely to graduate, even when controlling for other variables that affect high school completion.<sup>11</sup>

The federal government is using school placement stability as a factor in considering how well states meet the required Child Well-being Outcome for education. The federal Child and Family Services Reviews found that 21 of the 37 states examined so far need to increase school placement stability for youth who are experiencing home placement changes.<sup>12</sup>

Of course, no one advocates that youth remain in schools that are unsafe, or that provide an inferior education, simply for the sake of school placement stability. However, youth deserve as much school stability as we can give them. We must work with education and child welfare systems to eliminate enrollment barriers and other delays that create unnecessary disruptions in a youth's schooling. Social workers should be educated about the importance of school placement stability to a youth's well-being as they make home placement decisions. Likewise, youth themselves should be educated about, and involved in, decisions about changes in their home and school placements.

As the Youth Law Center of California notes, "the stability of education placement must

<sup>7</sup> Burrell (2003), pp. 3, 4.

<sup>8</sup> Pecora et al. (2003), p. 44.

<sup>9</sup> Wood, Halfon, Scarlata, Newacheck, & Nessim (1993).

<sup>10</sup> Kerbow (1996), p. 20.

<sup>11</sup> Rumberger, Larson, Ream, & Palardy (1999), p. 3.

<sup>12</sup> Christian (December 2003), p. 3.

become a core value of systems for youth in child welfare and juvenile justice, and that value must be implemented in policy.”<sup>13</sup>

## Promising Practices and Resources

For more details on these entries, see section 2.

***Endless Dreams Training and Video*** (page 89). This training curriculum shows educators how their schools can support students who are in out-of-home care and conveys the importance of keeping youth in stable school placements. When used to recruit teachers as temporary foster parents, the curriculum could also help youth stay in the same school for the remainder of a school year.

***Education Specialists/Advocates*** (page 88). These practitioners provide education case-management and advocacy services for youth in out-of-home care. They are trained to educate schools about the importance of school placement stability. Their proactive planning with schools decreases the likelihood of suspensions and expulsions for these youth.

***Seattle Foster Care and Education Consortium*** (page 109). The consortium offers a model for retaining youth in care in their present school and provides a framework to help school districts and social welfare agencies collaborate effectively.

***Treehouse*** (page 116). This Seattle program places tutors in schools to provide academic support and advocacy to students in foster care.

***K–12 School Placement Guide*** (page 98). From Casey, this program gives a protocol for school placement decisions and could also be used for guiding home placement decisions.

***Neighborhood Foster Care*** (page 102). This model provides an avenue for keeping youth in their community and home schools.

***Washington State Report to the Legislature, “Coordinated Services and Educational Planning for Children in Out-of-Home Care”*** (page 120). This report recommends that youth in short-term placements remain in their home schools. The report also includes other recommendations related to school placement stability for all youth in out-of-home care.

***McKinney-Vento Homeless Assistance Act*** (page 101). This act includes provisions for youth in foster care and, in some instances, may be used to maintain a child in his or her home school.

## Handouts and Checklists

None for this objective.

<sup>13</sup>Burrell (2003), p. 18.

## See also

**Education Objective 2**, for more information on securing and maintaining records to ensure school attendance once a youth is moved to a new school

**Education Objective 3**, for more information on working across systems to ensure that all systems are working toward school placement stability

**Education Objective 5**, for more information on how education advocates and education specialists/advocates can speak out for keeping youth in their current school, regardless of home placement changes

**Education Objective 11**, for promoting public policies related to school placement stability

## Other Recommended Resources

None for this objective.

## What You Can Do Now

### Direct Service Activities

- ⦿ Ensure and advocate for school placement stability for youth in out-of-home care within schools, with judges, and with local public and private child placement agencies with authority to place youth.
- ⦿ Use the ***K-12 School Placement Guide*** when making school placement and home placement decisions.
- ⦿ Become educated on the ***McKinney-Vento Homeless Assistance Act*** provisions for youth where they are in a youth's best interests.

### Supports and Technical Assistance

- ⦿ Give ***Endless Dreams Training and Video*** presentations to schools, local teacher unions, Parent Teacher Associations (PTAs), and school boards.
- ⦿ Train social work staff about the need for school placement stability for youth in out-of-home care.

### System Improvements

- ⦿ Initiate interagency school district projects to improve school stability for youth in out-of-home care using the work of the ***Seattle Foster Care and Education Consortium*** as a model.
- ⦿ Develop a state-level initiative to educate legislators on the importance of school stability, using the ***Washington State Report to the Legislature, "Coordinated Services and Educational Planning for Children in Out-of-Home Care"*** as a resource.
- ⦿ Work with your state's foster parent association and child welfare agency to develop state foster parent recruitment strategies that use models such as ***Neighborhood Foster Care*** and the recruitment of foster families via school PTAs.

## 2 Secure and Maintain Accurate and Accessible School Records

### Background

Negative school experiences of youth in out-of-home care are shaped not only by frequent school changes but also by misplaced, delayed, inaccessible, or incomplete education records.<sup>15</sup> Even the federal government acknowledges in its Child and Family Services Reviews that “availability of school records” is one factor they consider in judging how well a state is meeting the Child Well-Being Outcome for education. In 18 of the 37 states reviewed, education records were missing from case files or had not been made available to foster parents.<sup>16</sup>

Specifically, the problems are as follows:

- **Inefficient data management in child welfare systems** for maintaining up-to-date and complete education records for youth in out-of-home care.
- **Lengthy delays in transferring records** between schools and districts and across states. Affected records include individual, cumulative, and special education files, such as report cards, transcripts, student assessment scores, records of behavior infractions, health records required for school enrollment, Individualized Education Plans (IEPs), and Section 504 plans.
- **Loss of school records.**
- **Failure of school records to include full information about a youth’s situation**, such as details about his or her in-care status, legal status, and the roles of birth parents, foster parents, and social workers who are acting on the youth’s behalf.
- **Barriers to information sharing between education and child welfare systems**, including confidentiality requirements (see the box on page 14) and incompatible information-management systems.

The inability to secure and maintain a youth’s school records can adversely affect a youth’s academic progress in several ways.

First, youth are often denied school enrollment if they do not have all their records. Second, even if a school will allow late enrollees, delays in records transfer can postpone a youth’s

<sup>14</sup> Burley & Halpern (2001), p. 30

<sup>15</sup> Yu, Day, & Williams (2002a).

<sup>16</sup> Christian (December 2003), p. 4.



Improving the reliability of information shared among foster parents, schools, court officers, and caseworkers could help prevent the fragmentation of educational support for foster youth.<sup>14</sup>





start date, meaning more missed school days. Group homes in California, for instance, report enrollment delays of days or even weeks as youth wait for their records to arrive.<sup>17</sup> When school changes are frequent, the number of lost school days becomes significant. High school students in particular can lose valuable academic credit, which in turn can delay their graduation.

And third, a lack of accurate and complete records creates discontinuity and inadequacies in school programming. Caregivers, social workers, teachers, judges, and attorneys simply do not have the information they need about a youth's school experience to help them determine appropriate school programming as a youth moves from school to school.

### **The Challenge of Confidentiality**

Confidentiality can be a large stumbling block when trying to maintain and share accessible records. The federal Family Educational Rights and Privacy Act (FERPA) of 1974 states that a youth's education records cannot be released to a third party without the written consent of the parent. "Parent" is defined to include "a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian."<sup>18</sup>

However, exceptions to FERPA state that education records may be released without prior parental consent to:

- Other school officials, including teachers, who have legitimate interest in the youth
- Appropriate persons in connection with a health or safety emergency
- Officials of other schools when a student is transferring schools
- Appropriate persons when release of information is needed to comply with a judicial order or subpoena<sup>19</sup>

For youth who are *within the child welfare system*, confidentiality provisions depend on state law and can be problematic even though they are designed to protect the youth's privacy. For example, in some states, child welfare systems cannot tell school systems the names of youth who are in out-of-home care.

When in doubt, contact your state's Office of the Attorney General for rulings and clarification.

<sup>17</sup> American Institutes for Research (2003), p. 9.

<sup>18</sup> McNaught (2003), p.6.

<sup>19</sup> McNaught (2003).

## Promising Practices and Resources

For more details on these entries, see section 2.

**Education Specialists/Advocates** (page 88). These practitioners can ensure timely records transfer by overseeing records transmittal from agency to school, or from school to school, often by delivering the records themselves. Such services are often integrated into larger service and support programs offered by various states.

**Seattle Foster Care and Education Consortium** (page 109). The three primary goals of this consortium are to share data between the Division of Children and Family Services and the Seattle Public Schools in order to identify youth in out-of-home care; to trigger a timely records transfer each time a youth moves to a new school; and to convene an interdisciplinary planning meeting for school and child welfare staff for all students in out-of-home care.

**Foster Youth ePassport** (page 90). This database was developed to help youth and their service providers keep placement, health, education, and demographic records of youth in out-of-home care. It expedites school placements, reduces gaps in education from overlooked services, and improves the availability of academic records for schools and agencies.

**Washington State Report to the Legislature, “Coordinated Services and Educational Planning for Children in Out-of-Home Care”** (page 120). This report includes a subcommittee report on the effect of confidentiality statutes on sharing school records. Although the information is specific to Washington state, the report can serve as a guide for other states interested in clarifying this issue.

**California Assembly Bill 490, “Helping Foster Children Make the Grade”** (page 79). California has made many strides in promoting records-sharing across agencies. This important piece of legislation is a useful model for other states wishing to do the same.

**American Bar Association Child Law Practice Series** (page 76). This series of six articles from the ABA *Child Law Practice* journal has important information on confidentiality, records review, and the legal rights of youth in care.

## Handouts and Checklists

None for this objective.

## Other Recommended Resources

*Lost in the Shuffle Revisited: The Education Law Center’s Report on the Education of Children in Foster Care in Pennsylvania.* This 2002 report includes practice and

## See also

**Education Objective 3**, for more information on training school staff and educators about the need for timely records transfer

**Education Objective 10**, for more information on retrieving academic credits for youth in out-of-home care



policy recommendations for improving the transfer of education records and information on youth in out-of-home care. Available online at [www.elc-pa.org](http://www.elc-pa.org) (Education Law Center—Pennsylvania).

## What You Can Do Now

### Direct Service Activities

- ⦿ Ensure that youth's records are transferred in a timely manner and that school districts adhere to legal guidelines for transferring records and enrolling youth. Help others (e.g., teachers, school secretaries) learn about the need for quick records transfer.
- ⦿ Give youth self-advocacy training on the importance of their school records, how to keep a personal academic portfolio, and how to access official transcripts from schools.

### Supports and Technical Assistance

- ⦿ Provide information and training on federal and state guidelines to schools, social workers, and caregivers.
- ⦿ Train school district personnel on reading other districts' transcripts and IEPs, as they often vary by district.

### System Improvements

- ⦿ Initiate a local consortium and project based on the model developed by the **Seattle Foster Care and Education Consortium**.
- ⦿ Initiate a local or state model for improving the maintenance and sharing of education records based on the recommendations contained in *Lost in the Shuffle Revisited: The Education Law Center's Report on the Education of Children in Foster Care in Pennsylvania* (see "Other Recommended Resources" above)."
- ⦿ Make a request to your state's Office of the Attorney General for clarification on federal and state laws and regulations regarding confidentiality. The process used in the **Washington State Report to the Legislature, "Coordinated Services and Educational Planning for Children in Out-of-Home Care"** could provide guidance on how to proceed.

## 3 Facilitate Collaboration and Training Among All Involved Systems

### Background

Reports or studies on the education issues of youth in out-of-home care consistently point out that increased collaboration and cross-training among the three major systems involved with these young people—child welfare, education, and judiciary—is critical at the local, state, and national levels.<sup>21</sup>

Effective collaboration means working together to maintain school placement stability, share a youth's pertinent information and records, and ensure a youth's timely enrollment in school. It can also guarantee that youth in out-of-home care receive all the other education services they need.

Through collaboration, for example, a social worker might refer a youth for special education assessment, whereupon the school would obtain the assessment and hold a meeting to discuss the results, and a judge might then request information on whether there was appropriate follow-up.

Interagency protocols, preferably supported by appropriate level regulation, are essential to creating a comprehensive, effective collaborative system. Complete procedures for accountability should also be part of the protocols for each system.

As described by the Child Welfare League of America, collaboration should take place at the local, state, and federal levels. At the local level, service providers should work with at least one other system, such as the courts, child welfare system, or local school district, to evaluate system-wide challenges for youth in out-of-home care. These might include sharing information and solutions. At the state level, greater collaboration must occur between the state Department of Education and the state child welfare agency. At the federal level, the departments of Education and Health and Human Services should work closely together to develop federal policies and programs that improve the academic achievement of youth in care.<sup>22</sup>

Interagency collaboration does, of course, require training each group involved. For instance, child welfare agencies (including tribal councils) need training in the following:

- The importance of education success to a youth's well-being, safety, and successful transition to adulthood

<sup>20</sup> Yu, Day, & Williams (2002a), p. 36.

<sup>21</sup> Yu, Day, & Williams (2002a).

<sup>22</sup> Yu, Day, & Williams (2002a).



The challenge for all systems is to ensure a positive school experience for these youth that will result in each young person's achieving his or her individual potential. No agency, school, or school district can solve the problem alone. Committed leadership and cooperation, communication, and collaboration among the various agencies are necessary to ensure the best possible educational outcomes for children and youth in care.<sup>20</sup>



- How the education system works and its related legal issues
- The best methods to promote a youth's education success (e.g., attendance at school meetings, accessing supplemental education resources, ensuring that a youth's mental health needs are managed)
- The importance of school placement stability and its role in home and school placement decisions
- The institutional, social, and structural barriers that may prohibit good collaboration (e.g., institutional racism and stereotypes about the foster care system)

Educators need training in the following:

- How and why youth get into out-of-home care
- Foster care policies and how they affect the operation of the child welfare system
- The roles of social workers, birth parents, foster parents, and other caregivers in making education decisions
- How to develop empathy and avoid stigmatizing youth in out-of-home care
- Specific ways they can support the education success of youth in out-of-home care
- The unique emotional, practical, behavioral, social, intellectual, and academic challenges faced by youth in care, and how to respond to them
- How the disparate outcomes for children of color in the child welfare and judicial systems affect the education system

Attorneys, judges, parole and probation officers, juvenile detention staff, court-appointed special advocates (CASAs), and guardian ad litem (GALs) need training in the following:

- The importance of education success to a youth's well-being, safety, and successful transition to adulthood
- How court expectations and standards influence the ways social workers, educators, and other service providers respond to a youth's education needs
- How to adequately assess a youth's education progress and spot any concerns
- Effective methods of advocacy for a youth's education needs within the constraints of their appointed roles

Ideally, interagency training encourages participants to freely share their knowledge and identify barriers in a way that respects each agency's authority, expertise, responsibilities, roles, and accountability. Trainers need to be prepared to facilitate and negotiate potential areas of conflict while keeping the needs of the youth at the center of the discussion.

## Promising Practices and Resources

For more details on these entries, see section 2.

***Endless Dreams Training and Video*** (page 89). This comprehensive curriculum can be used to train members of the child welfare, education, and judicial systems in many of the topics listed above, leading them toward greater collaboration and youth education advocacy.

***Make a Difference in a Child's Life*** and ***Toolkit for Change*** (page 99). This education advocacy training program provides information on the education rights of youth in schools and how to advocate for these rights. The *Toolkit for Change* is a template that enables the training materials to be adapted to other states' laws.

***Judicial Checklist: Critical Questions and Strategies for Meeting the Education Needs of Children and Youth in Juvenile and Family Court*** (page 97). This checklist (available in September 2004) will provide judges with information and questions to ask to determine the education needs and progress of youth for whom they have judicial responsibility.

***Foster Youth Services, San Diego*** (page 91). This California program unites a variety of agencies and systems that work together to establish best practices for meeting the education needs of youth in group homes in San Diego County.

***American Bar Association Child Law Practice Series*** (page 76). This series of six articles from the *ABA Child Law Practice* journal can guide parents, caregivers, attorneys, social workers, and education advocates in ways to work together to speak up for the education needs of youth in the child welfare system.

## Handouts and Checklists

A sample of this item is available for photocopying in section 3.

"Things Teachers Can Do to Support Good Educational Outcomes for Students in Out-of-Home Care." This information sheet was developed by the Casey Family Programs National Center for Resource Family Support as part of a toolkit for National Foster Care Month. In addition to providing teachers with strategies for supporting youth in care educationally, it identifies other people and agencies they can work with to support positive outcomes for youth.

## See also

**Education Objective 1**, for more information on how to ensure school placement stability and the roles that different systems must play

**Education Objective 2**, for more information on how to share records across systems

**Education Objective 6**, for how systems can work together to ensure youth have access to supplemental education supports and services

**Education Objective 11**, for more information on ways that systems can collaborate at the local, state, and federal levels

■ Ideally, interagency training encourages participants to freely share their knowledge and identify barriers in a way that respects each agency's authority, expertise, responsibilities, roles, and accountability.

## Other Recommended Resources

*Charlotte Mecklenburg School System Collaboration.* Exemplary in its collaborative activities, this North Carolina group combines the efforts of the Mecklenberg County Department of Social Services/Youth and Family Services and the Charlotte Mecklenberg School System. Their joint initiative has developed several cross-agency programs that include staff cross-training, after-school tutoring programs, and psychological evaluations for youth who are returning from residential treatment. A write-up is available at [www.dhhs.state.nc.us/dss](http://www.dhhs.state.nc.us/dss) (North Carolina Department of Health and Services, Division of Social Services, under County Partners).

*Handbook for Caregivers and Social Workers.* Developed by Casey's San Diego office, this handbook can be used to teach both social workers and caregivers about education advocacy skills, the roles they each play in the education process, how to work with birth and/or legal parents, and how to work with the special education system. Contact: Casey Family Programs—San Diego, 3878 Old Town Avenue, Suite 100, San Diego, CA 92110-3023, (619) 543-0774.

*National Symposium on Improving Educational Outcomes for Children and Youth in Foster Care.* This symposium of national leaders in the child welfare, judiciary, and education systems developed recommendations for practices and policies that are predicated on collaboration. These recommendations provide a resource and blueprint for future efforts across systems. Contact: Susan Weiss, Director—Community/Alumni Relations, Casey Family Programs, 1300 Dexter Avenue North, Floor 3, Seattle, WA 98109, (206) 282-7300, [sweiss@casey.org](mailto:sweiss@casey.org).



## What You Can Do Now

### Direct Service Activities

- ⦿ Train youth in how to communicate their needs and goals in a way that promotes better understanding among the various agencies and people who work with them. Train staff in how to listen to and support the needs of youth.
- ⦿ Ensure that all the professionals involved in decisions about a youth's education success and transition have opportunities to share their expertise and plan collaboratively.

### Supports and Technical Assistance

- ⦿ Provide training to judges, CASAs, and GALs, using the **Judicial Checklist: Critical Questions and Strategies for Meeting the Education Needs of Children and Youth in Juvenile Family Court**.
- ⦿ Implement the **Endless Dreams Training and Video** curriculum to reach teachers and administrators at local community schools.
- ⦿ Provide workshops and seminars for social workers on supporting education issues and advocacy for youth in out-of-home care using **Make a Difference in a Child's Life** and **Toolkit for Change**.
- ⦿ Work with teacher education programs at local colleges and universities to set up courses that teach about the unique education needs of youth in care.

### System Improvements

- ⦿ Develop a university curriculum for teacher preparation programs about how to meet the education needs of youth in out-of-home care.
- ⦿ Promote a national, standardized curriculum on the education issues of youth in out-of-home care that can be used by many people and easily accessed online.

## 4 Train Caregivers to Be Education Advocates at School and at Home



There is no doubt about it: parent involvement in the education of their children positively influences child educational achievement.

In the case of foster children, increased challenges mean increased need for caregivers to be invested and involved in their child's education.<sup>23</sup>



### Background

Primary caregivers play a critical role in a youth's education through the support they provide both at home and in the youth's school. Close involvement from a caregiver leads to improved attendance, grades, and test scores; improved attitudes and school behavior; higher graduation rates; and higher rates of college enrollment.

Unfortunately, this important ingredient is frequently missing for youth in care for several reasons. First, youth typically experience frequent changes in caregivers, which creates a lack of continuity and consistency not only in their education, but also in the support they receive from their caregivers. Second, caregivers may not know about a youth's education capabilities and school history, and may instead focus almost exclusively on the youth's adjustment at home. Finally, many caregivers feel uncomfortable advocating for their youth in school, usually because they do not have the tools to do so.

Many caregivers recognize their limitations in this arena and have requested proper training in how to advocate for their youth's education:

- > Parents need to be trained to advocate for our kids in the Latino community. I don't know of any services available. We need to inform parents about legal rights and services available, and we need culturally specific education for parents.
- > We need to work with the birth family on educational issues. If my foster child goes back to her mother, she will not have the skills or knowledge to deal with the child. If the family is reunified, services may not carry over. The birth family needs to be educated and learn what I learned.<sup>24</sup>

Training for caregivers in helping youth be successful in school should focus on how they can do the following:

<sup>23</sup> Casey Family Programs (2000), p. 1.

<sup>24</sup> Burrell (21003), p. 12.

- Embrace education success as a high priority within the family and convey this priority to the youth in a caring, supportive manner. Studies show that parental *expectation* of a youth's education achievement is the single most important correlate of his or her education success. Likewise, caregivers should hold equally high expectations for teachers, judges, and child welfare workers regarding the education success of their youth.
- Understand the particular education challenges that youth in out-of-home care encounter and openly communicate with the youth about what's happening in the classroom.
- Learn how to talk directly to teachers about their expectations for the youth's progress, homework, tests, and classroom assignments.
- Support the youth's academics—for instance, by helping with homework, encouraging independent learning and self-advocacy, and becoming aware of community educational resources.
- Understand the school's procedures and requirements for enrollment, attendance, discipline, and graduation, and develop effective communication and cooperative, non-adversarial relationships between home and school.
- Become involved in the school. Involvement can range from maintaining regular communication with the school to volunteering and attending conferences and other functions.
- Understand and advocate for the youth's education rights, including where to find resources and what legal roles foster parents, birth parents, social workers, and surrogate parents play in schools.
- Prepare the youth to make the transition from high school to postsecondary education or employment, with continued support from appropriate adults in his or her life. For instance, a caregiver must know how to help the youth take responsibility for his or her own education needs—e.g., by developing a portfolio, directing an Individualized Education Plan (IEP), assessing postsecondary financial aid options, and accessing information about postsecondary institutions.

It is also crucial that the training be relevant to the caregiver's culture and be provided in the family's primary language whenever possible.

## Promising Practices and Resources

For more details on these entries, see section 2.

**Strategic Tutoring Program Parent Curriculum** (page 113). Based on Casey's Strategic Tutoring Program (see page 112), this training assists caregivers in

## See also

**Education Objective 3**, for more information on how caregivers can work with multiple systems to ensure the best education outcomes for their youth

**Education Objective 7**, for more information on special education rights and responsibilities for caregivers who have youth with disabilities

**Education Objective 10**, for more information on how caregivers can support their youth in preparing to emancipate from their care



■ ■ Close involvement from a caregiver leads to improved attendance, grades, and test scores; improved attitudes and school behavior; higher graduation rates; and higher rates of college enrollment.

handling homework-related issues, such as the importance of homework and the caregiver's role in supporting its completion, how to set up a good homework environment at home, and ways to provide homework correction and feedback.

***Make a Difference in a Child's Life*** and ***Toolkit for Change*** (page 99). The first part of this resource is a training program that teaches parental and youth advocacy for a child's education rights, based on Washington state law. The *Toolkit for Change* provides general guidelines for education advocacy and a template for customizing the Washington training for other states.

***Endless Dreams Training and Video*** (page 89). Although directed at educators, various modules of this training curriculum can be adapted for use with parent groups who deal with youth in care.

***Marcus A. Foster Parenting University*** (page 100). As part of the Marcus A. Foster Educational Institute in California, this program strengthens the role of parents as their children's first teachers and as strong education advocates. This program model is a collaboration among community-based organizations, parents, health care providers, the Oakland Unified School District, and private individuals.

***Early Child Development Screening Tools*** (page 86). The American Academy of Pediatrics has identified three brief (10 minutes or less), high-quality screening and reporting tools that parents can administer to children ages birth to 8 years. Foster parents could easily be trained to use these tools, which provide early detection of potential learning and developmental problems.

***Parent Training and Information Centers and Community Parent Resource Centers*** (page 104). Funded by the U.S. Department of Education, these centers offer parents of children with disabilities an array of services that can support their child's successful education experience. The centers are helpful resources for the caregivers of youth in care who have cognitive or emotional disabilities.

## Handouts and Checklists

None for this objective.

## Other Recommended Resources

*Handbook for Caregivers and Social Workers*. Developed by Casey's San Diego office, this handbook provides a sound model that can guide caregivers in negotiating school systems and in developing education advocacy skills. It covers enrollment procedures, graduation requirements, the special education systems, and the roles of birth and foster parents in schools. It also contains sample letters for making referrals to special education and Section 504 services. Contact: Casey Family Programs—San Diego, 3878 Old Town Avenue, Suite 100, San Diego, CA 92110-3023, (619) 543-0774.

## What You Can Do Now

### Direct Service Activities

- ⊙ Offer parent training in education advocacy at least once a year, using tools such as the ***Endless Dreams Training and Video*** or the ***Strategic Tutoring Program Parent Curriculum***.
- ⊙ Introduce parents to existing parent support groups in their community and encourage involvement.

### Supports and Technical Assistance

- ⊙ Develop a *Handbook for Caregivers and Social Workers* for your region, using the San Diego handbook as a model (see “Other Recommended Resources” above).
- ⊙ Work with family developers to include training on education issues in their parent training materials.

### System Improvements

- ⊙ Initiate collaboration with the Child Welfare League of America to strengthen and expand the education section of the PRIDE curriculum, a national foster-parent training program, with special attention to training for parents of diverse cultural backgrounds.
- ⊙ Work with your state foster parent association to develop training materials on the education issues of youth in out-of-home care, and to train caregivers of younger children to use the recommended ***Early Child Development Screening Tools***.
- ⊙ Educate your state foster parent association on using ***Make a Difference in a Child’s Life*** and ***Toolkit for Change*** to adapt an education advocacy curriculum to your state’s laws, and then train foster parents with it.
- ⊙ Work with a local school district that is heavily populated with youth in out-of-home care to develop a parent training program similar to the ***Marcus A. Foster Parenting University***.

## 5

## Provide Education Advocates and Education Specialists/Advocates



The system must provide liaison services to help youth and parents through educational transitions. Advocacy resources to assist youth and families with enrollment, suspension/expulsion, and special education, or other barriers must be more readily available. Assistance that specifically helps youth to prepare for college or the workforce ... must be increased.<sup>25</sup>



### Background

Youth, caregivers, and child welfare agencies identify the lack of education advocacy as a major failing of the child welfare system, and, when advocacy is available, as one of its most important assets. In fact, a lack of “adequate educational advocacy” was cited as a problem by the federal Child and Family Services Reviews for 14 of 37 states on whom reports have been issued to date.<sup>26</sup>

The voices of the youth themselves are perhaps the most eloquent in articulating this issue:

- > I needed more support in school. I was by myself. No one came and asked how I was. I went off into the cracks. Teachers see kids hanging their heads; they need to really sit down and talk to kids.
- > A mentor at my school helped me get money for college. I am the only one in my family to graduate. My mentor has really helped—calling every day, giving me pencils and papers and a daily planner. She taught me study skills. She had a good life and showed me the way.<sup>27</sup>

Consistent education advocacy is provided by people who are knowledgeable about a youth’s needs and education history. These people can be either professional *education specialists/advocates* who perform an “official” dual role—direct service and advocacy—for the youth and family, or *education advocates*, individuals such as caregivers, mentors, and volunteers who are trained to speak out on behalf of a youth’s education needs, primarily in schools and in court.

### Solutions Using Education Specialists/Advocates

Some child welfare agencies hire education specialists/advocates to provide direct service and advocacy to youth and families, and/or to train caregivers, youth, and staff to be effective advocates in schools.

Education specialists/advocates provide education case management for individual youth, facilitate assessments and services for their academic needs, communicate with schools

<sup>25</sup> Burrell (2003, p. 19.

<sup>26</sup> Christian (December 2003), p. 4.

<sup>27</sup> Burrell (2003), pp. 10,11.

about their needs and progress, collaborate with schools on behavior and academic plans, and assist youth with postsecondary planning. They can also perform the crucial tasks of maintaining education records and ensuring that records are quickly transferred between schools.

As advocates, they protect a youth's education rights, speak out on his or her behalf at school meetings, and champion his or her best interests for curriculum opportunities, school placement options and stability, interagency transition plans, and the types of support to be provided. Education specialists/advocates may also be involved in public policy advocacy for all youth in out-of-home care, with the intent to improve systems.

There are many types of education specialists/advocates, and they provide services through different venues. These include private agency specialists who work at schools or agencies; specialists who are attached to public child welfare regional offices; and public child welfare specialists who work within designated schools. Some state Independent Living/Chafee programs have workers who serve as education specialists/advocates to assist high school or Independent Living/Chafee program youth with postsecondary planning and the like.

### **Education Advocates**

When an agency cannot fund education specialists/advocates, they can train others to be education advocates who speak out for a youth's education needs in schools and in court. For instance, caregivers and parents can learn to assume an advocacy role, or social workers can be taught to provide advocacy support if necessary. Training court-appointed special advocates (CASAs), guardian ad litem (GALs), tutors, alumni, and mentors as volunteer advocates is also an option.

Finally, the youth themselves should be trained in self-advocacy. They must know how to articulate their academic needs and career goals, access the support they need, understand their education rights, and participate in education planning meetings.

### **Promising Practices and Resources**

For more details on these entries, see section 2.

***Education Specialists/Advocates*** (page 88). These professionals provide education advocacy and consultation for youth in school, and they work with foster parents, youth, and social workers on school advocacy. They are very knowledgeable about school and community educational resources and often build strong working relationships with these organizations.

***Make a Difference in a Child's Life*** and ***Toolkit for Change*** (page 99). The first part of this resource is a training program that enables caregivers to become education advocates and to train youth in self-advocacy, based on Washington state law. The *Toolkit for Change* provides general guidelines for education advocacy and a template for customizing the Washington training for other states.

### **See also**

**Education Objective 1**, for more information on school placement stability and the important role that an education advocate can play as it relates to this issue

**Education Objective 2**, for more information on how education advocates can help ensure timely records transfer and review

**Education Objective 6**, for more information on important supplemental education supports and services

**Education Objective 7**, for more information on special education services and the role of the education advocate in obtaining them

**Education Objective 8**, for more information on the special advocacy needs of youth of color

**Education Objective 9**, for more information on how to ensure that youth obtain the academic skills they need prior to emancipating from care

**Education Objective 10**, for more information on how to help prepare youth for career and postsecondary education after high school

■ Youth themselves should be trained in self-advocacy. They must know how to articulate their academic needs and career goals, access the support they need, understand their education rights, and participate in education planning meetings.

**Possible Selves** (page 106). This successful motivation program teaches youth how to set goals, build plans for the future, and gain the skills to advocate on their own behalf. The program comes from the Center for Research on Learning at the University of Kansas.

**Person Centered Planning** (page 105). This program was developed as an approach to expand the power that youth have to identify their values and life choices, and to be supported as they develop problem-solving skills to achieve their personal goals.

**Treehouse** (page 116). This privately funded organization in the Seattle area offers a tutoring program, an education advocacy program, and a Coaching-to-College program for abused and neglected youth. In 2003, these highly acclaimed programs served 501 youth.

**Foster Youth Services, San Diego** (page 91). Under the auspices of the California Department of Education, this program provides education liaisons for youth in group homes in San Diego County.

**John H. Chafee Foster Care Independence Program** (page 96). Implementation of the advocacy aspect of this model varies by state. Massachusetts, for example, has 29 adolescent outreach workers whose jobs include school advocacy, while Washington's program focuses on training parents and social workers in school advocacy.

**CASA Education Advocacy Programs** (page 81). Selected state and local CASA programs are adding education advocacy for youth to the role of the CASA volunteer.

## Handouts and Checklists

None for this objective.

## Other Recommended Resources

*Tennessee Department of Children's Services.* This division of Tennessee's state government provides education specialists and attorneys to serve youth in out-of-home care across the state. These education advocates consult on specific case issues, attend Individualized Education Plan (IEP) meetings, and meet with teachers and administrators regarding the needs of individual youth. Contact: Mary Meador, Director of Education for the Department of Education, Tennessee Department of Children's Services, Cordell Hull Building, 7th Floor, Nashville, TN 37243-0290, (615) 741-9197, mary.meador@state.tn.us.

## What You Can Do Now

### Direct Service Activities

- ⦿ Continue to shape and refine the role of education specialists/advocates.
- ⦿ Integrate education advocacy into a youth self-advocacy model at Casey and provide this training to youth. The youth advocacy sections from ***Make a Difference in a Child's Life*** and ***Toolkit for Change*** could be used for this.
- ⦿ Act as a “broker” among the providers involved in the education of a youth in out-of-home care.

### Supports and Technical Assistance

- ⦿ Train parents, social workers, and CASAs in education advocacy, using ***Make a Difference in a Child's Life*** and ***Toolkit for Change*** (adapted to your state's laws, as suggested below).

### System Improvements

- ⦿ Using ***Make a Difference in a Child's Life*** and ***Toolkit for Change***, work with your state foster parent association to create an education advocacy curriculum adapted to your state's laws, and then train foster parents with it.
- ⦿ Collaborate with state CASA organizations on education advocacy projects that are based on CASA models, such as those listed in ***CASA Education Advocacy Programs***.
- ⦿ Collaborate with alumni networks that can offer peer support to specific youth in local communities.
- ⦿ Collaborate with state child welfare agencies to develop a model program and role description for regional education specialists, using information from existing public and private models (e.g., the *Tennessee Department of Children's Services* model—see “Other Recommended Resources” above).\*

\*Reminder to Casey employees: Remember that your work must not involve communicating a particular position on any legislation (whether enacted, pending, or proposed).

## 6 Give Youth Access to Supplemental Education Supports and Services



It is now well-established that children in care do not achieve well within the educational system and perform below national norms for their age groups. . . . Our interpretation of these results is that something more than ‘normal’ family life and ‘normal’ parental interest may be required to compensate for earlier deprivation. . . . Our suggestion is that greater-than-average progress needs greater-than-average inputs.<sup>28</sup>



### Background

Many youth in out-of-home care are at markedly increased risk of education failure, in addition to suffering the effects of foster care on their health, safety, and independent living. Their education has often taken a back seat to the crises in their lives, and many child welfare agencies may contribute to this imbalance by focusing solely on child protection over education.

To make up for this lack, youth in out-of-home care often need considerable supplemental education services if they are to catch up with peers who have more stable childhoods. For the K–12 population, these supplemental services might include mental health services, counseling and advisory support, tutoring, mentoring, career assessment and counseling, and access to remedial and enrichment offerings in the school curriculum.

Ideally, these supplemental services would start at the preschool level. For example, recent research has shown that phonological training that starts at about age 3 can, when combined with exposure to print, good language models, and training in letters and letter-sound associations, prevent reading difficulties and reduce the likelihood of special education placement.<sup>29</sup> Early academic assessment for preschoolers in out-of-home care, as well as access to preschool, Head Start, and early intervention programs, would be also be important supplemental services and supports.

While locating supplemental programs and services and then paying for them is often a challenge for younger and older youth, caregivers and service providers should remember to seek out valuable programs that already exist in the local schools and communities. These may include school-to-work programs, programs for teens who are also parents, Section 504 accommodations for youth who don’t qualify for special education, honors and enrichment classes for youth who need greater academic challenges, school-based mentoring and tutoring, and early intervention programs designed to encourage college preparation for at-risk youth. Community after-school programs, mentoring, and tutoring programs are other valuable resources.

Youth may need adult support to find and take advantage of this plethora of assistance. In particular, adults should be the ones to evaluate a prospective program, as even tutoring and mentoring programs can vary greatly in their quality and outcomes.

<sup>28</sup> Heath, Colton, & Aldgate (1994), p. 245.

<sup>29</sup> Snow, Burns, & Griffin (1998).

## Promising Practices and Resources

For more details on these entries, see section 2.

**Strategic Tutoring Program** (page 112). One of the most successful educational services offered by Casey, this program provides homework support while teaching students learning strategies that they can apply to a range of academic tasks.

**Tutor Connection** (page 118). This program from Casey's San Diego office partners Casey with education departments at local universities and with Community Service Learning programs. Their goal is to teach future educators about the education needs of youth in out-of-home care, and to provide them with experience in tutoring these youth.

**GED Success** (page 93). This instructional model assists older youth who are discouraged by school and severely credit-deficient. It helps them complete the General Educational Development (GED) tests.

**Sound Partners** (page 110). This phonics-based program provides one-on-one, custom instruction in early reading skills to children who are at risk of failing to acquire reading skills.

**vMentor Program** (page 119). The Orphan Foundation of America offers this national, online ("virtual") mentoring program for youth in care who are age 16 or older. Mentors work with their students on such issues as goal planning, strategies for success in school and the workplace, course selection, and career guidance.

**Treehouse** (page 116). This group's Coaching-to-College program matches volunteer coaches with youth to help them achieve their postsecondary goals. Youth work with their coach to identify education goals and carry out the steps necessary to reach them.

**Person Centered Planning** (page 105). This program helps youth in out-of-home care become self-advocates for the additional education services they need. It teaches youth how to articulate their strengths, their needs, and their goals and to develop a plan for reaching those goals.

**John H. Chafee Foster Care Independence Program** (page 96). This program gives funding to states so they can provide independent living services, including education services, to youth currently in care and to youth who have emancipated from care, up to age 21. These supplemental services might include tutoring, computer classes, and help with postsecondary planning.

**TRIO Programs** (page 117). These federal programs, which include Talent Search, Upward Bound, and Upward Bound Math/Science, offer motivation and education support to youth from disadvantaged backgrounds.

**GEAR UP** (page 92). This federal program offers disadvantaged youth in middle and high school the opportunity to improve their chances of entering postsecondary education.

## See also

**Education Objective 5**, for more information on how education advocates can ensure that youth are given access to supplemental education supports and services

**Education Objective 9**, for more information on the relationship between supplemental supports and the achievement of basic skills and literacy

**Education Objective 10**, for more information on how supports in secondary education may be key for postsecondary and training options and opportunities





## Handouts and Checklists

None for this objective.

## Other Recommended Resources

*Self-Determination Synthesis Project.* Working with the Center on Self-Determination at Oregon Health Sciences University, this project customizes and validates a self-determination model and intervention tools for use with youth in foster care. These tools help teach youth how to advocate for their own supports and supplemental services. Contact: Self-Determination Synthesis Project, Department CSPC, College of Education, University of North Carolina at Charlotte, 9201 University City Boulevard, Charlotte, NC 28223-0001, (704) 687-3731, [www.uncc.edu/colleges/education/cspc](http://www.uncc.edu/colleges/education/cspc).



## What You Can Do Now

### Direct Service Activities

- ⦿ Help youth and families find tutors or tutoring programs that can support successful academic achievement. These could be locally sponsored programs or federal programs such as **GEAR UP** or one of the **TRIO Programs**.
- ⦿ Conduct **Person Centered Planning** training sessions with youth to identify their goals and needed areas of support.
- ⦿ Contact local organizations (e.g., Kiwanis clubs, sports clubs) that provide scholarships and/or funding for extracurricular activities and high school activities that youth in care could use.
- ⦿ Connect youth with community GED programs, college entrance exam preparation programs, and other supplemental supports.
- ⦿ Work with teens who are also parents to be sure they're enrolled in programs that help them pursue their academic goals as well as obtain the parenting skills they need.

### Supports and Technical Assistance

- ⦿ Provide self-determination training for youth to teach them how to advocate for their own supplemental supports and services.
- ⦿ Inform families, caseworkers, and educators about an in-care youth's need for supplemental supports and participation in extracurricular activities. Teach them how to advocate for and access these resources.
- ⦿ Teach educators, school counselors, and school social workers about the discrepancy in outcomes and available services that youth in out-of-home care often experience.

### System Improvements

- ⦿ Have foster care liaisons available in all schools and school districts to coordinate and monitor supplemental supports for youth in out-of-home care.
- ⦿ Use the **John H. Chafee Foster Care Independence Program** to provide extracurricular, enrichment, tutoring, career development, and other services to youth in out-of-home care at early ages.

## 7 Address Special Education Needs as Appropriate to the Youth



A review of the literature and anecdotal data from the field suggest that the stories of foster children in special education are, all too often, stories of unserved or under-served children, lost records, minimal interagency communication, and confusion over the roles of birth parents, foster parents, and social workers.<sup>30</sup>



### Background

Youth in out-of-home care who also receive special education services are an especially vulnerable subgroup of all youth in out-of-home care. Between 30 and 40 percent of students in foster care may qualify for special education services because of a disability.<sup>31</sup> A recent comparison study by the Fostering Futures project reported the following common characteristics of high school youth who are in both out-of-home care and special education:

- They had lower grade point averages than youth in general education.
- They changed schools more frequently than youth in general education or in special education only.
- They earned fewer credits toward graduation than youth in general education.
- They had lower scores on state testing than youth in general education or in foster care only.
- They were more likely to be exempted from state testing than youth in general education or in foster care only.
- They were more likely to be in segregated special education classes than youth in special education only.<sup>32</sup>

Several specific aspects of special education services for youth in out-of-home care have been identified as problematic:

- **Inconsistent tracking of youth in foster care who are also in special education.** Very often, not all parties in the child welfare system are aware of a youth's special education needs. Social workers may not know to pass along special education information, or may not be completely aware of all the special education services and supports the youth has been receiving. Without one person to transfer a youth's records and information from school to school, a youth may experience lengthy delays in special education services, or may not receive them at all, because no one has brought the issue to the next agency's attention. One

<sup>30</sup> Van Wingerden, Emerson, & Ichikawa (2002), p. 3.

<sup>31</sup> Geenen & Powers (2003), p. 1.

<sup>32</sup> Geenen & Powers (2003), p. 1.

study found that while 36 percent of youth in care who were also in special education had Individualized Education Plans (IEPs), only 16 percent of these youth were receiving the special education services outlined in the IEP.<sup>33</sup>

- **Lack of clarity about roles for youth in care who are also in special education.** Youth in out-of-home care often lack a consistent education advocate who is knowledgeable about their needs in the special education process. There is often confusion about who can sign consent forms and IEPs—is it the birth parents, foster parents, social workers, court appointed special advocates (CASAs), or surrogate parents? In particular, the federal and state definition of surrogate parent, and who may be a surrogate parent, needs clarification.
- **Lack of coordinated transition planning.** Special education systems and the child welfare system for adolescents do a poor job of working together seamlessly to prepare youth to move into adult living. Instead, both systems rarely meet, usually create independent transition plans, and often do not hear the youth's voice during the planning. This lack of coordination results in two (or more) non-integrated plans that the youth may or may not buy into as best for his or her future.
- **Insufficient attention to mental health and behavioral needs.** It is estimated that as many as two-thirds of youth in out-of-home care critically need mental health services, and close to a fourth have difficulties in social competence that are related to academic and behavioral challenges in school.<sup>34</sup> Furthermore, youth in out-of-home care who are in special education suffer disproportionately from emotional or behavioral disturbance as a primary handicapping condition.<sup>35</sup>
- **Disproportionate representation of youth of color in special education.** This is especially significant given the disproportionate representation of youth of color across the child welfare system itself.

## Promising Practices and Resources

For more details on these entries, see section 2.

***Make a Difference in a Child's Life*** and ***Toolkit for Change*** (page 99). These education advocacy training tools directly address many special education issues, such as parental roles and rights, a youth's right to services, and timelines for provision of services. The curriculum also discusses disciplinary regulations related to suspension and expulsion.

***Education Specialists/Advocates*** (page 88). These practitioners provide guidance on the special education process to social workers and families, as well as consultation and advocacy in the school and at IEP meetings.

<sup>33</sup> Geenen & Powers (2003), p. 3.

<sup>34</sup> Clark et al. (1994), p. 1.

<sup>35</sup> George, Van Voorhis, Grant, Casey, & Robinson (1992).

## See also

**Education Objective 2**, for more information on transferring and retaining appropriate education records for youth in out-of-home care

**Education Objective 3**, for more information on involving child welfare and foster parents in a youth's education needs

**Education Objective 4**, for more information on general education advocacy

**Education Objective 8**, for more information on the disproportionate representation of youth in care in special education

***Parent Training and Information Centers and Community Parent Resource Centers*** (page 104). Funded by the U.S. Department of Education, these centers serve families of children from birth to age 22 who have any sort of disability—physical, mental, learning, emotional, and/or attention deficit disorders. They train and inform parents and professionals of legal rights for youth in out-of-home care; help families obtain appropriate education and services for their children; and work to improve educational outcomes for all youth.

***100 Black Men of America*** (page 75). Five chapters of this organization are designing and carrying out school-based projects to reduce referrals of youth of color to special education and to support feasible exits from special education and subsequent success in the academic mainstream.

## **Handouts and Checklists**

None for this objective.

## **Other Recommended Resources**

*Education Issue Brief: Improving Special Education for Children With Disabilities in Foster Care.* This informational resource and advocacy tool includes information on the role of foster parents and surrogate parents in the special education process for youth in out-of-home care. Available from Casey Family Programs, John Emerson, Senior Manager of Education ([jemerson@casey.org](mailto:jemerson@casey.org)), or Debbie Staub, Education Coordinator, ([dstaub@casey.org](mailto:dstaub@casey.org)).

*Disability Support Services Coordinators.* These are employees of a college who assist students with disabilities by ensuring equal access to services and accommodations. Based on appropriate disability documentation provided by the student, the coordinator ascertains eligibility for classroom accommodations and works with students and instructors to ensure that those accommodations are provided. Contact the college or university's Disabled Student Services office.

## What You Can Do Now

### Direct Service Activities

- ⦿ Attend IEP meetings with youth and advocate for appropriate special education services, goals and objectives, transition planning, and supports on their behalf.
- ⦿ Teach youth how to advocate for themselves at IEP and other special education–related meetings.
- ⦿ Connect youth in postsecondary settings with Disability Support Services Coordinators (see “Other Recommended Resources” above) who can provide them with a host of services.
- ⦿ For high school youth with IEPs that include a transition plan, facilitate the coordination of the special education transition plan with the youth’s Independent Living/Chafee program transition plan. Educate team members from both systems about the process for ensuring this coordination.

### Supports and Technical Assistance

- ⦿ Train caregivers, social workers, CASA volunteers, and other involved adults in special education law using ***Make a Difference in a Child’s Life*** and ***Toolkit for Change***.
- ⦿ Provide training to special education teachers, related service personnel (e.g., speech and language pathologists and occupational therapists), school psychologists, special education support personnel, and all other auxiliary school staff (e.g., physical education teachers, music and art instructors, and librarians) on the unique behaviors associated with disabilities that are caused by pre- and/or post-natal abuse and neglect.
- ⦿ Introduce caregivers to community support or advocacy support groups for parents with children with disabilities.

### System Improvements

- ⦿ Provide information to state and national organizations about the unique education needs of youth in out-of-home care.
- ⦿ Work with state and national foster parent agencies to keep them informed of current policies about educating youth in care who have special needs.

## 8

## Decrease Disparate Outcomes for Youth of Color



As the childhood population becomes increasingly diverse, we have to pay ever more attention to the ways in which children from different ethnic and cultural backgrounds come to understand the roles that effort and ability play in academic achievement.<sup>36</sup>



### Background

As in the child welfare system itself, racism, cultural bias, and deficient cross-cultural expertise toward youth of color (e.g., African American, Hispanic/Latino, American Indian and Alaska Native) are realities in the education system. These disparities are directly affecting the education outcomes of youth of color. For example, in 2003 the Center for Civic Innovation at the Manhattan Institute noted the following statistics:

- Only 51 percent of all black students and 52 percent of all Hispanic students graduate from high school, and only 20 percent of all black students and 16 percent of all Hispanic students are college-ready when they leave high school.
- Due to their lower college-readiness rates, black and Hispanic students are seriously under-represented in the pool of minimally qualified college applicants. Only 9 percent of all college-ready graduates are black and another 9 percent are Hispanic, compared to a total population of 18-year-olds that is 14 percent black and 17 percent Hispanic.
- The graduation rate for white students is 72 percent; for Asian students it is 79 percent; and for American Indian students it is 54 percent.<sup>37</sup>

The disparities in education supports, programs, and outcomes for youth of color are apparent in several key areas. Besides experiencing greater school segregation and its commensurate negative effect on their achievement, youth of color are more likely to undergo school disciplinary action, to attend schools that receive less funding, and to be put into low-education tracks.<sup>38</sup>

The most prevalent disparity is in “tracking”—the practice of placing students in different classes based on perceived differences in their abilities (called “ability grouping”). Education tracks take many forms, including remedial, special education, vocational, general, college preparatory, gifted, and talented. Students of color are consistently under-represented in tracks that promote a future in postsecondary education (e.g., college preparatory, gifted, and talented) and over-represented in tracks that are less inclined to prepare students for a four-year university setting (e.g., vocational and special education).<sup>39</sup>

<sup>36</sup> Bempechat (1998), p.114.

<sup>37</sup> Greene & Forster (2003), pp. 17, 21.

<sup>38</sup> Gordon (1998).

<sup>39</sup> Gordon (1998).

## Other targets of discrimination

While not always youth of color, other populations of young people are also prone to discrimination and disparity in education outcomes. These include youth who are lesbian, gay, bisexual, or transgender (LGBT), immigrant youth, and youth whose first language is not English. These populations have unique needs that must be addressed.

While the scope of this framework prevents us from discussing each of these populations individually, we highly encourage those working with these populations to learn more about their unique education needs, as well as ways that you can support culturally relevant and sensitive educational supports and services.

See the box below for more discussion of the education needs of American Indian and Alaska Native youth.

## Eradicating disparities

Institutional racism is an unfortunate fact of life in both the education system and the child welfare system. The disproportionate representation and poor outcomes that in-care youth of color experience in the education system closely parallel the over-representation and poor outcomes of youth of color in the child welfare system.

## The Unique Education Needs of American Indian and Alaska Native Youth

Casey has been actively addressing American Indian and Alaska Native youth welfare needs since the 1970s. One of our long-term goals is to support tribes to develop and improve sustainable child welfare systems.

There are many ideological, historical, legal, social, economic, and cultural influences on the education of Native youth. While Native youth in care are subject to the same disparities in education outcomes and discrimination as are other youth of color, their education issues, needs, and solutions also differ greatly from those of other youth in out-of-home care. For this reason, many of the education tools and objectives in this framework will not directly serve this very important part of our constituency.

Casey intends to work with the councils of many tribes to tailor an education framework that provides practices and resources supportive of the ways and lifestyles of Native youth. We want to reduce the disparity in education services for these tribes, while also supporting their efforts to develop and improve their own sustainable child welfare systems.

## See also

**Education Objective 3**, for more information on how systems can work together to train each other in cultural sensitivity and thereby reduce racism

**Education Objective 4**, for more information on how caregivers can support their youth of color and ensure that they receive appropriate supports and services

**Education Objective 5**, for more information on the role of education advocates in supporting the education needs of all youth in care, including youth of color



However, this does not have to be the case. Like all youth in out-of-home care, youth of color deserve the absolute best attention, services, and supports we can give them.

The only way we can hope to reduce—and ultimately prevent—disparate outcomes for these youth is for education and child welfare systems to work together and address this issue head on. Agencies must explicitly focus on establishing cross-agency standards, training, and policies that can eradicate institutional racism.

We can begin by supporting culturally competent education staff, valuing the diverse strengths of youth and families, and providing services and promoting practices that honor each youth's cultural identity.

## **Promising Practices and Resources**

For more details on these entries, see section 2.

***Endless Dreams Training and Video*** (page 89). This curriculum has several modules that directly address the issue of disparity, particularly as it relates to youth in out-of-home care.

***Education Specialists/Advocates*** (page 88). By providing case management and advocacy, these practitioners ensure that youth of color receive unbiased assessments and equitable support services, and that they are not indiscriminately placed in education tracks that will reduce their life opportunities.

***100 Black Men of America*** (page 75). Under its Wimberly Initiative on Disproportionality, this organization offers school-based mentoring and tutoring programs that support the academic and social skills of African American male youth.

***K-12 School Placement Guide*** (page 98). This guide from Casey presents indicators to consider when determining the appropriateness of a school placement for an individual youth. A portion of these indicators address the youth's cultural-identity needs, as well as the cultural competence of the proposed school's personnel.

***Council for Exceptional Children, Division for Culturally and Linguistically Diverse Exceptional Learners*** (page 85). The Council for Exceptional Children is a national group that advocates for the rights and needs of youth in special education. This particular division is committed to markedly reducing the numbers of African American, Hispanic/Latino, and American Indian and Alaska Native students in classes for the mentally retarded, the emotionally disturbed, and the learning disabled.

***GEAR UP*** (page 92). This federal program offers support to disadvantaged youth in middle and high school (including youth of color) to improve their chances of entering postsecondary education.

**TRIO Programs** (page 117). This set of seven federal programs is designed to increase the number of low-income or disadvantaged students who are prepared to enter and succeed in postsecondary education.

## Handouts and Checklists

None for this objective.

## Other Recommended Resources

*Gay & Lesbian Educators of British Columbia* ([www.galebc.org](http://www.galebc.org)). This Web site offers a list of resources and publications for teachers on LGBT (lesbian, gay, bisexual, transgender) issues.

*Developing Your Vision While Attending College*. This series of four handbooks directed at Native youth takes students through the process of college selection, financial aid, and money management. The series of online guides promotes postsecondary education and training success by featuring stories of personal struggle and illustrating how educational and cultural success are intertwined. Available online at [www.collegefund.org](http://www.collegefund.org) (American Indian College Fund).

*Expanding the Circle, Respecting the Past, Preparing for the Future*. This transition curriculum presents skills that help Native students stay in high school while giving them an opportunity to find out about themselves and what is important to them. The intent is to encourage them to graduate from high school and attend postsecondary schools or engage in a career that matches their individual strengths and interests. Purchase it from <http://ici.umn.edu> (Institute on Community Integration, University of Minnesota, Publications Office).

*National Indian Education Association (NIEA)*. This nonprofit organization was founded in 1969 to give American Indian and Alaska Native tribes a national voice in their struggle to improve access to educational opportunities. They play a pivotal advocacy role in improving federal tribal education policies. NIEA also holds an annual convention to share common concerns, ideas, and solutions to specific problems related to educating Native youth. Contact: National Indian Education Association, 700 North Fairfax Street, Suite 210, Alexandria, VA 22314, (703) 838-2870, [niea@niea.org](mailto:niea@niea.org), [www.niea.org](http://www.niea.org).

Weiner, L., Leighton, M., & Funhouser, J. (2000). *Helping Hispanic Students Reach Academic Standards: An Idea Book*. Washington, D.C.: U.S. Department of Education. This resource available online, includes material of particular interest for individuals working with Hispanic/Latino youth, including "Using Family and Community Resources" (chapter 4), "Building Sturdy Foundations for Postsecondary Options" (chapter 5), "Overview of Profiled Programs" (appendix A), and "Resources for Serving Hispanic Students and Their Families" (appendix B). Available at <http://www.ed.gov/offices/OUS/PES/Hispanic/title.html>.



## What You Can Do Now

### Direct Service Activities

- ⦿ Use the ***K–12 School Placement Guide***—when deciding about the cultural appropriateness of placement for youth.
- ⦿ Ensure that youth of color are not “tracked” based on their minority status, but are instead enrolled in courses that meet their individual needs and goals.
- ⦿ Use self-determination and self-advocacy strategies to teach youth how to recognize discrimination and handle it effectively.
- ⦿ Provide students with role models and mentors who have been successful in school.
- ⦿ Ensure that youth of color are involved, if appropriate, in pre-referral programs, so they can receive support and education assistance prior to being labeled as “special needs.”
- ⦿ Identify local ***100 Black Men of America*** mentoring/tutoring programs and refer appropriate youth to these programs.
- ⦿ Employ multiple assessment strategies to ensure that students’ abilities and performance are gauged accurately and in non-culturally biased ways.

### Supports and Technical Assistance

- ⦿ Train caregivers and social workers to be sensitive to institutional racism in schools, and provide tools for advocating equitable services and supports.
- ⦿ Present to school districts attended by youth in care the ***Endless Dreams Training and Video*** modules that address disproportionality.

### System Improvements

- ⦿ Become a member of the ***Council for Exceptional Children, Division for Culturally and Linguistically Diverse Exceptional Learners*** or a similar organization, and provide input and information to the group as they advocate for national policy changes to improve special education for youth of color.

- ⦿ Promote the use of better education materials, books, and resources that offer perspectives other than that of the dominant “white” culture and that will support history and identity development and address disparities.
- ⦿ Initiate a partnership with an existing local chapter of **100 Black Men of America** to assist them in addressing the education and economic issues of African American youth.
- ⦿ Work with the national organization of **100 Black Men of America** to develop a local chapter with programs relevant to the needs of local youth.



## 9

## Ensure That Youth Are Literate, Acquire Basic Skills, and Have Extracurricular Opportunities



Children in foster care frequently do not receive the attention and continuity necessary for academic success. They are at a markedly increased risk for educational failure—especially dropping out—and associated independent living impacts after leaving foster care.<sup>40</sup>



### Background

Numerous studies have found that, on average, youth who have been in out-of-home care have lower grades, lower standardized test scores in reading and math, higher dropout rates, and lower enrollment rates in higher education than peers who have not been in out-of-home care.

Information from the field and Casey's 2003 national alumni study reinforces the importance of both a high school diploma and strong academic skills for successful transition into adulthood.<sup>41</sup> Other studies show the specific value of higher-level math and science courses as a pathway to higher education for disadvantaged students, noting that having low expectations for these young people does them a disservice.<sup>42</sup> Clearly, ensuring that youth in out-of-home care leave school with strong literacy, math, science, and technology skills is critical.

Acquiring strong reading skills is especially important because of reading's link to success in both school and the workplace. Literacy research on elementary-age children offers some direction for curriculum, instruction, and remedial approaches in reading that we can translate into classroom practice and academic intervention for youth in care.<sup>43</sup> Additionally, this research can provide direction to caregivers and advocates who are looking for appropriate reading instruction and remediation for youth in care.

Early and accurate assessment of a youth's basic academic skills is essential to basic-skill acquisition. All too often, for example, reading problems are not detected until a youth has lost years of reading progress. Without accurate assessment, we cannot perform appropriate education planning and intervention.

School quality, and especially the quality of residential and institutional schools and alternative schools, plays an equally important role in the academic success of youth in care. Focus groups of youth and their caregivers in California's child welfare and juvenile justice systems revealed that "although a few students had positive experiences to relate, the vast majority of remarks about [the] educational quality [of institutional or

<sup>40</sup> National Council of Juvenile and Family Court Judges, Permanency Planning for Children Department (2002), p. 22.

<sup>41</sup> Pecora et al. (2003).

<sup>42</sup> Csikzentmihalyi & Schneider (2000).

<sup>43</sup> National Institute of Child Health and Human Development (April 2000).

alternative school programs] were extremely negative.”<sup>44</sup> For instance, two focus group participants had this to say:

- > At [continuation school] I was just given a packet. You didn't have to do the work; and if you were there to learn, you couldn't, because the others were goofing off.
- > At lots of continuation schools the books are very old; the teachers are dried up and don't care what kids are doing. The idea is if you're a f-up you deserve a f-up school. They need to have books with African Americans in them; they need to be up to speed with what is happening in the world. Continuation schools should be better than other schools.<sup>45</sup>

Similarly, the quality of schools available to youth on American Indian reservations is of great concern, according to social work staff from reservations in the Midwest.

Another contributor to academic success is participation in school- or community-based co-curricular and extracurricular activities. Such activities improve a student's grade point average and other aspects of academic success and are perceived by youth as both important for their future and enjoyable in the here and now.<sup>46</sup> Extracurricular activities provide the added benefit of helping youth build interpersonal and social skills, meet other developmental needs, and generally enjoy a well-rounded life. Unfortunately for youth in care, chaotic personal lives and multiple changes in school placements may interfere with their opportunities to participate in these activities.

To best assist youth in out-of-home care, we must provide all these kinds of direct services to them and their families. We must work to improve systems in the schools in ways that will help youth acquire the basic skills, science and technology skills, and extracurricular activities they need to survive in the world.

## Promising Practices and Resources

For more details on these entries, see section 2.

**Education Specialists/Advocates** (page 88). These practitioners follow an education case-management model that, among other things, pays attention to a youth's progress in the acquisition of basic skills, plans around a youth's strengths and needs, and ensures that a youth participates in one or more extracurricular activities.

<sup>44</sup> Burrell (2003), p. 7.

<sup>45</sup> Burrell (2003), pp. 8, 9.

<sup>46</sup> Csikzentmihalyi & Schneider (2000).

## See also

### **Education Objective 4,**

for more information on how caregivers can be advocates for their youth to ensure that they acquire basic skills, progress academically, and become and stay involved in extracurricular activities

### **Education Objective 5,**

for more information on the role of education specialists/advocates as it relates to academic and extracurricular progress



**Strategic Tutoring Program** (page 112). This individual tutoring curriculum has produced significant gains in grades and standardized achievement scores for youth in out-of-home care. It teaches young people the lifelong skills of independent problem-solving and of applying a thoughtful, “strategic” approach to tasks in school and in the workplace.

**Strategic Tutoring Program Parent Curriculum** (page 113). This supplement to the Strategic Tutoring Program teaches parents how to use similar strategies with their youth.

**Treehouse** (page 116). A Seattle-based private child welfare agency, this group has created a school-based tutoring model for youth in out-of-home care that has proven successful in improving reading and math skills.

**John H. Chafee Foster Care Independence Program** (page 96). Many services based on this program pay for tutoring to support the education of youth (usually 16 and older) who have an Independent Living/Chafee program plan.

**Ansell-Casey Life Skills Assessment Education Supplement and Guidebook** (page 77). Available in December 2004, the supplement and guidebook are designed to alert caregivers and social workers about gaps or delays in a youth’s basic skills. They will provide a picture of a youth’s general functioning in basic skills and technology and will offer specific education resources to improve them.

**K–12 School Placement Guide** (page 98). Developed by Casey, this guide describes a process for determining the most appropriate school placement for a youth based on his or her education strengths and needs. It also contains checklists for evaluating both public and private schools.

**Online Learning Manual** (page 103). Online learning is a growing education option for youth and has been used with success for youth who have difficulty learning in a traditional setting and for older youth who are behind in credits. This resource from Casey can be used in setting up online learning programs for youth in out-of-home care.

**Endless Dreams Training and Video** (page 89). This modular curriculum provides training for school staff in the education needs of youth in care and will help staff more effectively support the youth’s efforts to strengthen academic skills.

**100 Black Men of America** (page 75). This group supports after-school homework and tutoring programs in selected sites across the country. Additionally, their 100 Black Men University offers youth more than 500 low-cost online courses in technology and small business skills.

***Judicial Checklist: Critical Questions and Strategies for Meeting the Education Needs of Children and Youth in Juvenile and Family Court***

(page 97). Family court judges can use this list of basic questions (available in September 2004) to determine the education progress of youth whose care is under court supervision. The goal is to help judges ensure that youth are acquiring basic skills and achieving academically.

**Handouts and Checklists**

A sample of this item is available for photocopying in Section 3.

“Quality Assurance Standards and Program Recommendations for Tutoring and Mentoring.” Practitioners working with youth in out-of-home care can identify the effectiveness of free and fee-based community tutoring programs using this comprehensive checklist.

**Other Recommended Resources**

*Kidscreen.* This assessment was developed by the Washington State Department of Social and Health Services to identify needed services for youth entering out-of-home care. Youth are screened in five areas, including education, within 30 days of their initial placement. Results can alert caregivers and social workers to gaps or delays in a youth’s basic skills. A Kidscreen brochure is available online at [www.dshs.wa.gov](http://www.dshs.wa.gov) (Washington State Department of Social and Health Services).

*Instructional Access.* Several states have contracted with this private enterprise to offer computer camp (a weekend of technology instruction) for high school youth in state Independent Living/Chafee programs. Upon successful completion of the course, the youth receives a computer from the company at no cost. Contact: Instructional Access, 6800 Indiana Avenue, Suite 260, Riverside, CA 92506, (888) 377-8982, [www.instructionalaccess.com](http://www.instructionalaccess.com).



## What You Can Do Now

### Direct Service Activities

- ⊙ Provide education assessment and planning and facilitate interventions to improve basic skills for youth in out-of-home care.
- ⊙ Engage caregivers and all the adults involved in a youth's life in discussions on how to get youth to read more, with greater comprehension, and with greater joy.
- ⊙ Implement the **Strategic Tutoring Program** or basic skills tutoring.
- ⊙ Use community tutoring programs as appropriate, but ensure that they meet the standards listed in the "Quality Assurance Standards and Program Recommendations for Tutoring and Mentoring" (see "Handouts and Checklists" above).
- ⊙ Ensure the development of technology skills, either through school curricula or supplemental programs such as computer camps or the online university of **100 Black Men of America**.
- ⊙ Use the **K-12 School Placement Guide** in making school placement decisions.
- ⊙ Monitor the school reading programs for youth in out-of-home care and encourage the use of research-based practices in schools. Provide adolescents who are behind in reading with age-appropriate instruction and supports.

### Supports and Technical Assistance

- ⊙ Train school counselors, school psychologists, and school social workers to support the education progress of youth in out-of-home care, using the **Endless Dreams Training and Video**.
- ⊙ Monitor the results of research on reading, especially concerning adolescent literacy, and disseminate this information to tutors, schools, caregivers, and social workers.
- ⊙ Train Casey staff and caregivers in the use of the **Ansell-Casey Life Skills Assessment Education Supplement and Guidebook** (available in December 2004).

- ⦿ Train caretakers to tutor youth using the **Strategic Tutoring Program Parent Curriculum**.
- ⦿ Train caretakers and agencies in ways to support getting youth involved in extracurricular activities. This might include setting up a fund to cover the costs of extracurricular activities or for extra transportation that might be required to enable the youth to participate in these activities.

### System Improvements

- ⦿ Make **Strategic Tutoring Program** training and programming available to community tutoring organizations, education specialists/advocates in other agencies, and programs under the **John H. Chafee Foster Care Independence Program**.
- ⦿ Collaborate with **100 Black Men of America** to provide after-school services to African American youth in schools that have high numbers of youth in out-of-home care.
- ⦿ Provide training to social workers and Independent Living/Chafee program staff in public child welfare agencies in how to use the **Ansell-Casey Life Skills Assessment Education Supplement and Guidebook** (available in December 2004).
- ⦿ Support improvements in public schools at local and state levels, especially reservation schools, alternative schools, and residential schools.



## 10 Prepare Youth to Achieve Their Postsecondary Education, Training, and Career Goals



Improving the educational attainment of youth in care is important because education is related to obtaining and maintaining employment. With employment, former youth in care can meet other needs, such as housing and health care, and become productive and self-supporting citizens.<sup>47</sup>



### Background

Completion of a postsecondary degree or certificate program is now an important ingredient in achieving most career goals and improving one's quality of life. Lifetime earnings, community participation, health, and living conditions are all enhanced by postsecondary education and/or training experiences.

Thanks largely to the John H. Chafee Foster Care Independence Program, youth who are leaving, or who have recently left, out-of-home care are increasingly being given the opportunity to receive valuable education and independent living services. However, as the Workforce Strategy Center notes, there is still a great need “for the development of a long-term and comprehensive college and career program and policy strategy for foster care youth.”<sup>48</sup>

Preparing for postsecondary education experiences while in middle and high school, becoming aware of the full range of available postsecondary program options, learning to use needed support services, and applying self-determination skills for goal setting and problem solving are key to transition success.

### High school completion and postsecondary planning

One of the most important strategies for youth in transition is to ensure that “way power” is matched to “willpower” when it comes to a youth's postsecondary goals. Recent studies have found that up to 80 percent of youth in foster care aspired to go to college, but few had actually taken the coursework needed to enroll.<sup>49</sup> Only 15 percent of youth in out-of-home care—versus 32 percent of the non-foster care population—are likely to be enrolled in college preparatory classes during high school.<sup>50</sup> Other studies have found that disadvantaged youth often lack the role models, peer support, and expectations from teachers and other adults that are the motivation for finishing high school and enrolling in postsecondary education and training.<sup>51</sup> As one young man said, “College is not something people talk to foster children about. They don't grow up with that cultural expectation.”<sup>52</sup>

<sup>47</sup> Yu, Day, & Williams (2002a), p. 19.

<sup>48</sup> Workforce Strategy Center (March 2000), p. 2.

<sup>49</sup> Edmund S. Muskie School of Public Service (1999), p. 10.

<sup>50</sup> Sheehy et al. (2001), p. 10.

<sup>51</sup> Horn & Chen (1998).

<sup>52</sup> Newberger (2001), p. 1.

<sup>53</sup> Horn & Carroll (1997), p. 6.

Students who are particularly needful of individual attention, advocacy, and targeted supports to prepare for and enroll in a postsecondary program typically have one or more of the following at-risk factors: low socioeconomic status, a history of frequent school changes, average or poor grades, single-parent families, one or more repeated grades, or an older sibling who has dropped out of school.<sup>53</sup> Actively supporting youth to progress through the critical steps to postsecondary education and training must involve foster parents, caseworkers, teachers, counselors, mentors, and advocates. These steps are (1) aspiring to continue training and education after high school, (2) preparing academically, (3) taking the exams required to enter postsecondary institutions, (4) learning about postsecondary education and training options, (5) applying to postsecondary programs and for financial aid, and (6) enrolling at an institution.<sup>54</sup>

As professionals we have many effective ways to add “way power” to “willpower” for all youth in care. We can:

- Train youth early in self-determination and self-advocacy, so they can speak up for themselves, direct and redirect their lives, solve problems, reach valued postsecondary education and training goals, and take part in their communities.
- Work with youth and their caregivers to convey not only the expectation of high school graduation but also the aspiration of postsecondary education or training.
- See that youth are prepared academically for success through appropriate academic supports, high school course planning, SAT/ACT and other assessment preparation, and guidance and follow-up in selecting and applying to postsecondary education and training programs.
- Provide youth with personal support to ensure that life issues do not become overwhelming and distract them from completing high school and accessing a postsecondary program.
- Assist foster parents in encouraging their youth to explore postsecondary education and training programs, and in helping the youth with financial aid and college applications.
- Support the participation of emancipated youth in helping younger youth in care prepare for and succeed in postsecondary life.

### **Career development**

Whether they choose to go to work or to further their education and training after high school, youth need career development assistance. They need to learn about career options; assess opportunities and understand their personal interests, aptitudes, and working styles; gain job skills and experience; and learn job-seeking skills. High schools often provide much of this support, and youth may also turn to community programs.

<sup>54</sup> Horn & Carroll (1997), p. 6.

### **See also**

**Education Objective 5**, for more information on the role of education specialists/advocates in supporting preparation for career development and postsecondary education

Encourage youth to take postsecondary training at technical schools and/or two-year colleges in specific career fields. These programs often offer employment and economic rewards in much shorter timelines than college degree programs. These occupational training opportunities need to be presented to youth as a worthy higher education option, frequently leading to a good first job with decent wages.

For all youth in out-of-home care, work experience during the high school years—whether an after-school job or a summer job—is important to academic success and future employment. Casey’s 2003 national alumni study found that youth in out-of-home care who had extensive employment experience while in high school were more than four times as likely to graduate as those who lacked this experience.<sup>55</sup> Work experience can also play an important role in helping to shape career and academic priorities.

### **Postsecondary support needs**

For young people who go on to postsecondary education or training, the need for academic or personal and financial support does not end with high school graduation. In the focus groups conducted by the Youth Law Center in California, young people made this very clear:

- > Books, tuition, money, money, money. The cost of books overwhelmed me, even at City College. What about state college? Graduate school?
- > I do not know how to drive; I’m scared of driving. I’m worried about transportation and money for the bus—which I’ll need to go to college.
- > I went to talk to a college counselor who only wanted to talk about basketball. I didn’t want to talk about basketball; I wanted to talk about classes. I had to talk to someone else.<sup>56</sup>

A 2003 study of 148 students in Casey’s Continuing Education and Job Training (CEJT) post-discharge scholarship program examined the supports that youth were using to complete college. These included academic supports, emotional/social supports, financial supports, medical/dental supports, and supports for other aspects of living independently. The researchers found that youth relied on emotional/social and academic supports the most, and that they received these supports primarily from friends and family. They also found that academic supports were most used by freshman students.<sup>57</sup>

Obtaining vital postsecondary financial support continues to be a challenge as well. State and federal financial aid and scholarship options for youth who have been in out-of-home care have increased in recent years, but there is still a large unmet need.

<sup>55</sup> Pecora et al. (2003), p. 43.

<sup>56</sup> Burrell (2003), pp. 13, 16.

<sup>57</sup> Sim, O’Brien, & Pecora (2003), p. 1.

Fortunately, state-level tuition waivers and education and training vouchers provide an important first step in meeting this need, as does the Orphan Foundation of America's scholarship program.

## **Promising Practices and Resources**

For more details on these entries, see section 2.

### **Academic and career development support**

**Education Specialists/Advocates** (page 88). When serving youth age 14 to 18 who have not yet graduated from high school, these practitioners provide transition services for goal setting, direct self-determination training and skills development for postsecondary education and/or career development.

**Person Centered Planning** (page 105). This systematic approach to setting and achieving goals can be useful in guiding youth who are making plans about their lives after high school.

**GED Success** (page 93). This is a preparation program for the General Educational Development (GED) tests that provides a comprehensive approach to understanding, preparing for, and passing exam components. Originally designed for youth with disabilities, GED Success is also effective for youth without disabilities.

**Get SET Program** (page 94). Developed in Casey's Yakima office, this four-week summer transitional skill development program provides participating youth with instruction in study and work skills.

**Project Paycheck** (page 107). Developed in Laramie County, Wyoming, this collaborative job-training program matches adult mentors from the business world with youth participants. Mentors provide ongoing encouragement and support for youth engaged in the program.

**San Antonio Community Transition Services Center** (page 108). CTSC is the "headquarters" for a community collaborative of service providers covering the spectrum of needs of young adults emancipating from care. Services include academic and work skills instruction.

**Technology and Work Experience Centers** (page 115). Casey's Tacoma division developed this successful model of online learning for youth in out-of-home care who wish to complete their high school education, giving them better odds for future employment and postsecondary options.

**John H. Chafee Foster Care Independence Program** (page 96). This state-administered federal program is designed to serve youth as young as age 14 by providing education advocacy, tutoring, computer camps or classes, help with GED completion, and college and career planning activities.



**vMentor Program** (page 119). The Orphan Foundation of America (OFA) set up this online system to match youth with adult mentors who provide Web-based support for their continuing education. It is available to youth who are on an OFA scholarship, in the Casey Family Scholars Program of the OFA (described below), or in an Independent Living/Chafee program in states that have contracted with OFA.

**Treehouse** (page 116). This private agency serves youth in out-of-home care in the Seattle area. Their popular Coaching-to-College program provides volunteers who guide high school youth through the college preparation, selection, application, and enrollment process.

**Benchmark Permanency Hearing Program** (page 78). This program in the Circuit Court of Cook County, Illinois, has youth participants and other important team members meet in a judge's chambers. The hearings involve the youth in assessing his or her strengths and needs, developing a plan for transition to adulthood and independence, and lining up future community and individual support.

**TRIO Programs** (page 117). These seven federal and state programs provide training in many topics to help youth in care achieve education success. The programs include assistance in re-entering high school, entering GED programs, and completing college admissions and financial aid applications; personal and career counseling and instruction; and academic tutorials.

**College Bridge Programs** (page 83). These programs let youth participate in dual-enrollment programs (simultaneous enrollment in high school and college). Youth can take on more rigorous coursework, earn college credit while in high school at little or no personal financial cost, and make a somewhat seamless transition to postsecondary education. Although originally designed for high school youth needing a more rigorous program, these programs now also target disadvantaged youth at risk of not enrolling in postsecondary education.

**Campus Peer Mentoring Project** (page 80). The Community College Foundation in California offers this program at two community colleges in the Los Angeles area to provide academic and personal support to youth formerly in foster care .

## **Financial support**

**Continuing Education and Job Training** (page 84). This Casey program provides tuition support, other financial support, and case management services to youth in postsecondary education and training programs. Participating youth maintain a relationship with either a social worker or a transition specialist and receive counseling and mentoring support.

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

(page 82). This program provides scholarships for postsecondary education and training to young people who have been in care. Participating scholars receive ongoing support through multiple means, including a toll-free support number and regular e-mail contact with an assigned mentor.

**Education and Training Vouchers** (page 87). These federal Independent Living/Chafee program funds for young people who have been in care can provide up to \$5,000 a year toward the cost of attending a postsecondary institution. Eligible expenses include tuition and room and board.

**State Tuition Waivers** (page 111). Currently available in 17 states, these waivers exempt youth formerly in care from tuition fees. Each state has its own criteria for the waivers.

**Technical Assistance for Needy Families** (page 114). This federal program provides financial assistance as well as educational and training opportunities that can improve wages and working conditions for low-income families. Many youth who emancipate from care at age 18, and who are pregnant or have children, may qualify for this assistance. Kinship care families may also qualify.

**Workforce Investment Act** (page 121). Services provided under this federally funded program prepare qualifying low-income youth (including youth in foster care) for postsecondary education and/or employment. Services can include paid and unpaid work experiences, summer jobs, occupational skills training, and tutoring.

**Guardian Scholars Program** (page 95). Available at California State University, Fullerton, and California Polytechnic University, Pomona, this public-private partnership program supports the efforts of youth formerly in foster care to complete a college education. It offers outreach, tuition assistance, room and board, textbooks and supplies, counseling, advising, and a variety of support services.

## Handouts and Checklists

None for this objective.

## Other Recommended Resources

*Post-ITT Web site* ([www.postitt.org](http://www.postitt.org)). This site of the Postsecondary–Innovative Transition Technologies Project is designed to help students with disabilities prepare for college and navigate the postsecondary education system. It provides a number of resources, including relevant laws, disability service information, and activities that are useful to students, parents, educators, and Disability Support Services Coordinators (see Education Objective 7, “Other Recommended Resources”).





*Frequently Asked Questions About the Foster Care Independence Act of 1999 and the John H. Chafee Foster Care Independence Program and Frequently Asked Questions II.* Information about the Independent Living/Chafee program is available in these two Casey documents, which are useful for professionals and youth who want to learn more about this act. Available from Casey Family Programs, John Emerson, Senior Manager of Education (jemerson@casey.org), or Debbie Staub, Education Coordinator, (dstaub@casey.org).

*Providing Education Related Supports and Services Under the Chafee Independence Act of 1999: Selected State Activities and Postsecondary Education and Training Voucher Information.* This Casey document provides information on the use of Chafee program funds for postsecondary education in selected states and on education and training vouchers. Available from Casey Family Programs, John Emerson, Senior Manager of Education (jemerson@casey.org) or Debbie Staub, Education Coordinator (dstaub@casey.org).

## What You Can Do Now

### Direct Service Activities

- ⦿ Provide self-determination/advocacy training for youth, with emphasis on goal setting and postsecondary education and training planning.
- ⦿ Develop solid collaborative interagency transition plans for youth, emphasizing “way power” alongside “willpower” and providing education supports for high school completion, career development, and postsecondary access.
- ⦿ Link youth to existing community educational and career development programs, such as **TRIO Programs** and **College Bridge Programs**.
- ⦿ Make sure that each youth’s high school counselors and Individualized Education Plan (IEP) special education managers know about his or her transition plans and support needs.
- ⦿ Provide career and vocational assessments and make sure youth know about the career, vocational, and technical classes offered in their high schools and communities.

- ⦿ Talk with youth about the complete range of postsecondary education and training options available to them. Arrange campus or program visits where they can meet successful students and be introduced to support services.
- ⦿ Ensure that youth have access to successful alumni and adult role models who have benefited from postsecondary education or training.
- ⦿ Ensure that youth have adequate summer and part-time work experience during their high school years.

### Supports and Technical Assistance

- ⦿ Develop a resource bank of local youth employment options, community educational options, and other community services for youth.
- ⦿ Develop links with the state Independent Living/Chafee program coordinator and explore avenues for partnering on **GED Success**, online learning, college preparation, career development, and other transition programming.
- ⦿ Link students to (or develop) a Coaching-to-College program for all community youth based on the **Treehouse** model.
- ⦿ Support the full use of **Education and Training Vouchers** available in your state.

### System Improvements

- ⦿ At local and state levels, provide information to high schools and educators on the academic and career preparation needs of youth in transition and on the **John H. Chafee Foster Care Independence Program**.
- ⦿ Collaborate with your state's child welfare agency and the office of Public Policy on developing state program improvement plans and State Independent Living Plans for the **John H. Chafee Foster Care Independence Program**.
- ⦿ Develop links with your state's Board of Higher Education and state Independent Living/Chafee program coordinator to explore options for supporting youth formerly in out-of-home care who are in state colleges and other state postsecondary training programs. Refer to the Casey document *Providing Education Related Supports and Services Under The Chafee Independence Act of 1999: Selected State Activities and*

*Postsecondary Education and Training Voucher Information* (see “Other Recommended Resources” above) for examples of higher education–Chafee linkages developed in some states.

- ⦿ At local and state levels, collaborate with **Workforce Investment Act** and **Technical Assistance for Needy Families** programs to maximize opportunities for youth in care and emancipated youth to take advantage of these programs.
- ⦿ Promote or facilitate local and state postsecondary education and training alliances that target the issues of youth in foster care. Include state and private agencies, alumni, higher education, and corporate partners.



## 11 Promote Public Policies That Support Education During and After Care

### Background

Underlying all of the issues in this framework is the need to support public policies and programs that will improve the education outcomes of youth in out-of-home care. Without coherent, comprehensive public policies and the engagement of major stakeholders at the local, state, and national levels, change and systems improvement will be only piecemeal.

Because of its status as a foundation, Casey is prohibited from engaging in any form of legislative lobbying at the federal, state, and local levels. However, Casey and other nonprofit organizations still have an important role in developing and implementing education policy for youth in out-of-home care.

This role, first of all, involves developing awareness of significant issues that affect youth in out-of-home care, and then educating and convening potential partners and major stakeholders who can develop policy and support policy initiatives. Secondly, it involves collaborating with partners in policy development and providing technical assistance when policies are implemented.

### Working solutions

Specific policy implementation activities that Casey can engage in include:

- Researching and collecting data and information on the education and transition issues of youth in out-of-home care
- Developing and disseminating well-balanced information briefs related to specific issues in the education of youth in out-of-home care, such as service needs, costs, outcomes, promising practices, and policy gaps
- Producing articles for professional child welfare and education journals, newsletters, and Web sites on the education issues of youth in out-of-home care
- Maintaining a presence at targeted national education, child welfare, and legal conferences, and making presentations on the education issues of youth in out-of-home care



For years, we have focused only on protection of foster children.

Protection must be priority number one, but we must do more. We must ensure access to education and provide equality of that education. We ask more of almost every other group in America. Today, we must begin to ask more of ourselves and our foster children when it comes to their education.<sup>58</sup>



<sup>58</sup> A. Cornell, in keynote address quoted in Yu, Day, & Williams (2002b), p. 24.

## See also

**Education Objective 3**, for information on how systems can work together to influence change at the local, state, and national levels

- Convening stakeholders from the three key systems (child welfare, education, and legal) within a state or community to develop a joint vision, agenda, and action plan for reform. The meeting could be modeled on the Educational Symposium of the National Council of Juvenile and Family Court Judges held in 2001 (see “Other Recommended Resources”).
- Convening stakeholders to focus on specific education issues, as Casey did at the Higher Education Summit in November 2003 with support from the Gates Foundation
- Supporting the implementation and expansion of policy initiatives, such as the John H. Chafee Foster Care Independence Program or education and training vouchers (both described in “Promising Practices and Resources”), through technical assistance and the development of implementation tools

Potential partners and major stakeholders that are or should be included in policy efforts include:

- Public and private child welfare agencies and advocacy organizations
- Youth leadership groups and foster care alumni groups
- Foster parent organizations
- Special education groups, including government agencies and professional organizations
- Regular education (K–12) groups, including government agencies and professional organizations
- Judicial organizations
- Birth families and relatives
- Legal organizations
- Court-appointed special advocates (CASAs) and guardian ad litem (GALs)
- Higher education groups, including government agencies and professional organizations
- Workforce development groups, including government agencies and groups from the private sector

Casey and other child welfare agencies can provide leadership to these stakeholder groups for all the issues identified in this framework. By bringing the education needs

of youth in out-of-home care and emancipated youth to the forefront of public policy, agencies can make education excellence for all youth in out-of-home care a core value of child welfare and education policy.

## Promising Practices and Resources

For more details on these entries, see section 2.

***Endless Dreams Training and Video*** (page 89). This video is a popular and successful tool for educating policy makers about the education needs of youth in out-of-home care.

***Make a Difference in a Child's Life*** and ***Toolkit for Change*** (page 99). The Toolkit for Change portion of these materials gives education advocates self-contained resources for customizing a campaign to help youth in care get the most out of school.

***Seattle Foster Care and Education Consortium*** (page 109). This group provides a model for how to support a state effort to promote school stability for youth in out-of-home care.

***Judicial Checklist: Critical Questions and Strategies for Meeting the Education Needs of Children and Youth in Juvenile and Family Court*** (page 97). This checklist (available in September 2004) will provide judges with a guide for monitoring the education progress of youth under the court's supervision.

***Workforce Investment Act*** (page 121). This federal program serves low-income youth who face specific barriers to employment or high school completion and prepares them for postsecondary education and/or employment. One of the barriers listed is having spent time in foster care.

***Technical Assistance for Needy Families*** (page 114). This federal program provides funds to states for assistance to low-income families. One of its main purposes is to fund education and training opportunities for participants.

***John H. Chafee Foster Care Independence Program*** (page 96). This federal program provides money to states to prepare youth emancipating from foster care for independent living; it also provides for some support for youth who have already made the transition from care. States have the flexibility of using a portion of the funds for education services.

***Education and Training Vouchers*** (page 87). This federal program, administered under the John H. Chafee Foster Care Independence Program (described above), provides up to \$5,000 for postsecondary education and training to youth who have been in foster care.

## Handouts and Checklists

Samples of these items are available for photocopying in Section 3.

“Improving Educational Outcomes for Youth in Foster Care: A Selected Bibliography.” This list of articles on the education of youth in foster care is a good resource for child welfare and education professionals looking for more information on this topic.

“Indicators of Systems Change for Improving Educational Outcomes for Youth in Out-of-Home Care.” This Casey-developed matrix can be used at the local level to guide school districts in developing a policy for improving the education outcomes of youth in out-of-home care in their districts.

## Other Recommended Resources

*Assessing the Effects of Foster Care: Early Results from the Casey National Alumni Study.* This survey of more than 1,000 youth who have emancipated from out-of-home care yields valuable information about the role of education in life outcomes for youth in care. It is the result of a Casey collaboration with researchers from Harvard University, the University of Michigan, and the University of Washington. Available online at [www.casey.org](http://www.casey.org) (Casey Family Programs).

*Educational Attainment of Foster Youth: Achievement and Graduation Outcomes for Children in State Care.* This 2001 study from the Washington State Institute for Public Policy looked at the education outcomes of more than 4,500 in-care youth in public schools in Washington state, quantifying the achievement gap between youth in foster care and other students in Washington state. Available online at [www.wsipp.wa.gov](http://www.wsipp.wa.gov) (Washington State Institute for Public Policy).

*Improving Educational Outcomes for Youth in Care (Monograph).* From the Child Welfare League of America, this is a comprehensive overview of the education needs of youth in out-of-home care. Order online at [www.cwla.org](http://www.cwla.org) (Child Welfare League of America).

*Improving Educational Outcomes for Youth in Foster Care: Perspectives from Judges and Program Specialists, Technical Assistance Bulletin No. 6.* The National Council of Juvenile and Family Court Judges issued this Technical Assistance Bulletin to present information obtained from judges and other child welfare professionals about current efforts to improve the education outcomes of youth in care. It also points to areas of practice needing improvement. Available online at [www.pppncjfcj.org](http://www.pppncjfcj.org) (National Council of Juvenile and Family Court Judges, Permanency Planning for Children Department).

*Educational Symposium of the National Council of Juvenile and Family Court Judges (NCJFCJ).* An effective example of convening major stakeholders around

particular education issues, this project was meant to increase the capacity of judges, child welfare staff, and educators to assist young people in meeting their education and transition goals. The project surveyed family court judges and child welfare agencies, held a national symposium, and published two monographs on the education outcomes of youth in out-of-home care. Information on the project is available in NCJFCJ Technical Assistance Bulletin No. 6, described in the above entry.

*Providing Education Related Supports and Services Under the Chafee Independence Act of 1999: Selected State Activities and Postsecondary Education and Training Voucher Information.* Information on the use of Independent Living/Chafee funds for postsecondary education in selected states and on education and training vouchers has been brought together in this Casey document. Available from Casey Family Programs, John Emerson, Senior Manager of Education (jemerson@casey.org), or Debbie Staub, Education Coordinator (dstaub@casey.org).

*Lost in the Shuffle Revisited: The Education Law Center's Report on the Education of Children in Foster Care in Pennsylvania.* This 2002 report focuses on a range of issues related to the education of youth in care and provides recommendations for policy changes and systems improvement in both the child welfare and education arenas. Available online at [www.elc-pa.org](http://www.elc-pa.org) (Education Law Center—Pennsylvania).

*Getting Out of the Red Zone: Youth From the Juvenile Justice and Child Welfare Systems Speak Out About the Obstacles to Completing Their Education, and What Could Help.* This report from the Youth Law Center documents the results of focus groups that examined the education experiences of youth in out-of-home care in California. It provides good insight into the perspectives of youth and caregivers. Available online at [www.youthlawcenter.com](http://www.youthlawcenter.com) (Youth Law Center).

*Leave No Youth Behind: Opportunities for Congress to Reach Disconnected Youth.* This 2003 policy analysis, issued by the Center for Law and Social Policy (CLASP), includes youth in foster care as one group of disconnected youth. The document emphasizes the need for a “coherent youth policy, at the national level, to help at-risk youth become connected, productive members of society.” The authors go on to focus on six federal programs that have the potential to help at-risk youth. Available online at [www.clasp.org](http://www.clasp.org) (Center for Law and Social Policy).

*Opportunities for Expanding College Bridge Programs for Out of School Youth and Promising Practices: School to Career and Post-secondary Education for Foster Care Youth, A Guide for Policymakers and Practitioners.* Both of these informational documents from the Workforce Strategy Center recommend specific education programs that can help disadvantaged youth, including youth in foster care, complete high school and continue in postsecondary education and training. Available online at [www.workforcestrategy.org](http://www.workforcestrategy.org) (Workforce Strategy Center).





*Better Together.* This curriculum teaches youth formerly in care and child welfare staff to unite on projects that involve alumni in some area of child welfare policy or practice. Typical projects include mentoring, advocacy, product and document reviews, speaking engagements, conferences, and training. Through interactive learning activities, project team members explore the benefits of partnering, the unique contributions each perspective brings, the culture of foster care, ways to partner effectively, and how to share from personal experience strategically. For more information, contact Casey Family Programs, Cynthia Scheiderer, Alumni Relations, (206) 282-7300, [cscheiderer@casey.org](mailto:cscheiderer@casey.org).

*Education Issue Brief: Improving Special Education for Children With Disabilities in Foster Care.* This report is an ideal tool for educating the general public and particular stakeholders about the unique education needs of youth who are both in care and in special education. Prospective audiences include professional special education organizations, legal and special education advocacy groups, child welfare agencies, and foster parent organizations. Available from Casey Family Programs, John Emerson, Senior Manager of Education ([jemerson@casey.org](mailto:jemerson@casey.org)), or Debbie Staub, Education Coordinator ([dstaub@casey.org](mailto:dstaub@casey.org)).



*Frequently Asked Questions About the Foster Care Independence Act of 1999 and the John H. Chafee Foster Care Independence Program and Frequently Asked Questions II.* These documents outline the main provisions of the John H. Chafee Foster Care Independence Program and clarify its specific benefits for youth in care and youth who have emancipated from care. Available from Casey Family Programs, John Emerson, Senior Manager of Education ([jemerson@casey.org](mailto:jemerson@casey.org)), or Debbie Staub, Education Coordinator ([dstaub@casey.org](mailto:dstaub@casey.org)).

*Higher Education Reform: Incorporating the Needs of Foster Youth.* This document identifies three Higher Education Act reauthorization strategies that would promote improved postsecondary access and outcomes for students coming from out-of-home care. It is an excellent resource for individuals working to eliminate the obstacles to postsecondary education and training for youth emancipating from out-of-home care. Available at [www.casey.org](http://www.casey.org) (Casey Family Programs).

## What You Can Do Now

### Direct Service Activities

- ⦿ Educate school staff on the particular education needs and issues of youth in out-of-home care.
- ⦿ Present one or more modules of the **Endless Dreams Training and Video** to all school staff, school boards, and parent-teacher organizations.
- ⦿ Present one or more modules of the **Endless Dreams Training and Video** to pre-service teachers in teacher training programs at local colleges.
- ⦿ For high school youth with Individualized Education Plans (IEPs) that include a transition plan, facilitate the coordination of the special education transition plan with the youth's Independent Living/Chafee program transition plan. Educate team members from both systems about the process for ensuring this coordination.
- ⦿ Provide self-determination training to youth and ensure that youth have a voice in policy efforts that are of concern and interest to them.

### Supports and Technical Assistance

- ⦿ Research information on how **John H. Chafee Foster Care Independence Program** funds are used in your state for education purposes and how youth can access them. Make this information available to youth, caregivers, schools, and public and private agencies serving youth in out-of-home care and emancipated youth.
- ⦿ Obtain up-to-date information on the use of **Education and Training Vouchers** in your state, and disseminate this information to youth, caregivers, schools, and public and private agencies serving youth in out-of-home care and emancipated youth.
- ⦿ Develop an informational brochure for schools on the education needs of youth in out-of-home care and/or youth in transition.
- ⦿ Research and disseminate information on public funding streams that can be used for education purposes for youth in out-of-home care—e.g., **Workforce Investment Act** funds or **Technical Assistance for Needy Families** funds.

- ⦿ Stay informed on state and federal policy developments that are relevant to youth in out-of-home care. Make sure that youth, caregivers, and agency staff are aware of any new developments that could benefit the youth.

### **System Improvements**

- ⦿ Form a local coalition of representatives from child welfare and education agencies to collaborate on local and state issues of youth in out-of-home care.
- ⦿ Facilitate an education summit, for either K–12 or higher education youth, that brings together local or state stakeholders around the theme of improved education and transition outcomes for youth in out-of-home care.
- ⦿ In a school district heavily populated by youth in out-of-home care, work with district administrators to create and implement a system-wide plan that improves the education outcomes of these youth. Use Casey’s “Indicators of Systems Change for Improving Educational Outcomes for Youth in Out-of-Home Care” (see “Handouts and Checklists” above) to guide and evaluate the plan.
- ⦿ Make presentations at state and national conferences of professional K–12 and higher education, child welfare, and legal advocacy groups, such as the Council for Exceptional Children, the National Resource Center for Youth Development, the National Association of Student Financial Aid Administrators, and the American Bar Association, on the education needs of youth in care.
- ⦿ Write an article on one or more aspects of the education issues of youth in care for a professional journal or for Web publication.



## Looking Forward

No matter what education services or advocacy we provide, youth must remain at the heart of our work. It is their needs, dreams, and aspirations that must continue to drive our efforts to support and facilitate positive education outcomes for youth in care.

While the greatest strides are made youth by youth, more comprehensive efforts on their behalf are still needed in all systems related to education. These efforts are briefly described below.

### **Greater collaboration and coordination**

Public and private agencies at the local and state level, including education systems, must continue to explore ways to collaborate to ensure successful education outcomes for all youth in care.

### **University-based professional development**

Educators, social workers, and lawyers at the pre-service level can all benefit from training on the education issues of youth in care. While how to teach youth with special needs and diverse abilities is often a topic of study for education students, many potential teachers are never exposed to curricula or instruction specifically on teaching youth in care. Nor are many high school counselors aware of the targeted postsecondary financial aid that is available for students in care. Social workers, education specialists/advocates, and others can develop relationships with professors and administrations in law schools, and education and social work departments to promote curricula that focus on all aspects of education for youth in care.

### **Standardized education training for foster parents**

A standardized, comprehensive foster parent training curriculum focused on educating youth in care would be a valuable tool for state and federal child welfare agencies and foster parent associations across the country. Such a curriculum could be set up as standalone training or as part of an existing foster parent training curriculum such as PRIDE, one of the most common national foster parent training curricula. Any curriculum that is developed should be easily accessible online and should include information and approaches that are culturally relevant to a diverse population of caregivers, including American Indian and Alaska Native, African American, and Hispanic families. This kind of curriculum would ensure that school placement stability, education advocacy,



appropriate school supports, and other issues remain at the forefront of the work we all do to promote the lifelong success of youth in out-of-home care.

### **Direct self-advocacy training for youth in care**

Continual recognition of the youth's voice and choices is at the core of our work: every service provided to the youth must take the youth's input into account. But merely stating that youth need to be self-advocates is not enough. Youth in care need direct instruction in how to advocate for their needs, make and adjust education and career goals, and develop a personal support network. This instruction must be developmentally age-appropriate as well as culturally appropriate. The skills that are taught must be tailored to what the youth needs to ensure that his or her voice is heard and responded to effectively.

### **Ongoing research and data collection**

We must continue to collect outcome and comparative data on the education performance of youth in out-of-home care, including information on barriers faced by emancipated youth in postsecondary education. Data should also be collected on the efficacy of specific programs meant to support the education needs of youth in care.

### **Increased public policy focus**

Most national and state education legislation and policies do not recognize youth in out-of-home care as having unique education needs. While the needs of migrant or homeless youth are considered under the No Child Left Behind Act, this is not the case for youth in care, or for disadvantaged or disconnected youth in general. These are some specific policy areas that must be addressed for youth in care:

- The necessity of school placement stability and of efficient maintenance and transfer of school records for these youth
- The role of judicial oversight in promoting the education of youth in care
- The need to ensure that the voices of youth in care and of youth formerly in care are represented in all policy development efforts
- Strategies for reducing the disproportionate number of youth in care on tribal reservations



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# Eleven Education Objectives

## **School transfer issues**

1. Provide school placement stability.
2. Secure and maintain accurate and accessible school records.

## **Collaboration and training issues**

3. Facilitate collaboration and training among all involved systems.
4. Train caregivers to be education advocates at school and at home.

## **Supports and services issues**

5. Provide education advocates and education specialists/advocates.
6. Give youth access to supplemental education supports and services.
7. Address special education needs as appropriate to the youth.
8. Decrease disparate outcomes for youth of color.

## **Preparation issues**

9. Ensure that youth are literate, acquire basic skills, and have extracurricular opportunities.
10. Prepare youth to achieve their postsecondary education, training, and career goals.

## **Public and policy issues**

11. Promote public policies that support education during and after care.

The framework provides a combination of background information plus almost fifty practical applications that Casey field staff, or anyone involved with serving youth in care, can use in developing a holistic, comprehensive, and culturally responsive approach to education.

# Promising Practices and Resources

## Section

# 2

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Many of the promising practices and resources in this framework encompass Casey’s education expertise in case management. This section describes them and gives examples of how we use them.

The resources include Casey education specialists, tutoring and technology tools, post-secondary education options, cultural diversity experience, public/private cooperation modes, and public policy advocacy efforts.

Other promising practices we describe here come from across the country and are known to Casey as valid, effective models for meeting the education objectives in this framework.

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# 100 Black Men of America

**Education Objective(s):** 7, 8, and 9

**Mission/Purpose:** To enhance educational and economic opportunities for all African Americans. The current focus is on youth mentoring, violence prevention, and education and economic development programs.

**Target Population:** Partners and professionals who work with African American youth, especially African American males.

**Description:** *100 Black Men of America* has many programs. One of its most well known is the Wimberly Initiative on Disproportionality, created in partnership with the National Association of State Directors of Special Education. This initiative is an effort to reduce the disproportionate representation of African Americans in special education. It has set up model programs using mentors and tutors to improve the academic and social skills of these youth. Another program, 100 Black Men University, offers over 500 low-cost, online courses in computer technology and small business development to participating youth. The organization also has a national magazine and conducts regional training conferences and national conferences.

## How You Can Use This Resource

- Identify local *100 Black Men of America* mentoring and tutoring programs and refer appropriate youth to them.
- Give youth, families, social workers, and schools information on 100 Black Men University and encourage youth to enroll if the program would help them meet their education and career goals.
- Partner with an existing local chapter of *100 Black Men of America* to help them address the education and economic issues of African American youth in out-of-home care.
- Work with the national organization of *100 Black Men of America* to develop a local chapter with programs relevant to the needs of local youth.

## Contact(s)

100 Black Men of America,  
141 Auburn Avenue,  
Atlanta, GA 30303,  
(404) 688-5100,  
(800) 598-3411,  
[www.100blackmen.org](http://www.100blackmen.org)

## Contact(s)

For reprints of articles: Lisa Waxler, American Bar Association Service Center, 541 North Fairbanks Court, Chicago, IL 60611, (800) 285-2221, waxlerl@staff.abanet.org, or *Child Law Practice*, childlawpractice@staff.abanet.org

For additional information: Kathleen McNaught (the series' author), American Bar Association, McNaughtK@staff.abanet.org

## American Bar Association *Child Law Practice* Series

**Education Objective(s):** 2 and 3

**Mission/Purpose:** To promote increased insight into the education needs of youth in out-of-home care and into the role that lawyers, child welfare professionals, and caregivers can play in education advocacy for these youth.

**Target Population:** Lawyers, child welfare professionals, and caregivers who are interested in the education needs of youth in out-of-home care from preschool to grade 12

**Description:** Starting in 2002, the American Bar Association began publishing a series of articles in *Child Law Practice* to raise awareness of the kinds of education services that youth in out-of-home care need. The articles, which are being written through the fall of 2004 and will be published in book form in late 2004, cover the following topics: "Education Advocacy in Child Welfare Cases: Key Issues and Roles" (November 2002); "Education Law Primer" (in two parts, March 2003 and April 2003); "Innovative Approaches for Meeting Educational Needs" (April 2004); "The IEP Process" (coming soon); "Advocacy for Young Children 0–5" (coming soon); and "Discipline" (coming soon). In addition, this concise, readable series will provide up-to-date information on IDEA (the Individuals with Disabilities Education Act) once it is reauthorized. The series also includes information relevant to other education issues surrounding youth in care, such as confidentiality and the McKinney-Vento Homeless Assistance Act (see page 101).

### How You Can Use This Resource

- Obtain copies of the series, become familiar with its contents, and refer to it when advocating for the education rights of youth in out-of-home care.
- Disseminate copies or incorporate the information into advocacy training for child welfare advocates, including Casey staff, other private and public child welfare professionals, court appointed special advocates (CASAs), child welfare attorneys, caregivers, and youth.

# Ansell-Casey Life Skills Assessment Education Supplement and Guidebook

## Education Objective(s): 9

**Mission/Purpose:** To help prepare youth age 8 to 21 for successful adulthood by providing assessments of their education progress and skills and identifying activities and approaches for dealing with any education deficiencies they may have.

**Target Population:** Professionals, caregivers, educators, and social service personnel working with all youth, regardless of living circumstances. This includes youth in foster care, one-parent homes, group homes, and other living situations.

**Description:** The *Education Supplement to the Ansell-Casey Life Skills Assessment and Guidebook* will be used for assessing a youth's academic skills, education progress, and the supports and barriers to the youth's progress. Both parts are currently under development and will be available by December 2004.

The supplement will have separate education assessments for elementary, middle school, and high school youth and, at each of these levels, both a caregiver version and a youth self-report version. There will also be a single self-report version for youth in postsecondary education and training. The assessments will cover school behavior and school climate; academic skills, attitudes, and accomplishments; academic supports; school relationships; problem-solving skills; transition; special education/disabilities; cultural factors; and barriers to academic success.

An instructional *Guidebook* will be added to the current *Ansell-Casey Life Skills Assessment* to provide tools and strategies for dealing with any shortcomings identified in the education assessment(s) and for promoting a youth's education progress.

Using the *Education Supplement* will be free of charge. A person will be able to download it from the Web, perform the appropriate assessment, and return the assessment to Casey, who will score and return the results to the user.

## How You Can Use This Resource

- When the *Education Supplement* becomes available, have the youth and caregiver complete their respective versions for the youth in care. Use the results and the recommendations in the *Guidebook* for education planning for the youth.
- Share results of the assessment with the youth's counselor and teachers. Collaborate with the youth to develop a plan for developing skills or setting goals in needed areas.
- Tell local social work and education agencies about the *Education Supplement* and how it can help them in their work with youth in out-of-home care and emancipated youth.

## Contact(s)

To download the resources:  
[www.caseylifeskills.org](http://www.caseylifeskills.org)

For more information: John Emerson, Senior Manager of Education, Casey Family Programs—Headquarters, 1300 Dexter Avenue North, Floor 3, Seattle, WA 98109-3542, (206) 282-7300, [jemerson@casey.org](mailto:jemerson@casey.org), [www.casey.org](http://www.casey.org)

## Contact(s)

Judge Patricia Martin  
Bishop, Circuit Court of  
Cook County, Child  
Protection Division, 1100  
South Hamilton Avenue,  
Room 8004, Chicago, IL  
60612, (312) 433-4756

Debbie Staub, Education  
Coordinator, Permanency  
Team, Casey Family  
Programs—Headquarters,  
1300 Dexter Avenue North,  
Floor 3, Seattle, WA 98109,  
(206) 282-7300,  
dstaub@casey.org,  
www.casey.org

## Benchmark Permanency Hearing Program

### Education Objective(s): 10

**Mission/Purpose:** To ensure that teen wards of the state will be prepared for adulthood when they leave state care. To provide a national model to address the education and professional needs of dependent youth.

**Target Population:** Teenage youth in state care in Cook County, Illinois, who are emancipating to independent living

### Description:

This program was developed in the Circuit Court of Cook County, Illinois; similar programs may exist elsewhere in the country. In this program, special permanency hearings for teens are held at certain milestones (“benchmarks”) in the life and/or case of the youth. The hearings are held in an informal setting, such as the judge’s chambers, and the youth is present with a supportive adult that the youth has selected. Other participants include the youth’s social workers, attorneys for the youth, and individuals who can provide pertinent information, such as public school officials.

The hearings involve the youth in assessing his or her strengths and needs, developing a plan for transition to adulthood and independence, and lining up future community and individual support. Education and career services are included in the planning. The hearings are designed to focus on the youth’s perspective and to be supportive of him or her. Progress on the youth’s plans is monitored through regularly scheduled court hearings.

### How You Can Use This Resource

- Call the contacts below to obtain updated information on the project, its outcomes, and its availability for replication. Collaborate with local family courts to develop a similar program.

# California Assembly Bill 490, “Helping Foster Children Make the Grade”

## **Education Objective(s):** 2

**Mission/Purpose:** To improve the education outcomes of youth in foster care through a variety of key provisions.

**Target Population:** Youth in foster care in California

**Description:** California Assembly Bill (AB) 490 is a comprehensive in-care youth education reform bill from 2003 that became law in early 2004. It ensures that all students in foster care have the opportunity to meet the same challenging state academic achievement standards to which other students are held—regardless of whether the in-care youth are enrolled in a public or nonpublic school. The bill requires that youth in foster care be enrolled in a comprehensive public school whenever possible and that school districts designate an education liaison to ensure appropriate enrollment, placement, and checkout of students in foster care who are in homeless situations, such as in shelter care or awaiting placement. In addition, AB 490 allows youth in foster care to continue their education in their current school for the duration of the school year, except in specified circumstances. Some of the key provisions in this bill include:

- If there is a dispute regarding school placement, a youth in foster care has the right to remain in the school of origin pending resolution of the dispute.
- A youth in foster care may be enrolled in school even if all typically required records are not immediately available.
- Youth in foster care will not be penalized for absences due to placement changes, court appearances, or related court-ordered activity.
- County placing agencies must promote education stability by considering proximity to the youth’s current school when making home placement decisions.

## **How You Can Use This Resource**

- Find out if your state has similar legislation, and educate people about how they can support the key provisions.
- If similar legislation is not available, find out who in your state and community might be involved in promoting such legislation, and provide them with data and outcomes around these issues.

## **Contact(s)**

Kathy Dresslar, Legislative  
Director to California  
Assemblymember Darrell  
Steinberg, State Capitol,  
Room 2114, Sacramento,  
CA 95814, (916) 310-2009,  
kathryn.dresslar@asm.ca.gov



## Contact(s)

Berkeley Harris, Campus Peer Mentoring Project Manager, Community College Foundation, Human Development and Youth Services—Los Angeles, 3530 Wilshire Boulevard, Suite 610, Los Angeles, CA 90010, (213) 427-6910, bharris@communitycollege.org, HDYS@communitycollege.org, www.communitycollege.org

## Campus Peer Mentoring Project

### Education Objective(s): 10

**Mission/Purpose:** To provide academic and personal support to in-care and emancipated youth who are entering community college, including assistance in applying for admission and financial aid.

**Target Population:** Youth formerly in foster care currently at Mt. San Antonio College and Los Angeles City College (both in Los Angeles, California), and area youth in foster care who are interested in enrolling in one of the colleges

**Description:** This program of the Community College Foundation in California pairs youth currently or formerly in foster care who are entering community college with second-year student mentors who have also been in foster care. Using a specially developed curriculum, the mentors provide academic and personal support as the youth make the transition to college life. Campus Peer Mentoring staff provide technical assistance to support the mentoring relationships and track the retention rates of students. They also coordinate with Los Angeles County Department of Children and Family Services to facilitate outreach to foster youth and assist them with applying for admissions and financial aid. At the Mt. San Antonio campus, youth have access to a specialized support center where they can meet with mentors and study.

### How You Can Use This Resource

- Contact the project staff and/or the Human Development and Youth Services division of the Community College Foundation for more detailed information. Explore the possibility of creating a similar model for local community colleges in collaboration with your Independent Living/Chafee program (see **John H. Chafee Foster Care Independence Program**, page 96).

# CASA Education Advocacy Programs

## Education Objective(s): 5

**Mission/Purpose:** To train court-appointed special advocates (CASAs) to advocate more effectively in court and schools on behalf of a youth's specific education needs, with the intent to improve the education outcomes of the youth they represent.

**Target Population:** CASA volunteers (community-based volunteers who advocate in juvenile and family court for a youth's best interests)

**Description:** The three local and state CASA programs described here have been at the forefront of a growing effort to add education advocacy to the role of the CASA volunteer:

- *Washington State CASA Education Advocacy Project*—With support from the Stuart Foundation, this project, currently in progress, has hired a consultant for three tasks: first, to determine how CASA volunteers are ensuring that youth are not falling through the cracks educationally; second, to identify actions CASAs might take regarding education advocacy; and third, to compile a list of resources for CASA volunteers to use in education advocacy. This information will be incorporated into a training manual for CASA volunteers in Washington state.
- *CASA of Humboldt County, California*—This group has developed an education advocacy manual that contains information on how to identify youth who have education needs and how to access services to meet these needs. It also addresses youth's education rights, school district and service agency responsibilities, and community education resources. This CASA is interested in identifying strategies for promoting the education progress of youth in out-of-home care.
- *CASA of Pima County, Arizona*—Calling on the help of a Casey education specialist from Casey's Tucson office, Pima County CASA volunteers were trained in the education challenges of youth in care and in advocating for their education interests in school and in the courts. The Casey staff used the ***Endless Dreams Training and Video*** (see page 89) and the ***K-12 School Placement Guide*** (see page 98) in the training.

## How You Can Use This Resource

- Consult with local and/or state CASA staff about their interest in training CASA volunteers in education advocacy. As needed, provide training using the ***Endless Dreams Training and Video*** (see page 89), the ***K-12 School Placement Guide*** (see page 98), or ***Make a Difference in a Child's Life*** and ***Toolkit for Change*** (see page 99).
- Download the Humboldt County guide, *Working Together: A Guide to Educational Advocacy*, available at [www.humboldtcasa.org/advocacy](http://www.humboldtcasa.org/advocacy). Include this in education advocacy training with caregivers, social workers, and youth.

## Contact(s)

Washington State CASA,  
603 Stewart Street, Suite  
206, Seattle, WA 98101,  
(206) 667-9716,  
(800) 530-0045,  
[info@washingtonstatecasa.org](mailto:info@washingtonstatecasa.org),  
[www.washingtonstatecasa.org](http://www.washingtonstatecasa.org)

CASA of Humboldt County,  
2356 Myrtle Street, Eureka,  
CA 95501, (707) 443-3197,  
[www.humboldtcasa.org](http://www.humboldtcasa.org)

CASA of Pima County, Pima  
County Juvenile Court  
Center, 2225 East Ajo Way,  
Tucson, AZ 85713-6295,  
(520) 740-2060,  
[www.supreme.state.az.us/  
casa/](http://www.supreme.state.az.us/casa/)

National CASA Association,  
100 West Harrison, North  
Tower, Suite 500, Seattle,  
WA 98119, (800) 628-3233,  
[www.nationalcasa.org](http://www.nationalcasa.org)

## Contact(s)

Orphan Foundation of America, Tall Oaks Village Center, 12020-D North Shore Drive, Reston, VA 20190-4977, (571) 203-0270, help@orphan.org, www.orphan.org

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

**Education Objective(s):** 6 and 10

**Mission/Purpose:** To provide scholarships to youth currently or formerly youth in foster care and to provide ongoing support for their college success.

**Target Population:** Young people who wish to enroll in postsecondary education, are under age 25, have spent at least 12 months in foster care, and have not been subsequently adopted

**Description:** The Casey Family Scholars Program is funded by Casey and administered by the Orphan Foundation of America (OFA). The program provides scholarships of up to \$10,000 to young people for postsecondary education, including vocational or technical training. Scholarships are renewable each year based on satisfactory progress and financial need. Participants in this program receive ongoing support through a toll-free number and regular e-mail contact with an adult mentor from OFA's **vMentor Program** (see page 119).

### How You Can Use This Resource

- Check that local and state public and private child welfare agencies have updated information on the program.
- Provide information about the program to local high school guidance offices.

# College Bridge Programs

**Education Objective(s):** 10

**Mission/Purpose:** To offer college-level curricular options to high school students and encourage youth to complete high school, while creating a relatively seamless transition to postsecondary education.

**Target Population:** High-achieving high school youth and at-risk or dropout youth

**Description:** College bridge programs (also called dual-enrollment programs) encompass a range of programs that (1) offer postsecondary courses at minimal or no cost to students; (2) allow credits to be applied to both high school and college completion; and (3) have few limits on the number of credits a student can take. The traditional purpose of dual enrollment has been to offer more rigorous, college-level curricular options to high-achieving high school students. However, dual-enrollment programs now also target at-risk youth, with the goals of improving their basic skills, allowing them to earn high school diplomas, and linking them with career training programs.

The major source of financial backing for college bridge programs is Average Daily Attendance funding—federal, state, and local aid to schools based on enrollment. The following noteworthy college bridge programs specifically target at-risk youth who are in and out of school:

- *Diploma Plus*—This Massachusetts program offers basic skills instruction and combines nontraditional high school classes with community college course work. An evaluation conducted in 2001 by Jobs for the Future found that 70 percent of *Diploma Plus* students move on to postsecondary education and careers. *Diploma Plus* is one of 100 programs named to the Promising and Effective Practices Network of the National Youth Employment Coalition.
- *Washington State Puget Sound Pathways Network (PATHNET)*—This two-phase program is a collaboration among six community colleges in the Puget Sound area, the Workforce Strategy Center, and public agencies in Washington state. The first phase combines basic skills instruction, paid work experience, and case management at community colleges and other community sites. In the second phase, students enter specific training programs in information technology, diversified manufacturing, or health occupations.

## How You Can Use This Resource

- Explore college bridge programs in your state and the opportunities they might offer to youth in out-of-home care in your area.
- Make information on college bridge programs for at-risk youth available to caregivers, youth, and public and private child welfare agencies in your area.
- Collaborate with the Workforce Strategy Center and local community colleges to establish a college bridge program targeting at-risk youth, using the *Diploma Plus* or PATHNET model.

## Contact(s)

*Diploma Plus:* Center for Youth Development and Education, Commonwealth Corporation, The Schrafft Center, 529 Main Street, Suite 110, Boston, MA 02129, (617) 727-8158, (800) 439-0183, [www.commcorp.org](http://www.commcorp.org)

*College bridge programs or PATHNET:* Workforce Strategy Center—New York, 678 East 22d Street, Brooklyn, NY 11210, (718) 434-4790, [www.workforcestrategy.org](http://www.workforcestrategy.org)

## Contact(s)

John Emerson, Senior  
Manager of Education,  
Casey Family Programs—  
Headquarters, 1300 Dexter  
Avenue North, Floor 3,  
Seattle, WA 98109,  
(206) 282-7300,  
jemerson@casey.org,  
www.casey.org

## Continuing Education and Job Training

### Education Objective(s): 10

**Mission/Purpose:** To provide financial assistance and program support to Casey youth in postsecondary education (community college, university, or graduate school) or vocational training (technical college, vocational, entrepreneurship, or apprenticeship programs).

**Target Population:** Casey youth in long-term foster care who meet several eligibility requirements, including being a student of “good standing” in the institution where he or she is enrolled and being a full-time student as defined by the postsecondary program or institution

**Description:** Continuing Education and Job Training (CEJT) is an internal Casey program that provides three-part support: a scholarship grant, continued living and health-related support, and case management and oversight. All three components are meant to assist eligible youth in gaining the skills, education, and training to be self-sufficient young adults. Tuition and financial support for college-related expenses and, to a lesser extent, personal and academic support are available to youth already in postsecondary education and training through this program.

CEJT youth work closely with a caseworker to follow a stated series of steps for participation. These include preparation for postsecondary education during high school, a formal application process, and acceptance into the postsecondary institution to which they have applied. Youth maintain a relationship with either a social worker or a transition specialist in the Casey office. Counseling and mentoring support are provided by phone and e-mail, on campus, and at the Casey office. CEJT youth are expected to complete a postsecondary education or training program and obtain gainful employment as a result.

### How You Can Use This Resource

- We encourage professionals and agencies who wish to develop a model similar to CEJT for youth in out-of-home care to contact us for more information.

# Council for Exceptional Children, Division for Culturally and Linguistically Diverse Exceptional Learners

## Education Objective(s): 8

**Mission/Purpose:** To promote the advancement and improvement of educational opportunities for culturally and linguistically diverse learners who have disabilities and/or who have gifts and talents.

**Target Population:** Professionals and caregivers who support culturally and linguistically diverse learners

**Description:** The Division for Culturally and Linguistically Diverse Exceptional Learners (DDEL) is one of 17 divisions of the Council for Exceptional Children (CEC). DDEL is the only professional organization in the United States that focuses exclusively on the concerns of culturally and linguistically exceptional learners. The goals of DDEL include the following:

- Advocating for favorable policies and funding on behalf of culturally diverse learners, their families, and the professionals who serve them
- Collaborating across disciplines to promote services for this population
- Disseminating relevant and timely ideas and information through professional meetings, training programs, and publications
- Promoting personnel recruitment, training, and leadership development among culturally and linguistically diverse populations
- Providing technical assistance, training programs, and in-service and pre-service education
- Supporting the activities, policies, and procedures of CEC and the other CEC divisions

DDEL members stay abreast of recent advances and trends in their field through two professional publications: *Multiple Voices for Ethnically Diverse Exceptional Learners* and the *DDEL Newsletter*. Members also have an opportunity to network with other industry professionals through professional development activities, such as sessions sponsored by DDEL at the CEC Annual International Convention and Expo, as well as at special topical conferences addressing multicultural and linguistic concerns.

## How You Can Use This Resource

- Join CEC; then join the DDEL to learn more about the unique needs of this population and to network with other professionals. Likewise, educate other professionals about the unique education needs of youth in care who fall under the DDEL purview.
- Attend professional development activities at the annual CEC convention or other CEC or DDEL conferences to improve your skills and knowledge regarding support for the education outcomes of this population of students.

## Contact(s)

Council for Exceptional Children, 1110 North Glebe Road, Suite 300, Arlington, VA 22201-5704, (703) 620-3660, (888) 232-7733, [www.cec.sped.org](http://www.cec.sped.org)

## Contact(s)

General information on all three tools: “A Different Kind of Test,” *Education Week*, September 24, 2003, available at [www.edweek.org](http://www.edweek.org), under Archives

*Parents’ Evaluation of Developmental Status (PEDS)*: Ellsworth & Vandermeer Press, LLC, P.O. Box 68164, Nashville, TN 37206, (615) 226-4460, (888) 729-1697, [www.pedstest.com](http://www.pedstest.com)

*Ages and Stages Questionnaires (ASQs)*: Brookes Publishing, P.O. Box 10624, Baltimore, MD 21285-0624, (800) 638-3775, [www.brookespublishing.com](http://www.brookespublishing.com); a sample can be viewed in the *Inquiry* archives of the University of Oregon at <http://comm.uoregon.edu/inquiry/archives>

*Child Development Inventories*: Behavior Science Systems, Inc., P.O. Box 580274, Minneapolis, MN 55458, (612) 929-6220

## Early Child Development Screening Tools

### Education Objective(s): 4

**Mission/Purpose:** To promote simple and accurate identification of learning and developmental disorders, disabilities, and delays in infants and young children using high-quality, parent-report screening instruments that take only a few minutes to administer.

**Target Population:** All children from birth to age 8

**Description:** The American Academy of Pediatrics has identified three valid, reliable, sensitive, and specific screening tools for assessing the developmental progress of young children. These tests, described below, measure communication, gross motor, fine motor, problem-solving, and personal-social skills. The American Academy of Neurology and the Child Neurology Society also recommend these three instruments for screening children for autism.

The three screening tests are:

- *Parents’ Evaluation of Developmental Status (PEDS)*—This has 10 questions, takes two minutes, and is for children birth to age 8.
- *Ages and Stages Questionnaires (ASQs)*—These take seven minutes each, are for children birth to age 5, and are designed to be administered at several intervals in the early childhood years.
- *Child Development Inventories*—These take 10 minutes each and can be used for children age 3 months to 6 years.

### How You Can Use This Resource

- Collaborate with your state’s child welfare agency to develop a plan for using one of these tools with all infants and young children in out-of-home care.
- Work with your state’s foster parents association to train foster parents to use one of these tools.
- Teach teen mothers in out-of-home care how to use one of these tools to screen their children.

## Education and Training Vouchers

**Education Objective(s):** 10 and 11

**Mission/Purpose:** To provide funding of up to \$5,000 for postsecondary education to youth who have aged out of foster care. To increase participation in postsecondary education programs by youth who have been in out-of-home care.

**Target Population:** Teenage youth and young adults who are or have been in out-of-home care and have enrolled in a postsecondary education and training program. Eligible participants are youth who are eligible for services under the state **John H. Chafee Foster Care Independence Program** (see page 96), including those who were adopted from foster care after they turned 16 and those who were participating in the education voucher program on their 21st birthday and are less than 23 years old, as long as they are enrolled in a postsecondary program and making satisfactory progress toward completion.

**Description:** Education and training vouchers (ETVs) pay for the cost of attendance at institutions of higher learning as defined by the Higher Education Act of 1965. (This includes institutions that admit students who do not have a GED or high school diploma but are beyond the age of compulsory attendance.) The vouchers are not to exceed \$5,000 per year or the actual incurred cost of attendance at the institution. The cost of attendance includes tuition, room and board, and other costs of participation in the education or training program. ETVs are federally funded through the Promoting Safe and Stable Families Amendments of 2001, and most vouchers are administered under a state's Independent Living/Chafee program. A few states have contracted with the Orphan Foundation of America for administration services. To apply for a voucher, youth should contact their regional or state Independent Living/Chafee program coordinator.

### How You Can Use This Resource

- Get information from your state Independent Living/Chafee program coordinator on education and training vouchers and how to obtain them.
- Refer all eligible youth for maximum voucher funding.
- Inform school guidance offices, local postsecondary institutions, and state foster parent associations about education and training vouchers and how eligible youth can apply for them.

### Contact(s)

*For a list of state Independent Living/Chafee program coordinators:*  
National Resource Center for Youth Development, The University of Oklahoma, College of Continuing Education, 4502 East 41st Street, Building 4W, Tulsa, OK 74135-2512, (918) 660-3700, [www.nrcys.ou.edu/](http://www.nrcys.ou.edu/)



## Contact(s)

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## Education Specialists/Advocates

**Education Objective(s):** 1, 2, 5, 7, 8, 9, and 10

**Mission/Purpose:** To improve the education outcomes of youth in out-of-home care through education case management and education advocacy.

**Target Population:** K–12 youth in care

**Description:** The role of education specialists/advocates may encompass a range of functions. As case managers, they facilitate assessments and service provision, communicate with schools about a youth's needs and progress, help with the maintenance and transfer of education records, collaborate with schools on behavior and academic plans, and assist youth with postsecondary planning. They see that the youth's education rights are protected, and they speak out for the youth's best interests. They also train caregivers, volunteers, and professionals in education advocacy, and they help youth to become their own self-advocates. Finally, they build strong working relationships with schools and other community agencies.

Education specialists/advocates are found in both public and private education and child welfare agencies. Models in addition to Casey Education Specialists include:

- **Foster Youth Services**, San Diego (see page 91), in which the state Department of Education has placed education specialists/advocates in group homes.
- Programs of the state child welfare agencies in Texas and Tennessee, which place education specialists in regional offices throughout the state.
- **Treehouse** (see page 116), a private agency that has placed education advocates in regional offices of Washington state's Division of Children and Family Services.
- Various court-appointed special advocate (CASA) programs that are training their volunteer advocates in education advocacy (see page 81).

### How You Can Use This Resource

- At Casey, continue to shape the role of the Casey Education Specialist, drawing on best-practice recommendations in this framework.
- Develop a collaborative program with the appropriate partner (e.g., CASA, the state or regional child welfare agency, or the local school district).

## Endless Dreams Training and Video

**Education Objective(s):** 1, 3, 4, 8, 9, and 11

**Mission/Purpose:** To educate classroom teachers, school administrators, and other staff about the unique needs and academic challenges of youth in out-of-home care in order to improve the education outcomes of these youth.

**Target Population:** Primarily teachers, administrators, and staff of schools; secondary audiences include court appointed special advocates (CASAs), school counselors, school social workers, and resource families

**Description:** The *Endless Dreams* curriculum is composed of a video, training materials, and additional resource materials. This program gives trainers a framework for educating school staff members and other professional groups about this important and often overlooked population. Each training session is approximately an hour long, for a total of 10 hours.

The 10 modules cover the following topics:

- Education needs of youth in foster and out-of-home care
- Understanding the foster care system (Parts 1 and 2)
- Understanding the effects on youth who are part of the “system”
- Roles and responsibilities: Working with youth in foster care
- Improving the education outcomes of youth in foster and out-of-home care
- Indicators of systems change: Improving education outcomes at the systems level
- Education support for youth in transition
- Classwide strategies for increasing knowledge of the issues of youth in care
- Building communities that support the needs of youth in out-of-home care

### How You Can Use This Resource

- Meet with district-level administrators to share information about *Endless Dreams* and to explain how to add this curriculum to their staff development plan.
- Develop action plans for implementing *Endless Dreams* as a collaborative activity among the child welfare, judicial, and education systems.
- Meet with parent groups to share the *Endless Dreams* with them—not only to inform them about the education needs of youth in care, but also to garner potential interest in becoming a resource family provider.

### Contact(s)

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## Contact(s)

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## Foster Youth ePassport

### Education Objective(s): 2

**Mission/Purpose:** To provide youth with an accessible way to keep track of important health- and education-related records while moving from agency to agency and service to service.

**Target Population:** Youth who are currently or have been part of the foster care system

**Description:** The Foster Youth ePassport program from The Community College Foundation is an Internet-based health and education data tracking system for youth in out-of-home care. It uses the foundation's ePassport "smart" card system, which enables individual youth to continuously update and track their personal health and schooling records. ePassport simultaneously updates and manages records in real-time format through a secure, patented synchronization technology. Youth data from other database systems is also securely exchanged over the Internet. The information is instantly accessible to the youth and to everyone involved in his or her care.

The benefits of the Foster Youth ePassport program, according to The Community College Foundation, include the following:

- *For youth in foster care*—reduced delays in school enrollment; complete, accessible documentation for enrolling in school or applying for work; improved medical care, such as no over-immunization; smoother transitions to emancipation
- *For government (federal, state, county)*—better records availability to appropriate entities; reduction in duplicated efforts; consistent information across organizational boundaries; ability to support incentive disbursements
- *For the education system*—faster, more accurate placement of youth in out-of-home care
- *For the medical community*—ability for medical care providers to receive summarized medical records to improve health care for youth in out-of-home care
- *For service agencies*—dissemination of accurate information among multiple agencies on eligibility for services, and what services have already been provided

### How You Can Use This Resource

- Contact The Community College Foundation for guidance on purchasing the rights to use the ePassport system. Implement it locally, following the Foster Youth ePassport program model.

# Foster Youth Services, San Diego

**Education Objective(s):** 3 and 5

**Mission/Purpose:** To improve the outcomes of youth in foster care through the development and implementation of a health and education multi-information system model. This system is designed to further enhance services and the coordination of activities among placement agencies, group homes, schools, and other service providers affecting the lives of youth in foster care.

**Target Population:** Youth in California, age 4 to 21, who live in licensed group homes

**Description:** The Foster Youth Services Program (FYS), a program funded by California's Department of Education, coordinates approaches to public education for children and youth in out-of-home care who live in group homes. The FYS program originated with the efforts of four school districts in 1973. In 1998 and 1999, the legislature expanded the program from the school district to the county level statewide. FYS makes services available to youth 4 to 21 years of age who reside in group homes. As of 2000, 32 counties in California were receiving funds under the program to serve approximately 11,680 students.

The San Diego FYS program, which began operations in spring 2000, has evolved as a multi-pronged effort that includes the following components:

- *Foster Youth Services Network*—a process of communication and records transfer among numerous agencies that have entered into an interagency agreement. Information sharing among network members is facilitated by a court order authorizing the release of juvenile records.
- *Foster Youth Services Information System*—a countywide database that contains placement, demographic, and health and education records for youth in foster care residing in group homes and Licensed Children's Institutes.
- *Foster Youth Services Advisory Committee*—a decision-making group consisting of representatives from school districts, the county child welfare and probation agencies, the public defender's office, advocacy groups, and group homes.

## How You Can Use This Resource

- Following the example of the San Diego FYS program, bring together agencies and organizations that are willing to collaborate to meet the education needs of youth in care. Have this group assess the need for a local or state program like FYS.
- If you decide there is a need for a model of this kind, contact FYS in San Diego for more specific process, program, and outcome information. Discuss the options for replicating the project on a local or state basis.

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## GEAR UP

**Education Objective(s):** 6 and 8

**Mission/Purpose:** To increase the number of low-income students who are prepared to enter and succeed in postsecondary education.

**Target Population:** Students, including youth in out-of-home care, who attend middle school and high school in high-poverty areas

**Description:** GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs) is a discretionary grant program from the U.S. Department of Education. It provides five-year grants to qualifying state agencies and partnerships so these entities can offer mentoring and tutoring services at middle schools and high schools in high-poverty areas. These agencies and partnerships must be committed to serving and accelerating the academic achievement of low-income students through high school graduation.

GEAR UP grantees start providing services to a “cohort” of eligible students no later than seventh grade and follow them through high school graduation. Funds are also provided for college scholarships to low-income students. Typical partnerships combine at least one college or university, one low-income middle school, and two community-based partners. This combination enables them to offer other services such as professional development and often leads to a commitment to projects that can be sustained beyond the term of the grant.

### How You Can Use This Resource

- Contact local school districts to find out if GEAR UP grants are offered in your community. If they are, connect youth to the program and resources by contacting GEAR UP site directors. Follow up as needed.

# GED Success

**Education Objective(s):** 6 and 10

**Mission/Purpose:** To assist older youth who are discouraged with school and severely credit-deficient in completing the General Educational Development (GED) tests.

**Target Population:** Although originally designed for youth with disabilities, this program has been found to be effective with nondisabled youth who have dropped out of high school or who are at risk of not completing high school.

**Description:** This highly successful preparation program for the GED tests provides a comprehensive approach to understanding, preparing for, and passing the component exams. It was developed as a federally funded grant project to improve the post-school outcomes for students with disabilities. The model has three components: *Outreach*, a plan for actively recruiting appropriate youth; *Intake*, which orients youth to the preparation and test-taking process; and *Instructional Cycle*, which employs cognitive and metacognitive strategies as well as accommodations during testing to help youth work through each of the subtests. GED Success enlists the youth as full partners in the process and focuses on having youth prepare for and complete one test at a time. It also provides information on applying for testing accommodations for youth with disabilities.

## How You Can Use This Resource

- Identify youth in care for whom GED Success would be appropriate. Obtain a copy of the training manual and explore the possibility of setting up a program for one or more youth, using a trained tutor to run the program.
- Collaborate with regional or state Independent Living/Chafee program coordinators on establishing regional GED Success programs.
- Collaborate with your local Workforce Investment Board (see page 121) to establish a local GED Success program.

## Contact(s)

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## Get SET Program

**Education Objective(s):** 10

**Mission/Purpose:** To provide transitional-skills development for youth in out-of-home care.

**Target Population:** Youth in out-of-home care, age 13 to 17, in the Yakima and Pasco, Washington, areas

**Description:** Sponsored by Casey and regional partners, Get SET (Summer and Employment Training) is a four-week transitional-skills development summer program for teenagers in care. The youth learn to develop work and study skills, develop daily living skills, increase self-sufficiency skills, and use community resources. Participating youth may also choose to spend a portion of each day performing supervised community activities, for which they can earn a daily stipend (the amount depends on the quality of the work skills demonstrated).

Participation in the program is meant to give youth the fundamental skills and confidence to:

- Manage regular schoolwork and have good study habits
- Complete a high school education or pass the GED tests
- Pursue postsecondary training, if desired
- Apply for, interview for, and hold down a job
- Research and access available community resources and agencies, including those that can meet health care, housing, and other needs
- Make responsible choices about drugs, alcohol, and sexuality, and know where to go for assistance if needed
- Be a positive addition to a team of workers
- Become a part of the community in which he or she lives

### How You Can Use This Resource

- Hold a planning meeting with potential partners to discuss and share information about setting up a summer transitional-skills development program such as Get SET.
- Offer to collaborate to develop action plans for implementing such a program. Contact the Get SET Program to arrange a visit and/or request copies of curricula and syllabi that accompany such a program.
- Set up a small-scale pilot program for a summer, using it to learn lessons about what works well and what needs adjusting, then develop it into a full-scale program.

# Guardian Scholars Program

**Education Objective(s):** 10

**Mission/Purpose:** To provide scholarship, academic, and personal supports that help qualifying youth formerly in care complete a postsecondary education, pursue a fulfilling, self-supporting career, and become active and socially responsible members of the community.

**Target Population:** Highly motivated, college-bound youth who have emancipated from foster care, age 17 to 23, who qualify for admission to California State University, Fullerton (CSUF), as a freshman or transfer student. Eligibility requirements apply.

**Description:** The innovative Guardian Scholars Program admits several students each fall semester to CSUF. Each scholar receives full tuition and funding for textbooks, supplies, and annual fees. Additionally, the program offers assistance in completing college entrance and financial aid forms; an orientation to university life; year-round, on-campus housing and on-campus student employment; one-to-one counseling, academic advising, peer mentoring, and faculty mentoring; a drop-in study center; assistance with off-campus jobs in a youth's career field; and post-graduation career planning.

To apply, emancipated youth must qualify for "independent student status" under federal financial aid guidelines and must be classified as a California resident by the CSUF Office of Admissions and Records. They must have also applied for financial aid by completing the required federal financial assistance form (FAFSA) by the priority filing date. Transfer students must have at least a 2.5 GPA.

## How You Can Use This Resource

- For youth in out-of-home care who reside in California, refer them to this opportunity.
- In other states, collaborate with local community colleges on replicating the outreach and academic and personal support components of this program.

## Contact(s)

California State University,  
Fullerton, Guardian Scholars  
Program, P.O. Box 6828 C-  
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## Contact(s)

*For a list of state Independent Living/Chafee program coordinators and comprehensive information on Chafee programs:*

National Resource Center for Youth Development, The University of Oklahoma, College of Continuing Education, 4502 East 41st Street, Building 4W, Tulsa, OK 74135-2512, (918) 660-3700, [www.nrcys.ou.edu/NRCYD/](http://www.nrcys.ou.edu/NRCYD/)

# John H. Chafee Foster Care Independence Program

**Education Objective(s):** 5, 6, 9, 10, and 11

**Mission/Purpose:** To fund state programs that provide independent living services to youth who are or have been in out-of-home care.

**Target Population:** Youth in long-term out-of-home care (to age 18) and youth formerly in foster care (to age 21)

**Description:** The John H. Chafee Foster Care Independence Program (“Chafee program” or “Independent Living/Chafee program”) is administered by the U.S. Department of Health and Human Services, Administration for Children and Families, and state child welfare agencies. Funding may be applied to many kinds of education services. For high school students, these services may include tutoring, help with GED completion, computer classes, and help with postsecondary planning. For students in postsecondary education and training, education services may include assistance with tuition and ancillary needs (such as books and fees) and room and board expenses, as well as personal support services needed to remain in a postsecondary program. In some states, Chafee program funds have been used to pay for developing agreements with state colleges and universities for free housing, and for counseling support for former youth in foster care.

Youth who are currently in care access Chafee program services through their social workers. Youth who have emancipated should contact the state Independent Living/Chafee program coordinator to access Chafee program funds and vouchers.

## How You Can Use This Resource

- Contact your state’s Independent Living/Chafee program coordinator to obtain up-to-date, specific information on state Chafee program services.
- Clarify state guidelines for the use of Chafee program funds and services for youth in the care of private agencies, such as Casey.
- Collaborate with state Chafee programs to implement promising Casey education practices.
- Offer to collaborate with your state’s child welfare agency to develop Program Improvement Plans and Independent Living/Chafee Plans.
- Develop links with the state Board of Higher Education and state Independent Living/Chafee program coordinator to explore ways to support youth formerly in care who are in state colleges and other state postsecondary training programs (e.g., scholarships for youth formerly in foster care, room and board assistance, mentoring and guidance support).

# Judicial Checklist: Critical Questions and Strategies for Meeting the Education Needs of Children and Youth in Juvenile and Family Court

**Education Objective(s):** 3, 9, and 11

**Mission/Purpose:** To provide a tool to educate judges and juvenile courts about the education needs of youth in foster care and to create shared expectations within the system for education outcomes.

**Target Population:** Judges who work in juvenile and family courts

**Description:** Youth often come into the dependency and juvenile justice systems with mental health issues, learning difficulties, and crises from unstable or unsafe living situations that, unfortunately, overshadow efforts to also meet the youth's education needs.

To address this concern, Casey worked with TeamChild, a nonprofit legal services organization serving Washington state, to develop a draft checklist of questions for judges to ask to get at the root of the education status and progress of youth in their courts. Asking the right questions can lead to solutions that improve the education outcomes of these youth.

The draft checklist served as the foundation and impetus for the National Council of Juvenile and Family Court Judges to develop this national checklist for judges, to be available in September 2004. It will include key questions for judges, critical information about the issues behind the questions, and strategies for how to meet the education needs of youth and address any concerns raised by the answers to the questions. Additional legal references and resources will also be provided.

Typical questions include the following: Is the child/youth enrolled in school? Does the child/youth have a plan for getting to and from school? Is the child/youth attending school regularly? Have absences resulted in the filing of a truancy petition?

The judicial checklist will be accompanied by a Technical Assistance Bulletin from the National Council of Juvenile and Family Court Judges, to further support judges in achieving better education outcomes for youth in care.

## How You Can Use This Resource

- After they become available in September 2004, bring the checklist and its technical bulletin to the attention of individual judges for use in the courtroom, in judicial meetings, and in judicial training.
- Encourage judges to use the checklist and their experiences with it to meet with leaders in the child welfare and education systems to explore broader systems improvement.

## Contact(s)

*For information on the judicial checklist:* Sophie Gatowski, Assistant Director, Research and Development, Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges, 50 West Liberty Street, Suite 300, Reno, NV 89501, (775) 327-5305, [sgatowski@ncjfcj.org](mailto:sgatowski@ncjfcj.org)

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## K–12 School Placement Guide

**Education Objective(s):** 1, 8, and 9

**Mission/Purpose:** To provide optimal school placements for youth in out-of-home care, with due consideration for the quality of the schools and the availability of resources to support these placements.

**Target Population:** All or portions of this guide can be used by social workers, education specialists/advocates, youth, and caregivers for any K–12 youth in out-of-home care.

**Description:** The *K–12 School Placement Guide* provides a thoughtful protocol for team-based decision making on proposed school placement changes for Casey youth. It outlines a process for holistically evaluating a youth's needs and for judging how well these can be met by the current school placement versus the proposed school placement. The guide can be used for assessing any kind of school placement change, such as from public schools to private, alternative, charter, online, or residential schools, or to home school or a GED program. It also accounts for additional factors that influence placement decisions, such as family preferences, financial resources, and agency resources.

The guide includes a checklist for evaluating a youth's academic strengths and needs; personal, social, and cultural needs; and academic and career goals. It also includes checklists for evaluating school quality, programming, and services for public, private, and residential schools, home school programs, and GED programs.

### How You Can Use This Resource

- When a social-work team is considering a home placement change that could also involve a school change, use the guide to evaluate the effect of the school change on a youth's education success and well-being.
- Use the guide for any proposed change in school placement, including a GED placement, to ensure optimal education placements for youth.
- Use the guide's "Checklist for Change in School Placement—Appendix A" to obtain a profile of a youth's education, social-emotional, cultural, and transition strengths and needs as these relate to his or her education placement.
- Use the guide's evaluation checklists for public and private schools to measure a school's strengths and needs.

## *Make a Difference in a Child's Life and Toolkit for Change*

**Education Objective(s):** 3, 4, 5, 7, and 11

**Mission/Purpose:** To teach caregivers and interested parties the skills they need to be effective education advocates for youth in out-of-home care.

**Target Population:** Foster parents, social workers, teachers, court appointed special advocates (CASAs), and others who are involved in the education of youth in care

**Description:** *Make a Difference in a Child's Life* is a 201-page manual on teaching others (or yourself) how to advocate for a youth's education. The manual was produced by Casey and TeamChild, a private Washington-based agency that provides legal aid to at-risk youth. Chapters cover topics such as basic education rights, special education law, discipline, and resources for young people making the transition to adulthood. More than 500 respondents who received training with *Make a Difference in a Child's Life* reported feeling much more knowledgeable about the education needs and rights of youth in care than they were before the training sessions. Much of the law cited in this manual is specific to Washington state, although the special education chapters and the general advocacy resources are helpful to others around the country.

Those who would like to start a similar education advocacy program and create a manual specific to their state will find what they need in the *Toolkit for Change*. This second manual from TeamChild grew, with Casey support, out of the first manual's success and popularity. *Toolkit for Change* is both a resource on education rights for youth in out-of-home care and an organizing tool to help create a movement to improve the education outcomes of these youth. It includes a complete template and steps for adapting *Make a Difference in a Child's Life* to other states' laws.

### **How You Can Use This Resource**

- Visit TeamChild's Web site to download
- *Make a Difference in a Child's Life* and order the *Toolkit for Change*. (Note: TeamChild refers to *Make a Difference in a Child's Life* as the "Education Advocacy Manual" on the site.) Use the manuals to start an advocacy program in your state.
- Convene key stakeholders and use the *Toolkit for Change* to help develop an action plan for improving the education outcomes of youth in care.
- Talk about this training program to organizations that provide professional development activities for resource families, social workers, CASA volunteers, educators, and so on. Offer to help bring the training to their organization.

### **Contact(s)**

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## Contact(s)

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## Marcus A. Foster Parenting University

### Education Objective(s): 4

**Mission/Purpose:** To strengthen the role of parents in supporting their children's education achievement.

**Target Population:** Parents of children in the Oakland Unified School District in California

**Description:** Marcus A. Foster Parenting University is a collaborative program of the Marcus A. Foster Educational Institute in Oakland and many groups that support parents as their children's teachers. Partners include community-based organizations, parents, health care providers, the City of Oakland, and the Oakland Unified School District. The program offers workshops to teach parents important skills for assessing a child's school readiness, setting learning goals, and more.

The curriculum includes "Communicating with Your Child," "Supporting Your Child's Learning Behavior," "Managing Challenging Behavior," "Setting Limits with Adolescents," "Understanding Testing Standards," "Asking the Right Questions to Help Your Child in School," "Parents' Rights," and "Basic Computer Skills." The workshops include free meals, child care, and translators for non-English-speaking parents.

### How You Can Use This Resource

- Obtain detailed information on the program, and consider purchasing the curriculum for local use. Incorporate the materials into foster parent training.
- Collaborate with a school district that is highly populated by youth in care to establish a similar parent-support program.

# McKinney-Vento Homeless Assistance Act

## Education Objective(s): 1

**Mission/Purpose:** To help youth and their families who are experiencing homelessness, and to protect the right of homeless youth to attend school.

**Target Population:** All youth who do not have a fixed, regular, and adequate residence. This includes youth who are staying with friends or relatives because they have lost their housing; who are awaiting foster care placement; or who are living in emergency or transitional shelters, motels, domestic violence shelters, campgrounds, inadequate trailer parks, cars, public spaces, abandoned buildings, and bus or train stations.

**Description:** The federal McKinney-Vento Homeless Assistance Act of 1997 enables 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. The act attempts to remove any barriers to a homeless youth's enrollment, attendance, or success in school, such as compulsory residency requirements. It also seeks to enable homeless youth to choose between the local school where they are living, the school they attended before they lost their housing, and the school where they were last enrolled. The underlying intent is to give homeless youth access to the same free, appropriate K–12 public education and services as other youth receive to meet a state's academic achievement standards.

Child welfare professionals working with qualifying youth in out-of-home care may be able to use the provisions of McKinney-Vento to keep a particular youth in his or her home school. Each case should be explored individually with the state's McKinney-Vento coordinator.

## How You Can Use This Resource

- Contact your state Coordinator for Education of Homeless Children and Youth for general information about when, and to what extent, the education provisions of McKinney-Vento have been applied to youth awaiting foster care placement. Make this information available to social workers and other child welfare professionals, with the proviso that each case is decided individually.
- In specific cases where McKinney-Vento assistance might enable a youth to remain in a home school, with transportation provided if needed, contact the state Coordinator for Education of Homeless Children and Youth.

## Contact(s)

*For a list of state Coordinators for Education of Homeless Children and Youth:* National Law Center on Homelessness and Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, [www.nlchp.org](http://www.nlchp.org)

*For the McKinney-Vento coordinator in your district:* Check with your local school district.

*For general information about the act:* National Law Center on Homelessness and Poverty, [www.nlchp.org](http://www.nlchp.org), under "About NLCHP"

## Contact(s)

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## Neighborhood Foster Care

### Education Objective(s): 1

**Mission/Purpose:** To place youth in culturally appropriate homes in their own neighborhoods while birth families and foster/kinship families work together to return the youth home.

### Target Population:

Youth in Oregon state care in the Portland area, primarily children age 4 to 12

**Description:** The Neighborhood Foster Care (NFC) program was a six-year pilot founded on the belief that youth going into substitute care need systems that attend to and reduce the level of trauma they and their families experience. The trauma of being removed from home and placed into alternative care is exacerbated when youth are also displaced from their local schools and communities. NFC was designed to direct such youth into short-term foster or kinship families within their own neighborhoods, with the intent to reunify the youth with their birth families within one year of jurisdiction.

Two neighborhoods in the Portland area were chosen for the pilot program. One was a suburban and rural community, and the other was an urban neighborhood. Casey's Portland office led the model, which relied on a broad partnership of representatives from Portland's schools, medical community, Parks and Recreation facilities, mental health, alcohol, and drug treatment groups, law enforcement offices, neighborhood organizations, community groups, foster parents, and the participating neighborhoods themselves. Everyone engaged in developing and implementing the model. Each NFC site was assigned a full-time "global" caseworker who was in charge of recruiting, training, supporting, and retaining foster families for youth in their neighborhoods. By ensuring that youth in care were placed in families in their neighborhoods, the Neighborhood Foster Care program was able to stabilize school placements for these youth and help a large number of them return to their birth families.

### How You Can Use This Resource

- Although this program is no longer in operation in Portland, materials are available for those interested in using the lessons of the model to create a similar program.
- Find out if programs like Neighborhood Foster Care already exist in your community, and contact them on behalf of your youth in care.

# Online Learning Manual

## Education Objective(s): 9

**Mission/Purpose:** To guide caregivers and professionals in setting up effective, high-quality online learning programs for youth in out-of-home care and emancipated youth who wish to complete their secondary schooling through nontraditional means.

**Target Population:** Caregivers, education specialists/advocates, social workers, and other professionals working with youth in out-of-home care. The information is also relevant for anyone interested in online learning for youth at the elementary and secondary level.

**Description:** The Online Learning Manual from Casey is for people looking to include online learning as an education option for their youth in care. As a complete implementation tool, it begins with an overview of online learning, including its advantages and disadvantages, costs, credit issues, and program accreditation. Subsequent chapters give very specific recommendations and steps for implementing online learning with youth who are or have been in out-of-home care. These steps incorporate many practice recommendations, such as a case management approach, youth empowerment, and acquisition of the skills needed for self-sufficiency. The importance of providing on-site supervision and a good support team for the youth is emphasized, and the manual includes an annotated list of selected online learning programs for reference. One such program, the **Technology and Work Experience Center** (see page 115), is spotlighted as an excellent example of how one group added online learning to their academic and career program for youth in out-of-home care and other at-risk youth.

## How You Can Use This Resource

- Use the manual as a guide for setting up a program for one or more Casey youth.
- Collaborate with your local or state Independent Living/Chafee program coordinator(s) to establish an online learning center for youth in out-of-home care who have dropped out of high school or who need an alternative to traditional schooling.
- Collaborate with the local Workforce Investment Board (see page 121) to set up an online program for youth.

## Contact(s)

Debbie Staub, Education Coordinator, Casey Family Programs—Headquarters, 1300 Dexter Avenue North, Floor 3, Seattle, WA 98109, (206) 282-7300, [dstaub@casey.org](mailto:dstaub@casey.org), [www.casey.org](http://www.casey.org)



## Contact(s)

*For a list of regional centers that can point you to local Parent Centers:* National Technical Assistance Center, PACER Center, 8161 Normandale Boulevard, Minneapolis, MN 55437-1044, (888) 248-0822, alliance@taalliance.org, www.taalliance.org

## Parent Training and Information Centers and Community Parent Resource Centers

**Education Objective(s):** 4 and 7

**Mission/Purpose:** To provide one-stop access to training, resources, and information on serving the needs of youth with disabilities.

**Target Population:** Parents and caregivers of children and youth from birth to age 22 who have any kind of disability—physical, mental, learning, emotional, and/or attention deficit disorder—and professionals who work with these children and youth

**Description:** The nationwide network of more than 100 Parent Training and Information Centers and Community Parent Resource Centers (collectively known as “Parent Centers”) is funded by the U.S. Department of Education and administered nationally by the Technical Assistance Alliance for Parent Centers. The Alliance has one national center (the National Technical Assistance Center in Minneapolis) and six regional centers where parents and professionals can go to find the Parent Center nearest them.

Parent Centers offer a wide array of services for caregivers of youth in care who also have disabilities. The centers are usually staffed by parents of children with disabilities or by people with disabilities themselves. The staff members train and inform parents and professionals about raising children with disabilities; assist families in obtaining appropriate education and services for their children with disabilities; resolve problems between families, schools, and other agencies; and connect children with disabilities to community resources. They also provide transition services for older youth with disabilities.

The regional centers offer annual conferences, an extensive collection of publications, and bilingual/multicultural publications and workshops.

### How You Can Use This Resource

- Use the Parent Center in your area as a professional resource for yourself and recommend it to caregivers as a training option and advocacy resource.
- Collaborate with local Parent Center(s) or a regional center of the Technical Assistance Alliance for Parent Centers to address the education needs of youth in care who also have disabilities. Train their staff on the needs of these youth, and work with them to develop programs to assist the youth’s caregivers. The ***Endless Dreams Training and Video*** (see page 89) could be used for this purpose.

## Person Centered Planning

**Education Objective(s):** 5, 6, and 10

**Mission/Purpose:** To enlist people who are important in a youth's life and can assist him or her in defining and working toward a desirable future.

**Target Population:** Youth in out-of-home care and all those whom they consider important to helping plan their lives, such as friends, mentors, caretakers, teachers, and employers

**Description:** Person Centered Planning (PCP) is an approach that aims to expand the power that youth have to identify valued life choices, and to be supported as they develop problem-solving skills to achieve their personal goals. It was first developed for use with people with disabilities and has since been adapted by professionals working with different populations, including youth who are or have been in out-of-home care. For the past four years, Casey has been using PCP as an approach to empower youth.

Because Person Centered Planning is self-directed by the youth, it requires his or her agreement and willingness to participate. Additionally, it is critical that an "unbiased" individual facilitate the planning process, one who can avoid the temptation to "lead" or "influence" the person who is the focus of the process.

PCP has a three-phase model of instruction and support: (1) set a goal, (2) take action, and (3) adjust the goal or plan. Each phase presents a problem for the youth to solve by posing and answering a series of questions. Each phase also includes a list of supports that team members can employ to enable the youth to self-direct the planning. The youth is the causal agent for choices, decisions, and actions.

### How You Can Use This Resource

- If you or your organization is interested in using the PCP process, you must arrange for proper training and/or orientation. The training generally takes less than a day. Keep in mind that PCP is not a "quick-fix" for a youth's difficulties; the process and its outcomes may take months or even years.

### Contact(s)

Tim Smith, Person  
Centered Planning  
Consultant,  
(512) 587-7896,  
tsmith@trivestgroup.net

## Contact(s)

*For more information:* Mike Hock, University of Kansas, Center for Research on Learning, Joseph R. Pearson Hall, 1122 West Campus Road, Room 521, Lawrence, KS 66045-3101, (785) 864-4780, mhock@ku.edu, www.ku-crl.edu

*To purchase the manual:* Edge Enterprises, Inc., P.O. Box 1304, Lawrence, KS 66044, (877) 767-1487

## Possible Selves

### Education Objective(s): 5

**Mission/Purpose:** To increase the academic motivation of youth in out-of-home care who are struggling to stay interested in their own success.

**Target Population:** Teachers, social workers, tutors, and others who work with youth who are age 6 to 22, in out-of-home care, and losing the motivation to define and achieve their own goals and to do well in life

**Description:** The *Possible Selves* program helps students increase their motivation by thinking about and describing the future as three “possible selves”: their *hoped-for* possible selves (visions of the self they would very much like to become), their *expected* possible selves (visions of the self they are fairly sure they will become in the near future), and their *feared* possible selves (visions of the self they want to avoid becoming). Through the *Possible Selves* process, students examine their lives and are challenged to take actions, develop goals, and make plans that will help them become strong, well-balanced human beings.

The *Possible Selves* program was developed at the University of Kansas, Center for Research on Learning (CRL), in 1998 to supplement the university’s academic strategies for at-risk students. In 1998, Casey began a collaborative relationship with CRL and found *Possible Selves* to be helpful for youth in care. Casey has since adapted the program’s manual, *Possible Selves*, for use with its **Strategic Tutoring Program** (see page 112).

Research with university-level student athletes and middle school students shows that students who went through the *Possible Selves* program identified significantly more roles they hoped to play in the future than did students who participated in a traditional career-orientation curriculum. Additionally, the *Possible Selves* students identified significantly more goals in the academic and personal arenas, and their goals were much more specific than the goals identified by comparison students.

### How You Can Use This Resource

- Purchase a *Possible Selves* manual and present the training to your youth in care in small groups or one on one.

# Project Paycheck

**Education Objective(s):** 10

**Mission/Purpose:** To provide at-risk youth with an opportunity to receive mentored job training, GED instruction, case management services, independent-living skills development, connections to community resources, and ongoing follow-up.

**Target Population:** Youth age 14 to 25 who live in Laramie County, Wyoming, and who are not currently attending school

**Description:** Project Paycheck was developed in 2000 as a way for various organizations and agencies (including Casey) to work together to provide at-risk youth in rural Laramie County, Wyoming, with the opportunity to be self-sufficient. In 2002, approximately 175 young people participated in Project Paycheck for an average of 16 weeks. About 70 percent of them were youth in, or leaving, foster care.

A key aspect of Project Paycheck is to match youth with adult mentors who provide ongoing encouragement and support during the project. Youth receive training and participate in education activities in which workplace expectations and rules apply. During the work ethics course, youth dress as if for a job interview, come with a prepared résumé, and participate in several mock interviews. They also attend the county's annual Career Fair, where approximately 80 educators and employers discuss training and job opportunities. Finally, Project Paycheck provides 12 months of follow-up services, wherein case managers check in with participants once a month. Employment follow-up support may include buying tools and equipment the youth needs to keep and advance in a job; assisting with the cost of postsecondary education, financial aid, books, and living expenses; and providing free vocational training.

## How You Can Use This Resource

- Contact Casey to learn more about how to implement such a program in your community.
- Bring together various agencies and partners from your community to hold a one-day forum on the possibility of developing such a collaborative effort.
- Collect data in your community to show how at-risk youth are doing in education and in the workforce, then use the information to gather support and interest from potential business partners.

## Contact(s)

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Project Paycheck, Wyoming  
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Pershing Boulevard,  
Cheyenne, WY 82001,  
(307) 777-3722,  
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## Contact(s)

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# San Antonio Community Transition Services Center

## Education Objective(s): 10

**Mission/Purpose:** To address critical developmental barriers of under-served youth by providing access to health care, housing, job training, and financial support.

**Target Population:** Youth age 14 to 25 who live in Bexar County, Texas, and who are emancipating from out-of-home care or have already done so.

**Description:** The San Antonio Community Transition Services Center (CTSC) is the “headquarters” for a broad-based community collaborative of service providers who cover the spectrum of needs for young adults emancipating from care. The services offered must empower youth by increasing their self-esteem, exposing them to positive role models and caring adults, improving their education and social skills, and providing service and leadership opportunities.

CTSC has been influential at the level of system reform. Its “one-stop shopping” approach supports a comprehensive, well-coordinated network of partnerships with communities, schools, businesses, and the youth. The center also provides system-wide services that help integrate the programs of individual partners. For instance, it acts as a central community intake center for assessing and coordinating services for youth in transition; as a fully equipped community employment resource center to help youth seek and obtain employment; and as a “base” where foster care alumni can return to seek further help and retain connections.

Youth in transition can also go to the CTSC for help with enrolling in the local community college; finding affordable housing; connecting to supplemental support services such as health care, case management, mental health services, and substance abuse assessment and treatment; and assessing and improving their lives and independent living skills.

## How You Can Use This Resource

- Pull together potential collaborative partners to discuss the need for such a program in your community.
- Visit or contact the San Antonio CTSC and learn more about setting up an effective transition services center for youth in or leaving care. Develop a comprehensive action plan and carry it out.

# Seattle Foster Care and Education Consortium

**Education Objective(s):** 1, 2, and 11

**Mission/Purpose:** To improve the education outcomes of youth in out-of-home care, with a specific focus on clarifying school and child welfare roles, improving interagency communication and collaboration, and initiating proactive planning and service delivery.

**Target Population:** Youth attending Seattle Public Schools who are in foster care and in grades K–5.

**Description:** One of the coalition’s primary goals is to initiate the sharing of databases between the Division of Children and Family Services and the Seattle Public Schools in order to identify youth in out-of-home care, trigger a timely records transfer each time a youth moves to a new school, and report on education outcomes such as test scores, attendance, GPA, and graduation status. These goals have been outlined in a Memorandum of Understanding signed by both agencies.

The first step has been to identify students in foster care and to initiate proactive education planning meetings for them as soon as possible. (In the past, these meetings, if they occurred at all, took place only after students had experienced problems in school.) The meetings team key staff from schools with staff from the child welfare system so they can identify potential barriers to a youth’s educational development and set up interventions to support the youth’s success rather than failure. The gatherings are open to caregivers and older students when appropriate.

In the future, the consortium will develop service delivery and data collection systems to track students’ academic progress. Two main goals will be to maintain a central database of relevant education information on youth in out-of-home care, and to develop new enrollment processes and forms that ensure that students get placement and services in a timely manner.

## How You Can Use This Resource

- Assess the local and state need in your community for (1) a cross-agency consortium to address education issues of youth in out-of-home care and (2) a project to improve the timely transfer of records within and across the child welfare and education systems.
- Contact the Seattle Consortium for information on the project. Discuss options for replicating it on a local and state basis.
- After gaining internal support and approval, form a local consortium of education and child welfare agencies. Follow the process guidelines of the Seattle Consortium.

## Contact(s)

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## Contact(s)

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## Sound Partners

### Education Objective(s): 6

**Mission/Purpose:** To reduce the number of children identified with reading disabilities by supplementing reading instruction to grade-school children.

**Target Population:** First-graders at highest risk of reading failure, second- and third-graders below their grade level in reading, and students just learning English

**Description:** Sound Partners is a phonics-based program that provides one-on-one instruction in early reading skills to students who need it most. Developed by staff from the Washington Research Institute, it is designed to help others teach the early reading skills that most closely predict reading achievement. The program is available to educators, caregivers, tutors, and others who collaborate with school districts; tutoring and literacy programs; social workers; and anyone who can be instrumental in assisting with students' reading in their schools or community.

The program began in 1993 and has been examined extensively for its efficacy with at-risk readers. When Sound Partners staff compared tutored students' scores on literacy measures with a matched group of students who received only regular classroom instruction, data showed that the tutored students significantly outperformed the comparison group on standardized reading, spelling, and decoding measures. Average student reading scores at the end of the Sound Partners program have also been consistently at or near grade level over time.

### How You Can Use This Resource

- Contact the Sound Partners staff about ways to bring this program to your community.
- Explore ways to fund such a program through grants, supplemental school district dollars, or No Child Left Behind funds. Hire tutors and have them trained using the Sound Partners curriculum.

# State Tuition Waivers

**Education Objective(s):** 10

**Mission/Purpose:** To expand the opportunity for emancipated youth in care to attend publicly funded higher education institutions by waiving certain costs.

**Target Population:** Youth who have aged out of out-of-home care

**Description:** State tuition waivers enable qualifying youth to attend publicly funded postsecondary schools by waiving tuition and fees according to certain criteria. The terms and conditions for using the tuition waivers—such as eligibility requirements, the number of school terms funded, and the process for accessing the waivers—vary by state. For instance, some states permit tuition waivers for all publicly funded higher education institutions in the state, while others allow them only for select schools. Some states allow a youth to attend a school in any state, while others limit the attendance to the youth’s home state. Some states may choose to eliminate the waivers in the future because of budgetary constraints.

As of January 2004, tuition waivers were available in 17 states: Alaska, Florida, Illinois, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Oklahoma, Oregon, Texas, Utah, Virginia, and West Virginia. Legislation to create tuition waivers was pending in several other states. Updated information on state tuition waivers is available online from the National Resource Center for Youth Development.

*Note:* In lieu of tuition waivers, several states offer scholarships for youth who have been in out-of-home care. These states include Connecticut, Delaware, Georgia, North Carolina, Pennsylvania, Rhode Island, South Dakota, Washington, and Wisconsin. The National Resource Center for Youth Development also has information online about these scholarships.

## How You Can Use This Resource

- Stay updated on the availability of tuition waivers (or other state scholarship opportunities) in your state. Obtain specific information on eligibility requirements, the application process, and any restrictions on their use. Make this information regularly available to youth, caregivers, and social workers as youth in care begin their college planning.

## Contact(s)

*For current state tuition waiver or state scholarship information:* National Resource Center for Youth Development, The University of Oklahoma, College of Continuing Education, 4502 East 41st Street, Building 4W, Tulsa, OK 74135-2512, (918) 660-3700, [www.nrcys.ou.edu/NRCYD/](http://www.nrcys.ou.edu/NRCYD/) under “State by State”



## Contact(s)

*For information about sites that use, or provide training in, the Strategic Tutoring Program:* Mona Meighan, Director of Education, The Strategic Learning Center—Seattle, 2910 California Avenue SW, Seattle, WA 98116, (206) 760-7650, mmeighan@smarttogether.org, www.smarttogether.org

*For information about the Strategic Tutoring Program:* Debbie Staub, Education Coordinator, Casey Family Programs—Headquarters, 1300 Dexter Avenue North, Floor 3, Seattle, WA 98109, (206) 282-7300, dstaub@casey.org, www.casey.org

## Strategic Tutoring Program

**Education Objective(s):** 6 and 9

**Mission/Purpose:** To provide a customizable education support program for at-risk youth.

**Target Population:** This program is most effective for youth who can read at the fourth-grade or higher level. However, with accommodations, youth at lower reading levels will find its methods quite effective.

**Description:** The Strategic Tutoring Program includes training, resources, technical assistance, and support so that social workers, education specialists, resource families, and tutors can provide effective tutorial support to youth.

The program's primary focus is to teach skills and strategies that support learner independence. Its instructional methods are based on more than 25 years of research conducted at the University of Kansas, Center for Research on Learning (CRL), which focuses on teaching learning strategies to academically underprepared students. Since 1998, Casey has partnered with CRL to bring the Strategic Tutoring Program to its field offices.

Program tutors fulfill many roles. Specifically, they help students complete the assignment at hand while ensuring that they understand the information to be learned. They teach the students effective strategies for completing similar assignments in the future. Finally, they develop a trusting, mentoring relationship with each student as a means of encouraging the student to put forth the effort required to be academically successful. This is particularly critical for youth in out-of-home care, who often face personal, social, academic, and/or transitional challenges.

Those interested in using the Strategic Tutoring Program must receive training in it first. Casey provides training for its field employees. Non-Casey employees can contact the Strategic Learning Center (SLC), a nonprofit organization originally funded by Casey. The SLC can also provide a list of partners who are already certified to provide Strategic Tutoring Program tutoring and/or train-the-trainer education.

### How You Can Use This Resource

- Visit the Strategic Learning Center's Web site to learn more about the program and to identify certified trainers who can teach you the Strategic Tutoring Program.
- Visit or contact locations that employ the Strategic Tutoring Program methodology to determine its usefulness for your location. (The SLC can help you find such locations.) Talk with directors about ways to replicate their program. Hire a site director and tutors and arrange for them to receive training in how to use the Strategic Tutoring Program.

# Strategic Tutoring Program Parent Curriculum

**Education Objective(s):** 4 and 9

**Mission/Purpose:** To teach parents and caregivers how to effectively support their children's academic skills and classroom participation.

**Target Population:** Educators, family developers, and other professionals who work with parents and caregivers of school-age youth

**Description:** The *Strategic Tutoring Program Parent Curriculum* is similar to the **Strategic Tutoring Program** (see page 112), but focuses more on the realities of parenting and caregiving. The parent curriculum is broader in scope than its counterpart for tutors, and it presents teaching strategies that parents can apply more generally to guide their children toward successful school participation.

Topics covered in the *Strategic Tutoring Program Parent Curriculum* include how to:

- Support and teach time-management skills
- Create a positive study environment
- Assist effectively with homework
- Establish effective homework strategies
- Teach self-advocacy skills
- Motivate students

## How You Can Use This Resource

- Share this resource with parent groups to gauge their interest in receiving training, then arrange training as appropriate.
- Consider including this curriculum, or pieces of it, as part of the foster parent training courses you offer. Many foster parent training curricula touch only briefly on how to support successful academic outcomes and school participation for youth in care.

## Contact(s)

Lisa Walsh, Program Director, The Strategic Learning Center—Kansas, 1245 New Hampshire, Lawrence, KS 66044, (785) 331-3236, [lwalsh@smarttogether.org](mailto:lwalsh@smarttogether.org), [www.smarttogether.org](http://www.smarttogether.org)

## Contact(s)

*For information on your state's TANF programs:* Use the resource below to find the name of the TANF program and your state's social services administrator, then see your state's Department of Human Services or Department of Social Services.

*For the names of state TANF programs and a list of state social services administrators:* U.S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance, 370 L'Enfant Promenade SW, Washington, DC 20447, [www.acf.hhs.gov/programs/ofa/](http://www.acf.hhs.gov/programs/ofa/)

## Technical Assistance for Needy Families

**Education Objective(s):** 10 and 11

**Mission/Purpose:** To provide financial supports and work opportunities to needy families, thereby enabling them to obtain gainful employment and move out of poverty.

**Target Population:** Low-income families, as defined by each state's implementation of the program. Note: Many youth who emancipate from foster care at age 18 and are pregnant or have children may fall into this category; kinship care families may also qualify.

**Description:** Technical Assistance for Needy Families (TANF) is a federal program of the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance. It provides federal funds to states for assistance to low-income families, and it grants states wide flexibility in developing their own TANF welfare programs. A primary purpose of the program is to fund education and training opportunities that will improve wages and working conditions for low-income families. The Workforce Strategy Center and the Center for Law and Social Policy have both pointed out that TANF can be a significant source of funding to promote education and career development for youth, including youth in out-of-home care and emancipated youth who are pregnant or who have children.

### How You Can Use This Resource

- Identify the eligibility requirements and any education and training programs of the TANF programs in your state. Determine whether your eligible youth in care or emancipated youth who are pregnant or supporting children would benefit from TANF funding for education and training purposes.
- Talk with youth, social work staff, and other professionals who work with youth in out-of-home care about using TANF funds for education and training.

# Technology and Work Experience Centers

**Education Objective(s):** 10

**Mission/Purpose:** To offer emancipating and other at-risk youth an alternative way to earn a high school diploma by combining online learning with team supports, and to teach them the academic and career skills needed for a successful transition to adulthood.

**Target Population:** Youth who are leaving out-of-home care and youth who are at risk of not completing high school in a traditional setting

**Description:** Although this program ended when Casey's Tacoma office was closed, it still offers a viable model for establishing an online learning program with a combined focus on academics and career development. The program operated two Technology and Work Experience Centers. Each center had 10 computers with Internet access and one or two staff members at a time. Online high-school courses were offered through the Christa McAuliffe Academy, an institution based in Yakima, Washington, that is accredited to grant high school diplomas. The program emphasized a high degree of staff support alongside a structured, self-paced learning environment tailored to the youth's needs. All learning was mastery-based, with an 80 percent mastery level required to pass each course.

## How You Can Use This Resource

- If your area could use a Technical and Work Experience Center of this sort, look into funding options from state Average Daily Attendance dollars or from Independent Living/Chafee program funds (see **John H. Chafee Foster Care Independence Program**, page 96).
- Explore a collaboration with a state Independent Living/Chafee program, a local school district, or a private child welfare or education agency to set up a center.

## Contact(s)

Steven Shimshock, Senior Manager of Practice Technology Integration, Casey Family Programs—Headquarters, 1300 Dexter Avenue North, Floor 3, Seattle, WA 98109, (206) 282-7300, sshimshock@casey.org, www.casey.org

Phyllis Souza, Systems Improvement Specialist, Casey Family Programs—Headquarters, 1300 Dexter Avenue North, Floor 3, Seattle, WA 98109, (206) 282-7300, psouza@casey.org, www.casey.org

## Contact(s)

Ted Greenblatt, Education Director, Treehouse, 2100 24th Avenue South, Suite 200, Seattle, WA 98144-4632, (206) 767-7000, ted@treehouseforkids.org, www.treehouseforkids.org

## Treehouse

**Education Objective(s):** 1, 5, 6, 9, and 10

**Mission/Purpose:** To help youth in out-of-home care attain self-esteem, confidence, and their fullest potential through supplemental enrichment and educational programs.

**Target Population:** Abused and neglected youth living in King County, Washington

**Description:** Treehouse is a privately funded child welfare agency dedicated to providing enrichment and education services to youth who have open case files in the Washington State Division of Children and Family Services (DCFS). Treehouse's three education programs are Treehouse Tutoring, Educational Advocacy, and Coaching-to-College.

The Treehouse Tutoring program provides one-on-one educational assistance for students whose academic performance, due to their life circumstances, is far below that of their peers. Treehouse currently employs 15 Washington state-certified teachers as tutors in eight Seattle public schools and at the Treehouse office.

In the Educational Advocacy program, education advocates work with DCFS social workers, foster parents, and school staff on academic challenges facing specific youth, including attendance issues, behavior and discipline problems, special education needs, and other obstacles to school success. Advocates provide classroom training to foster parents and social workers in addition to individual advocacy coaching for youth.

The Coaching-to-College program matches trained volunteer coaches with youth age 16 to 24 to help them achieve their postsecondary goals. Youth work to identify their education objectives, break those objectives into benchmarks, enroll in school, and begin the work of reaching their dreams. Treehouse also offers up to \$4,000 each year to students in the Coaching-to-College program.

Treehouse offers several other resources for youth in out-of-home care as well, including a "warehouse" where they can obtain new and gently used clothing, toys, school supplies, books, and hygiene items at no cost. The Little Wishes fund helps support enrichment activities in sports, art, and education for these youth, and Treehouse's Summer Camps program sends youth to overnight or day camps of their choice.

### How You Can Use This Resource

- Use the Treehouse model to develop a school-based tutoring program in public schools in your area for youth in out-of-home care.
- Collaborate with a local office of your public child welfare agency on placing one or more education advocates in that office, using the Treehouse model.
- Develop a volunteer Coaching-to-College program in your area, or collaborate with a regional Independent Living/Chafee program (see **John H. Chafee Foster Care Independence Program**, page 96) on establishing such a program.

## TRIO Programs

**Education Objective(s):** 6, 8, and 10

**Mission/Purpose:** To increase enrollment and graduation from undergraduate and graduate-level programs by youth from low-income backgrounds by providing postsecondary educational opportunities regardless of race, ethnic background, or economic circumstances.

**Target Population:** Low-income Americans age 11 to 27. Specific age and background criteria vary by program.

**Description:** The seven federal TRIO programs are educational opportunity and outreach programs that motivate and support students from disadvantaged backgrounds. As of 2003, there were 2,600 TRIO projects serving 872,000 low-income Americans through:

- *Talent Search*, which assists youth in grades 6 through 12 with college selection and application
- *Upward Bound*, which prepares youth for higher education through summer and weekend programs on college campuses
- *Upward Bound Math/Science*, which focuses on strengthening math and science skills
- *Student Support Services*, which provide tutoring, counseling, and remedial instruction to low-income students, including students with disabilities, to help them stay in college and complete their degrees
- *Educational Opportunity Centers*, which help displaced and underemployed workers apply for college and financial aid
- *Ronald E. McNair Postbaccalaureate Achievement*, which provides research opportunities and faculty mentoring to low-income and minority students

TRIO also includes a training program for staff and a TRIO Dissemination Partnership Program to encourage the replication of TRIO practices.

### How You Can Use This Resource

- Identify federal TRIO programs in your area that would be suitable for youth in care. Work with social work staff, caregivers, and youth on enrolling these youth.
- Identify colleges where there is both a TRIO Student Support Services program and students who are part of **Continuing Education and Job Training** (see page 84).
- Disseminate information on federal TRIO programs in your area to public and private child welfare agencies.

### Contact(s)

U.S. Department of Education, Office of Postsecondary Education, 1990 K Street NW, 7th Floor, Washington, DC 20006-8510, OPE\_TRIO@ed.gov, www.ed.gov

## Contact(s)

Michelle Lustig, Social Worker, Casey Family Programs—San Diego, 3878 Old Town Avenue, Suite 100, San Diego, CA 92110, (619) 543-0774, [mlustig@casey.org](mailto:mlustig@casey.org), [www.casey.org](http://www.casey.org)

## Tutor Connection

### Education Objective(s): 6

**Mission/Purpose:** To provide education supports to youth who are, or have been, in out-of-home care, and to educate future teachers about their unique needs.

**Target Population:** Postsecondary education institutions that will commit to educating their students about youth in care and to supporting youth in out-of-home care

**Description:** Tutor Connection is a collaborative effort by Casey and the California State University at San Marcos (CSUSM) College of Education. The program is intended to change the way future educators see and understand the issues surrounding youth in out-of-home care, and to provide tools for helping these future teachers competently address the youth's education needs.

To accomplish this, a Casey social worker provides a supplemental curriculum as part of a "Diversity in Education" course, which is a prerequisite for entrance into CSUSM's Teacher Credential Program. The curriculum covers topics such as child welfare issues; the impact of trauma, child abuse, and neglect on educational success; the need for professional boundaries; educational and behavioral interventions; and learning disabilities. The CSUSM students are then expected to apply this knowledge by participating in a community service project in which they provide one-on-one tutoring to a youth in foster care for one semester.

Participating education students are given a pre- and post-training "Child Welfare Knowledge Questionnaire" about their self-perceived knowledge of the child welfare system and issues pertaining to youth in out-of-home care. Preliminary analysis of these questionnaires shows an increase in their knowledge about the child welfare system, which can lead to better education service for youth in care.

Youth in out-of-home care who receive tutoring from students participating in the Tutor Connection class complete a pre- and post-tutoring assessment using Wide Range Achievement Tests (WRAT). Preliminary results reveal that the youth are increasing their competence in both reading and math.

### How You Can Use This Resource

- Contact Casey's San Diego office for the resources to replicate this program. A comprehensive manual, forms, and curriculum can be provided to interested parties.
- Investigate a partnership with a local university to develop a program similar to Tutor Connection.
- Make presentations to faculty members of university education departments about the unique education needs of youth in care, and promote the inclusion of this topic in teacher preparation courses.

## vMentor Program

**Education Objective(s):** 6 and 10

**Mission/Purpose:** To provide safe, effective online college and career mentoring and personal support to youth emancipating from out-of-home care, to enable them to complete postsecondary education and/or successfully move into adulthood.

**Target Population:** Youth in care, age 16 to 22, who either are receiving a scholarship from the Orphan Foundation of America or are in an Independent Living/Chafee program

**Description:** Sponsored by the Orphan Foundation of America (OFA), the *vMentor Program* is a national, online mentoring program that provides youth in care with personal support and academic and career guidance through their college years. It is available through OFA scholarship programs (including the **Casey Family Scholars Program of the Orphan Foundation of America**—see page 82), or through a state Independent Living/Chafee program that has contracted with OFA to provide an online mentoring component for their youth, whether or not these youth are in a postsecondary program (see **John H. Chafee Foster Care Independence Program**, page 96).

Mentors are carefully screened, trained, and matched with youth according to mutual career and personal interests. They work with youth on goal setting, strategies for success in the workplace and in school, time management, and other career-related skills. Mentors are selected from all walks of life and make a one- to two-year commitment to the program. All mentoring is done online using a secure portal, and all communication is monitored to ensure participant safety.

### How You Can Use This Resource

- Talk with your state's Independent Living/Chafee program coordinator about the value of a vMentor Program for youth in care. Help facilitate an agreement with OFA for the virtual mentoring.

### Contact(s)

*For information on vMentor:*  
Orphan Foundation of America, vMentor Program, Tall Oaks Village Center, 12020-D North Shore Drive, Reston, VA 20190-4977, (571) 203-0270, vMentor@orphan.org, www.orphan.org

*For a list of state Independent Living/Chafee program coordinators:*  
National Resource Center for Youth Development, The University of Oklahoma, College of Continuing Education, 4502 East 41st Street, Building 4W, Tulsa, OK 74135-2512, (918) 660-3700, www.nrcys.ou.edu



## Contact(s)

*For more information:*

Washington State  
Department of Social and  
Health Services, Children's  
Administration, Division of  
Program and Policy  
Development, P.O. Box  
45710, Olympia, WA  
98504-5710,  
(360) 902-7913,  
[www1.dshs.wa.gov/](http://www1.dshs.wa.gov/)

*For a copy of the report:*

[www1.dshs.wa.gov/legrel/  
pdf/Leg1102/FSPR.pdf](http://www1.dshs.wa.gov/legrel/pdf/Leg1102/FSPR.pdf)

# Washington State Report to the Legislature, “Coordinated Services and Educational Planning for Children in Out-of-Home Care”

**Education Objective(s):** 1 and 2

**Mission/Purpose:** To help decrease the school placement mobility of youth in short-term foster care by focusing on the youth's needs in school placement decisions, and by identifying options and funding that support the youth's ability to stay in the school where he or she was enrolled before being placed in short-term foster care.

**Target Population:** Youth who have been in out-of-home care with the Washington state Children's Administration for 75 or fewer days

**Description:** This report was prepared in November 2002 by the Washington State Department of Social and Health Services in response to a request from the state legislature. It outlines a plan to address the frequent changes in school placements that youth in care experience. The main report offers five recommendations:

- Develop a joint policy statement of the state's Children's Administration and Department of Education that calls for keeping youth in their home school whenever possible. Include an interagency agreement on confidentiality and information sharing, as well as protocols and guidelines for interagency communication.
- Develop and disseminate materials about school placement stability for youth in care.
- Focus efforts on foster parent recruitment in school districts from which youth are frequently moved.
- Establish an interagency oversight committee to develop best-practice standards related to school placement stability.
- Work with juvenile court judges and commissioners to ensure that school placement stability is considered in shelter care hearings.

Subcommittees also produced reports, including findings on practice and policy issues, the effect of confidentiality and information-sharing statutes on exchanging school records across systems, and transportation options and recommendations for keeping a youth in the home school.

## How You Can Use This Resource

- If school placement mobility is an issue in your area, use the report as a resource while working with local and state school and child welfare officials.
- Review the subcommittee report on confidentiality contained in this report. Consider using a similar approach to clarify the legal guidelines on confidentiality and information sharing in your state.

# Workforce Investment Act

**Education Objective(s):** 10 and 11

**Mission/Purpose:** To provide a framework for a national workforce preparation and employment system that meets the needs of businesses, job seekers, and those wishing to further their careers.

**Target Population:** Adults, dislocated workers, and teenage youth to age 21 who are low-income and/or face specific barriers to high school completion and employment. Foster care status is named as a barrier.

**Description:** The Workforce Investment Act (WIA) provides federal funding to states for educational and occupational training for youth and adults who face barriers to completing their education and entering the workforce. WIA-funded youth services prepare qualifying low-income youth for postsecondary education and/or employment. Youth in out-of-home care are specifically listed as potentially eligible youth. Services can include paid and unpaid work experience, summer jobs, occupational skills training, and tutoring. One form of WIA funding is the Youth Opportunity Grant. These grants offer resources to programs in high-poverty areas in Empowerment Zones/Enterprise Communities, tribal reservations, and other areas, with all youth in the area eligible for the program's services.

Each state has local and state Workforce Investment Boards and Local Youth Councils that partner with youth, parents of youth, and representatives from youth service agencies. Several Casey offices collaborate on programs with these local WIA groups. San Diego, for instance, partners with San Diego Workforce Partnership and community-based organizations to provide both tutoring and mentoring services to youth. Similarly, Independent Living/Chafee programs in some states partner with WIA to provide some independent living services to youth (see **John H. Chafee Foster Care Independence Program**, page 96).

## How You Can Use This Resource

- Connect youth who need services such as tutoring, mentoring, and summer work experience with local WIA programs.
- Contact other Casey offices for information on how they have collaborated with local WIA groups. Explore possible collaborations to provide appropriate services in your area, such as a tutoring program, **GED Success** program (see page 93), or an online learning program for high school completion.

## Contact(s)

Local and state agencies distributing WIA funds go under a variety of names, including Workforce Investment Boards, Employment Consortia, and Private Industry Councils. To find the WIA agencies in your state, go to the U.S. Department of Labor's search site ([www.dol.gov/dol/location.htm](http://www.dol.gov/dol/location.htm)), click your state, and choose "Employment & Training Administration Information." A link to WIA contacts is listed there.

# Section

# 3

## Handouts and Checklists

	Page	Education Objectives
<b>“Improving Educational Outcomes for Youth in Foster Care: A Selected Bibliography”</b>	123	11
<p>This list of books and articles on the education of youth in out-of-home care is a good resource for child welfare and education professionals looking for more information on this topic.</p>		
<b>“Indicators of Systems Change for Improving Educational Outcomes for Youth in Out-of-Home Care”</b>	125	11
<p>This matrix can be used at the local level to guide school districts in developing a policy for improving the education outcomes of youth in out-of-home care in their districts.</p>		
<b>“Quality Assurance Standards and Program Recommendations for Tutoring and Mentoring”</b>	127	9
<p>Practitioners working with youth in out-of-home care can identify the effectiveness of free and fee-based community tutoring and mentoring programs using this comprehensive checklist.</p>		
<b>“Things Teachers Can Do to Support Good Educational Outcomes for Students in Out-of-Home Care”</b>	132	3
<p>This information sheet provides teachers with strategies for supporting the education of youth in care.</p>		

# Improving Educational Outcomes for Youth in Foster Care: A Selected Bibliography

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# Indicators of Systems Change for Improving Educational Outcomes for Youth in Out-of-Home Care School Systems

Dimension	Expected Policy Change	Expected Procedural Change What procedures need to change or be implemented?	Expected Practice Change How can we see evidence of the change when visiting a district or building?
<b>Belief</b>	<p><b>Indicator:</b> Staff must be aware of the characteristics and needs of youth in out-of-home care, and the impact of the out-of-home experience as a unique part of the diversity of the schools' population.</p> <p><b>Evidence:</b> Statement is written in policy manual or district documents.</p>		
<b>Identification</b>	<p><b>Indicator:</b> Staff needs to establish a system with the state social service agency to identify youth who are enrolled in school and either are or have been in out-of-home care.</p> <p><b>Evidence:</b> Statement is written in policy manual or district documents.</p>		
<b>Communication</b>	<p><b>Indicator:</b> Staff needs to communicate regularly to ensure the educational participation and progress of youth who have experienced out-of-home care.</p> <p><b>Evidence:</b> Statement is written in policy manual or district documents.</p>		
<b>Social Skills and Self-Advocacy</b>	<p><b>Indicator:</b> Youth who have experienced out-of-home care sometimes need to be taught a specific social skills curriculum as well as to be involved in planning and implementing plans to ensure their education and transition success.</p> <p><b>Evidence:</b> Staff researches the type of curriculum and programs that work best for youth who have experienced out-of-home care.</p>		

Dimension	Expected Policy Change	Expected Procedural Change What procedures need to change or be implemented?	Expected Practice Change How can we see evidence of the change when visiting a district or building?
<b>Referral</b>	<p><b>Indicator:</b> Staff will refer youth in out-of-home care for services when there is evidence that they are not making expected educational progress.</p> <p><b>Evidence:</b> Districts have a current list of agencies and foundations that support youth who have experienced out-of-home care.</p>		
<b>Support Services</b>	<p><b>Indicator:</b> Educational supports beyond those typically provided during the school day should be provided to youth in out-of-home care when additional support is needed to ensure educational participation and progress.</p> <p><b>Evidence:</b> Staff referrals are made for students to school-based and beyond-school-day programs.</p>		
<b>Collaboration</b>	<p><b>Indicator:</b> Staff need to collaborate with social and judicial agencies and groups outside of the school to ensure the educational success of youth who have experienced out-of-home care.</p> <p><b>Evidence:</b> Statement is written in policy manual or district documents.</p>		
<b>Curriculum and Instruction</b>	<p><b>Indicator:</b> Staff needs to be sensitive to the needs of youth in out-of-home care in ways that increase learning.</p> <p><b>Evidence:</b> Staff researches the type of curriculum and programs which work best for out-of-home care youth.</p>		
<b>Family Interaction and Training</b>	<p><b>Indicator:</b> Staff must build strong relationships with families involved with youth who have experienced out-of-home care.</p> <p><b>Evidence:</b> A key person is identified by the district to help families of youth who have experienced out-of-home care to identify appropriate schools and programs.</p>		
<b>Education Evaluation</b>	<p><b>Indicator:</b> Staff must develop evaluation procedures for the educational success of youth who have experienced out-of-home care.</p> <p><b>Evidence:</b> Specific evidence for all of the indicators is evaluated for policy, procedures, and practice.</p>		

# Quality Assurance Standards and Program Recommendations for Tutoring and Mentoring

## Recommendations for Tutoring Programs

### Tutoring Goals

- Tutoring goals should be developed jointly by the youth, tutor, caregiver, social worker, and education specialist. Goals should be stated clearly, in writing, and understood by all.
- The goals should clearly state whether the tutoring will focus on skill development, support for homework, or both.

### Tutor Qualifications and Screening

- All tutors should have teaching credentials. The exception to this may be noncertified teachers with experience teaching in independent schools or qualified individuals with subject-matter expertise in a content area where it is difficult to find tutors (e.g., an engineer might tutor higher-level math).
- All tutors should have criminal background checks and child abuse registry checks. If the tutor has lived in other states, an FBI national criminal background check may also be recommended.
- All tutors should have personal and professional references that are checked by the social worker and/or education specialist.

### Tutor Orientation and Training

- Prior to working with the youth, the tutor should meet with the youth's social worker, the education specialist, and possibly the caregiver for orientation. The orientation should include :
  - ⊙ Information on the program and the role of the social worker, education specialist, and caregiver
  - ⊙ A brief overview of the foster care system and the academic and emotional issues facing youth in foster care
  - ⊙ Relevant educational assessment data on the youth
  - ⊙ Relevant background information on the youth, within the bounds of confidentiality
  - ⊙ Information on maintaining appropriate boundaries
  - ⊙ Guidelines on transporting the youth
  - ⊙ Child abuse/neglect reporting requirements
  - ⊙ Guidelines regarding physical discipline
  - ⊙ Expectations regarding communication with family, schools, education specialists, and/or social worker
- Training should be provided to tutors annually for purposes of updating instructional skills and giving tutors the opportunity to network with each other.
- If possible, gatherings should be arranged for tutors to discuss their experiences and share with each other.



## **Communication**

- Tutors are expected to maintain close communication with the youth's teachers. Frequency of contact depends upon the needs of the student.
- Tutors may be asked to attend Individualized Education Plan (IEP) meetings, meetings with teachers and counselors, and school conferences.
- Tutors may be asked to attend case staffing meetings at field offices for the youth(s) they tutor.
- Tutors should have a point of contact at the field office—either the education specialist or the youth's social worker—and should keep that person informed of any problems that arise.
- Tutors should maintain regular communication with parents about the youth's progress and any home support the youth may need for academics.
- Education specialists should have contact with the tutor by phone or in person at least once per month.
- Youth are expected to inform the tutor of school assignments.

## **Best Practices**

- Instructional approaches used by the tutors should reflect research-based best practices.
- Education specialists should take responsibility for providing training in best practices and working with the tutors on instructional plans.

## **Tutoring Setting**

- Tutoring may take place in a variety of settings—the youth's school, the youth's home, the tutor's home, the field office, a public library, or a community center. It is important that the setting be free of distractions and conducive to concentration and productivity.
- School-based tutoring is often preferable because it facilitates communication among youth, teacher, and tutor.

## **Evaluation**

- When tutoring is initiated, baseline data related to the tutoring goals should be available. This could be obtained from both formal and informal assessment.
- Tutors should conduct ongoing, formative assessments of student progress toward tutoring goals.
- Youth should be involved in self-assessments and in recording their progress.
- At the end of the school year or at the end of the tutoring, a final assessment should be done.

## **Recommendations for Mentoring Programs**

These recommendations were adapted from the National Mentoring Center. See

“Recommended Mentoring Resources” below for contact information.

## **Mentor Screening**

Mentor screening procedures should be reviewed by legal and risk management staff of the operating programs. Comprehensive, rigorous screening includes:

- A written application
- Three references and reference checks
- An in-person interview
- Observation during training, with the option of rejecting the applicant at the end of training
- A criminal records check, driver's record check, and child abuse registry check. If the applicant has lived out of state, a national criminal records check should be done.
- A clear explanation, for the applicant, of the program's expectations in terms of time, activities, and progress reports
- A consent form signed by the applicant, giving permission for local, state, and federal records checks
- Proof of valid driver's license and automobile insurance
- Established criteria for factors in an applicant's background that would automatically disqualify him or her

Screening materials to be adapted or developed include the following:

- Mentor job description
- Application form
- Interview form
- Consent form
- Screening summary form

## **Matching Strategy**

Match mentor and mentee according to interests. (Research shows a correlation between similar interests and successful matches.)

## **Mentoring Agreement**

Both mentor and mentee should sign an agreement consenting to the program's expectations. Mentor expectations to be covered include the following:

- Reporting and confidentiality requirements
- Guidelines for taking youth on overnight trips and to the mentor's home
- Guidelines for appropriate conduct in the presence of the youth
- Expectations for training attendance, contact with youth and staff, and duration of the mentoring relationship
- Guidelines on gifts, transportation, and safety for activities
- Compensation guidelines
- Agreement to refrain from imposing religious or political beliefs on mentee

## **Mentor Training**

A minimum of 8 hours of initial training should be required of mentors. Key training elements include:

- Program goals and role description
- Information on developmental stages of youth
- As necessary, information on working with youth who have ADHD or learning disabilities
- Information on characteristics of effective mentors
- Cultural awareness and diversity training
- Communication skills
- General information on attachment and loss issues and accompanying emotional problems of youth in foster care; birth family issues; and transition issues for older youth in foster care
- Strategies for building trust with youth in foster care
- Information on confidentiality, liability issues, and reporting requirements
- Crisis management
- Boundary issues
- Skills training related to type of mentoring, e.g., independent living skills and self-advocacy
- Within the bounds of confidentiality, relevant background information on the mentee

## **Duration of Mentoring Relationship**

Mentors should commit to a relationship of at least one year. Relationships of less than three months should be avoided.

## **Characteristics of Mentoring Relationship**

Mentors should focus first on the development of trust as the core of the relationship with the mentee. Mentors should avoid an authoritarian approach. Other characteristics of effective mentors include:

- Consistency and dependability
- Respect for the mentee's viewpoint
- Paying attention to the mentee's need for fun
- Getting to know the mentee's family but avoiding too much involvement
- Seeking and using the program support

## **Mentor Supervision**

All mentors should receive regular, ongoing support and supervision from a staff person—either the youth’s social worker or another individual who is designated to supervise the mentoring programs. Supervision should include weekly contact the first month of a match and monthly contact thereafter, in addition to written monthly reports from the mentor. The supervisor should also receive regular (at least monthly) feedback from the mentee, foster parents, and the social worker (assuming that the social worker is not the mentor’s supervisor). In addition, supervision should include the following:

- A system for notifying the mentor of significant changes in the child’s life
- A tracking system for managing supervision information
- Mentor training in identifying progress toward mentoring goals
- A process for managing interpersonal problems, termination of the relationship, and other such issues

## **Youth Recruitment and Orientation**

All participation in mentoring should be voluntary. The program should be explained to youth in a positive, nonstigmatizing way.

## **Risk Management**

Mentor program guidelines should be reviewed by a program’s legal and risk management staff. Staff also need to be aware of the applicable legal requirements of their own state.

## **Program Evaluation**

A supervisor should evaluate the relationship every three to six months, looking at these factors:

- Progress toward mentoring goals
- Degree of satisfaction expressed by the mentee, foster parent, and mentor

## **Content and Focus of Mentoring Activities**

Depending on the goal of the relationship and the age of the mentee, a variety of mentoring activities will be appropriate. Mentors should receive some guidance on appropriate recreational, cultural, and transition activities.

## **Recommended Mentoring Resources**

- National Mentoring Center, part of the Northwest Regional Educational Laboratory, (504) 275-9515, [www.nwrel.org/mentoring](http://www.nwrel.org/mentoring). You may want to obtain their National Mentoring Center Training Curriculum 2000.
- National Mentoring Partnership, [www.mentoring.org](http://www.mentoring.org)
- Public/Private Ventures, Contemporary Issues in Mentoring, Philadelphia, PA
- Strategic Learning Center, Mentoring Program, [www.smarttogether.org](http://www.smarttogether.org)

# Things Teachers Can Do to Support Good Educational Outcomes for Students in Out-of-Home Care

## Know why Children are Placed in Out-of-Home Care

- Sometimes children and youth in care feel that educators believe they are in out-of-home care because they have done something wrong. In fact, children in foster care are there because of events beyond their control.

## Connect with Child Welfare Staff

- Find out which students are living with foster or adoptive families, kinship caregivers, or in group living arrangements.
- Seek appropriate support from school administrators. Take the initiative to learn and then share information with administrators and school counselors about out-of-home care in general and the agency associated with your school district.
- Get clarity on what can and cannot be disclosed by child welfare staff. Stay focused on what you need to know to help the student in school, and get what information you can within the limits of confidentiality.
- Build your relationships with child welfare staff over time; learn from them about the system that they work in and how it can mesh with the one you work in.

## Explore the Student's Academic History

- Contact the student's former teacher and school to find out about academic status, strengths, challenges, and history. Help ensure that school records are delivered to your school in a timely fashion.
- Be aware that each move a student is forced to make can delay academic progress by months, that many children and youth in foster care have a harder time learning because of their experiences, and that they may have been in educational settings in which they were not supported well because they were seen as transient students bound to be moved again.
- Invite the resource parents—foster parents, kinship caregivers, adoptive parents, etc.—to work with you in assessing the student's current level of achievement and setting reasonable goals for the academic year.

## In the Classroom

- Be aware that children and youth in care generally tend not to perform as well in school as others. About 30 to 40 percent of kids in foster care are also in special education, so your student may already have an IEP or may need one. While the student may have a learning disability due to poorer maternal health during pregnancy or prenatal exposure to drugs and alcohol, the enormous emotional burdens of grief, loss, and uncertainty about the future can also impair a child's ability to concentrate, learn, and acquire new skills.
- Determine the student's academic, social, and emotional level, and then find ways to help him or her fit into the class by using accommodations and adaptations to support educational success.

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- Respect the child's right to privacy. Students and teachers who do not have responsibility for teaching the child do not need to know his or her foster care status.
- Structure materials and tasks in the classroom to help the student achieve success, even if academics are a problem. Help offset the chaos in the student's life by providing structure and predictability in the classroom.
- Broaden the diversity of families depicted in the books and materials in your classroom to include foster, adoptive, and relative caregiving families.
- Keep in mind that a child or youth in out-of-home care or one who has been adopted may not be able to complete certain assignments. For example, constructing a family tree or bringing in a baby picture can be impossible for a child who has been frequently and suddenly moved or has little contact with his or her birth family. Similarly, getting permission for a special activity such as a field trip can be problematic when the current caregivers do not have legal authority to give permission.
- Consider doing a unit on foster care during May. A list of books about foster care and adoption is available on the National Resource Center for Foster Care and Permanency Planning site at <http://www.hunter.cuny.edu/socwork/nrcfcpp/support-and-retention/books-on-foster-care-and-adoption.html> along with a section on Educational Issues and Children in Care at <http://www.hunter.cuny.edu/socwork/nrcfcpp/support-and-retention/education.html>.

## Your Relationship with the Child and Family

- Like other students, a child or youth in foster care does not want to be treated differently, but also needs to be accommodated. Strive to ensure that the student does not feel exposed as a special case as he or she does in so many other settings. At the same time, be lenient when circumstances warrant it.
- Remember that many children and youth in foster care find it difficult to trust adults, often for good reason. Recognize your own status as a potential disappointment and work to achieve a trusting relationship over time. Behavior and attitudes intended to be caring can appear just the opposite when they have been experienced in a negative context in the past. Be patient.
- Some teachers may feel challenged by highly involved resource parents who advocate very strongly for the student. Remember that these children and youth need someone who is on their side, even if that person seems over-involved. Try to work with the energy the parents bring to their child's academic life.
- What children and youth in foster care need are strong advocates in the schools. Educators, resource parents, agency staff, and birth families can all contribute to school success when they understand the challenges and have the opportunity to collaborate in providing support to these students.

## Sources and Further Information

- Noble, L. 2002. Personal communication. [Online]. Available: <http://www.hunter.cuny.edu/socwork/nrcfcpp/support-and-retention/conversation-with-educator.html>
- Casey Family Programs, 2002. Action List for Educators. From *Endless Dreams—Educational Attainment: Improving Educational Outcomes for Youth in Out-of-Home Care*. For more information on the *Endless Dreams* curriculum, send an e-mail to [info@casey.org](mailto:info@casey.org).

Please see [www.fostercaremonth.org](http://www.fostercaremonth.org) for more information.

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## **AB 167: FREQUENTLY ASKED QUESTIONS**

### **I. Introduction**

*Q1: What is AB 167?*

Assembly Bill 167 (AB 167) refers to California legislation that amended section 51225.3 of the California Education Code (E.C.) to exempt pupils in foster care from school district graduation requirements that exceed state graduation requirements if the pupil transfers to the district, or transfers from one high school to another within a district in the 11<sup>th</sup> or 12<sup>th</sup> grade if the pupil would not be reasonably able to complete the additional district requirements. Approved by the Governor on October 11, 2009 and effective January 1, 2010, AB 167 requires school districts to provide notice to foster youth exempted from additional district requirements if failure to satisfy such local requirements will affect the pupil's ability to gain admission to a postsecondary educational institution.

*Q2: What is the definition of a "pupil in foster care"?*

AB 167 refers to a "pupil in foster care" but does not itself define this phrase. Legislative history suggests that AB 167 was meant to cover the same class of children as those covered by AB 490, which defines a foster child as one who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code. (*E.C. 48853.5 (a)*).

*Q3: What problem does AB 167 seek to address?*

California's foster children are often bounced from placement to placement and from school to school. These transitions often result in education-related problems, including a loss of school credits, academic problems, and a delay in earning a high school diploma. Studies show high school pupils who change schools even once are less than 50 percent as likely to graduate from high school as compared to high school pupils who do not change schools.

California sets minimum high school graduation standards for the state's school districts. However, school districts have flexibility with regard to additional coursework pupils are required to complete to graduate from high school. A foster child in high school forced to relocate to another school district in his or her junior or senior year may be faced with additional graduation requirements at his or her new school with little time to complete those courses in order to graduate with the rest of his or her class.

*Q4: What are the minimum high school graduation standards required by California?*

California requires pupils to complete all of the following one-year courses, unless otherwise specified, while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school (*E.C. 51225.3(a)*):

- A. Three courses in English.
- B. Two courses in mathematics. (Including one year of Algebra I unless previously completed, *E.C. 51224.5*)
- C. Two courses in science, including biological and physical sciences.
- D. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.
- E. One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.
- F. Two courses in physical education, unless the pupil has been exempted.

Students may be exempted from physical education for a number of reasons. For example, if a student is ill or injured and a proper modified program cannot be provided for them or if a student is on a modified, half day schedule, they can apply for a temporary exemption. Additionally, students may be exempted from physical education for two years if they have met five of the six standards of California's physical performance test given in ninth grade. (*E.C. 51241(b)(1)*.) Permanent exemptions are granted if the student is 16 or older and has been in the tenth grade for at least one academic year, is a postgraduate pupil, or is enrolled in a juvenile home, ranch, camp, or forestry camp school where physical recreation and exercise is provided pursuant to California requirements. (*E.C. 51241 (c)(1)(2)(3)*).

In addition to completing the coursework above, a pupil must receive passing scores on both California High School Exit Exams – English and Math. (*E.C. 60851*)

Foster youth exempted from local graduation requirements by AB 167 must satisfy the above to receive a diploma of graduation. (*E.C. 51225.3(c)*).

*Additional information regarding the state minimum graduation requirements can be found on the California Department of Education Website at <http://www.cde.ca.gov/ci/gs/hs/hsgmin.asp>.*

## **II. To Whom Does AB 167 Apply?**

*Q5: Does AB 167 apply to all foster youth?*

No. AB 167 applies only to pupils in foster care who transfer into a district or between high schools within the district while they are in 11<sup>th</sup> or 12<sup>th</sup> grade, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits. (E.C. 51225.3(c)).

*Q6: Does AB 167 apply if the school district to which the youth transferred has the same graduation requirements as the school district from where they came? Likewise, does AB 167 apply if the school to which the youth transferred has the same graduation requirements as his or her previous school?*

Education Code section 51225.3 makes no reference to the requirements of the school or school district from the school the foster youth came from. The requirements of the prior school or school district do not affect whether AB 167 applies to a pupil in foster care. AB 167 applies to every pupil in foster care who transfers schools or school districts during his or her 11<sup>th</sup> or 12<sup>th</sup> grade year, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

*Q7: Does AB 167 apply to foster youth who transferred prior to the passage of AB 167?*

Legislative language makes clear that AB 167 applies to all currently enrolled foster youth who transferred in the 11<sup>th</sup> or 12<sup>th</sup> grade, regardless of when the transfer occurred.

*Q8: Who determines whether a foster youth transferring into a new school or school district is in 11<sup>th</sup> or 12<sup>th</sup> grade?*

There is no state-mandated method for determining a student's grade level. This decision is left up to the school district and, in some cases, individual schools.

Many school districts have established guidelines to determine a student's grade level. Oftentimes a student's grade level in high school is determined by the number of credits he or she has received. Other times, the student's age determines his or her grade level. Thus, the number of credits a student possesses *might* determine whether AB 167 applies to him or her in that it *might* determine whether he or she is in 11<sup>th</sup> or 12<sup>th</sup> grade.

*Q9: Does AB 167 apply to a foster youth transferring to a new school district or school during his or her 10<sup>th</sup> grade summer?*

A student's grade level is determined by his or her school or school district. Many school districts base this determination upon the number of credits the student has received. Thus, in most cases, a student is an 11<sup>th</sup> grader from the moment he/she has sufficient credits to qualify as such. This means that a typical student will be an "11<sup>th</sup> grader" the summer after their 10<sup>th</sup> grade year, unless credit deficient.

*Q10: If a foster youth is an 11<sup>th</sup> grader and meets all of the minimum state requirements can the district award a high school diploma under the AB 167 exemption?*

Yes, as long as the minimum state requirements were met and the school district makes a finding that the pupil is not reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

It is important, however, to consider whether graduating in the 11<sup>th</sup> grade is in the foster youth's best interest. Such a decision might negatively impact their ability to secure housing and other benefits. In such a case best practice is to enroll the student in elective courses, ROP or vocational training.

*Q11: If a foster youth changes schools prior to the end of the semester and has met the minimum state requirements, do they need to complete the semester or is the district obligated to grant the diploma at that time under AB 167?*

AB 167 does not obligate school districts to grant diplomas mid-semester or at any other time. Diplomas are awarded at times determined by school district policies and procedures. Thus, a district *may* grant a transferring foster youth a diploma prior to the end of the school year if the student has completed the minimum state requirements and the district makes a finding that the pupil is not reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

### **III. "Reasonably Able to Complete the Additional Requirements"**

*Q12: Is every foster youth who transfers during 11<sup>th</sup> or 12<sup>th</sup> grade exempt from the additional requirements imposed by their new school district?*

No. AB 167 applies to pupils in foster care who transfer during 11<sup>th</sup> or 12<sup>th</sup> grade, but, if a school district "makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits pursuant to state law," then the foster youth must complete these additional requirements in order to graduate. (E.C. 51225.3(c))

*Q13: When should a school district evaluate whether it is reasonable for the pupil to complete any additional graduation requirements?*

It is best practice for a school district to assess whether a pupil in foster care transferring into the district or between high schools in the 11<sup>th</sup> or 12<sup>th</sup> grade is able to meet the district's additional requirements as soon after the transfer as possible. The AB 490 District Liaison can assist the pupil in requesting a "graduation check" at the school site.

*Q14: May a school district reconsider its "reasonableness" finding?*

Given a district's limited familiarity with a recent transferee, it is best practice to reevaluate their reasonableness finding in light of the student's performance post-transfer. While a district might have initially thought it reasonable for the youth to complete their additional requirements, post-transfer evidence might suggest otherwise.

*Note – the inquiry should always be: could the student have reasonably completed the additional graduation requirements at the time he or she transferred. Post-transfer events might shed additional light on this question, but the inquiry never becomes: can the student reasonably complete the additional graduation requirements given post-transfer events.*

However, once a school district has determined that a pupil in foster care is not reasonably able to complete the district's additional graduation requirements and notifies the pupil of such finding, it could be problematic to subsequently require the pupil to complete the additional requirements if there is not sufficient time to do so prior to graduation. If a district subsequently determines that the pupil can reasonably complete the additional requirements in time to graduate with his/her class and sufficient notice is provided to the pupil, then the district may reconsider/revoke the exemption.

*Q15: What efforts are reasonable to expect of a pupil in foster care trying to complete a school district's additional graduation requirements?*

Neither AB 167 nor any other provision of California's Education Code answers this question with any specificity. However, Education Code section 51225.3(c) requires that the pupil be "reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits". The determination as to whether the pupil is reasonably able to complete the additional requirements should be made on an individual case-by-case basis. The school district should consider the courses completed/credits earned, the additional district requirements, and the amount of time remaining before graduation while the pupil continues to be eligible for foster care benefits.



Some school districts have suggested the following “best practice”:

1. In determining whether a newly transferred pupil in foster care will be able to reasonably satisfy the district’s additional graduation requirements, the district and the district’s foster youth liaison, should consult with the youth, the youth’s educational rights holder, child welfare worker, and anyone else familiar with the foster youth and his/her educational history.
2. As the school district learns more about the pupil, the district should reevaluate whether the student is reasonably able to satisfy the district’s additional graduation requirements.

*Q16: What timeframe should the school district use in deciding whether the pupil will be able to reasonably meet the district’s additional requirements?*

The school district must determine whether the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits pursuant to state law. (*E.C. 51225.3(c)*). All foster youth are eligible for foster care benefits through their 18<sup>th</sup> birthday. Depending on their circumstance, some foster youth remain eligible for foster care benefits through their 19<sup>th</sup> birthday. These youth may opt to cease receiving foster care benefits once they turn 18.

If the district determines that the pupil is reasonably able to complete its additional requirements in time for the pupil to graduate from high school and before turning age 18, it need not exempt the pupil from its additional requirements. If the district determines that the pupil is reasonably able to meet its additional requirements before turning age 19, it need not exempt the youth *if* the youth’s child welfare worker confirms that the youth will remain eligible for foster care benefits through his or her 19<sup>th</sup> birthday.

*Q17: Can a school district refuse to award a transferee foster youth a diploma because he or she lacks the number of credits required by the district?*

No. The statewide graduation requirements make no mention of credits; credit requirements are local requirements. Thus, if a foster youth transfers schools or school districts in the 11<sup>th</sup> or 12<sup>th</sup> grade and cannot reasonably complete the additional local graduation requirements, including any requirements related to credits, then they should be awarded a diploma as long as they’ve satisfied California’s graduation requirements, regardless of the number of credits possessed by the foster youth.

#### **IV. School and School District Duties**

*Q18: What must a school district do if it determines that a pupil in foster care will be exempt from its additional requirements?*

The school district must notify the pupil and, as appropriate, the person holding the right to make educational decisions for the pupil, if any of the requirements that are waived “will affect the pupil’s ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.” (*E.C. 51225.3(c)*).

*Q19: Are there times when a school district might exempt a pupil in foster care from its additional requirements but not provide notice to the pupil?*

AB 167 requires the district to provide notice “if any of the requirements that are waived will affect the pupil’s ability to gain admission to a postsecondary educational institution.” (*E.C. 51225.3(c)*). Although not all of the additional requirements imposed by school districts are *necessary* to gain admission to post-secondary educational institutions, all are likely to *affect* a pupil’s ability to gain admission. Thus, in practice, school districts always should provide notice to the pupil.

*Q20: To whom must the school district provide notice?*

A school district must provide notice to the pupil in foster care and, as appropriate, the person holding the right to make educational decisions for the pupil. (*E.C. 51225.3(c)*). Although it is likely that it will be appropriate to notify the person holding the right to make educational decisions for the pupil, the school district should determine on an individual case-by-case basis, if it is appropriate to provide notice to this person. In many cases it might also be best practice to notify the youth’s caregiver.

*Q21: Is the diploma awarded to a pupil in foster care who graduates without having satisfied the school district’s additional requirements different from that awarded students who do satisfy such additional requirements?*

AB 167 recognizes that some foster youth transferring in the 11<sup>th</sup> or 12<sup>th</sup> grade, through no fault of their own, are not able to complete the additional requirements of their new school district. AB 167 provides an exemption for these students, allowing those who cannot reasonably fulfill the district’s additional requirements to obtain a diploma of graduation. While AB 167 says nothing about a district’s ability to award special certificates to students who fulfill additional requirements, foster youth falling under AB 167’s exemption must receive the same diploma of graduation as all other students in that district.

*Q22: How does this impact a child who has an IEP?*

Under the Individuals with Disabilities in Education Act (IDEA) and California law, a student eligible for special education services is required to have a transition plan upon turning 16 years old that addresses post secondary goals, including whether the student will graduate with a regular high school diploma. Thus, whenever a

student is receiving special education services the applicability of AB 167 should be addressed in the student's Individualized Education Program (IEP) team meeting.

*Q23: Are there sample School Board policies available regarding AB 167?*

California School Boards Association (CSBA) provides the following sample policies for subscribers of their Policy Services. Please visit CSBA's Web site (<http://www.csba.org>) or go directly to their online sample policy service, GAMUT Online (<http://www.gamutonline.net>). A complimentary copy of the sample board policy and administrative regulations 6173.1 "Education for Foster Youth" is available at [www.csba.org](http://www.csba.org) under the Education Section, under Foster Youth.

AR 6146.1 - Administrative Regulation, High School Graduation Requirements  
BP 6146.1 – Board Policy, High School Graduation Requirements  
AR 6146.3 - Administrative Regulation, Reciprocity Of Academic Credit  
BP 6146.3 – Board Policy, Reciprocity Of Academic Credit  
AR 6173.1 - Administrative Regulation, Education for Foster Youth  
BP 6173.1 – Board Policy, Education for Foster Youth

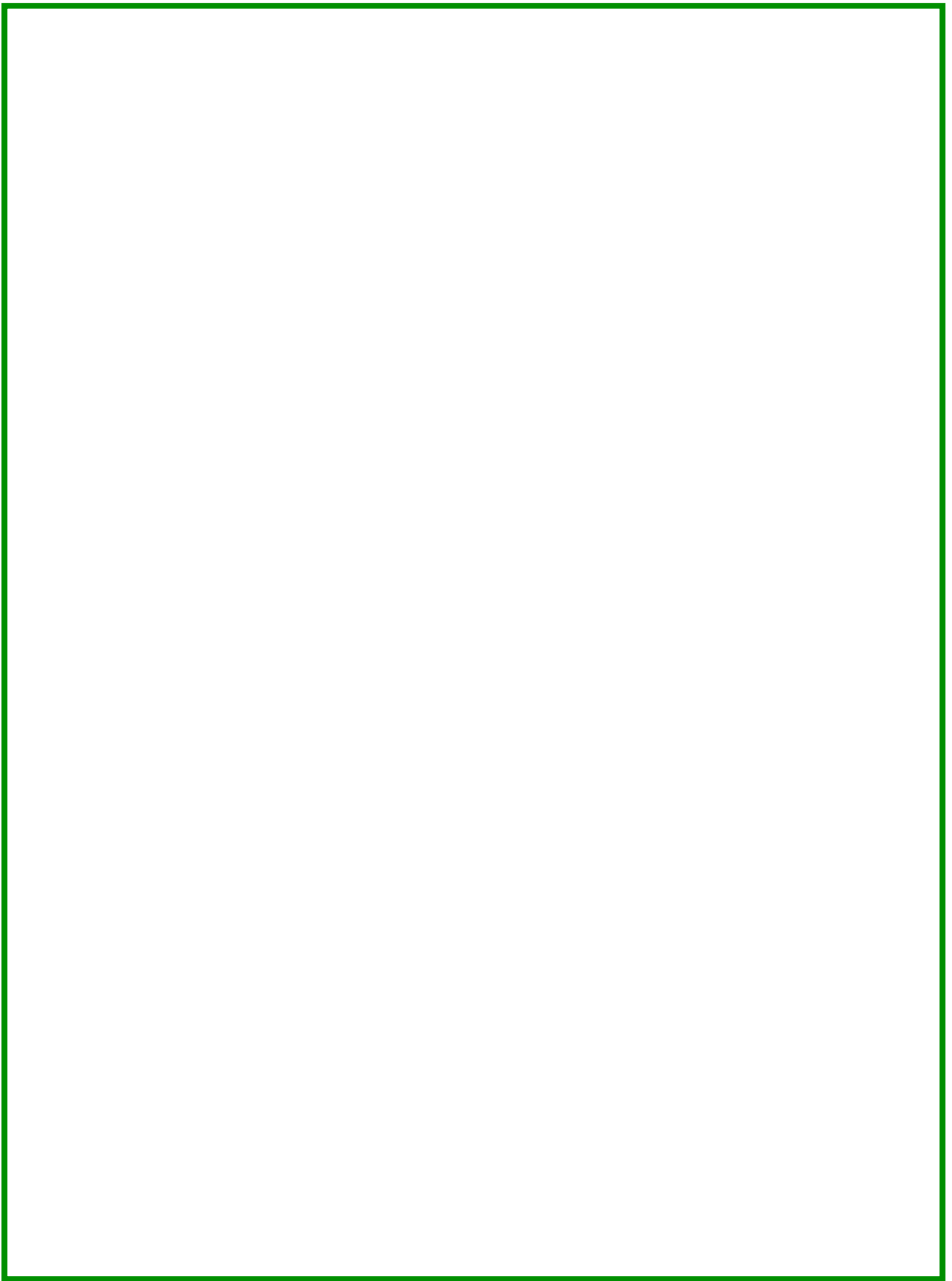
### III. BUILDING MULTISYSTEM APPROACHES IN CHILD WELFARE AND JUVENILE JUSTICE

By: Dr. Denise Herz and Dr. Joseph Ryan

*Building Multisystem Approaches in Child Welfare and Juvenile Justice* was commissioned by Casey Family Programs, the American Public Human Services Association, and the Center for Juvenile Justice Reform to inform the discussion at the Wingspread Conference. This original piece of research by Drs. Denise Herz of the School of Criminal Justice and Criminalistics at California State University – Los Angeles, and Joseph Ryan of the School of Social Work at University of Illinois – Urbana-Champaign was completed prior to the Conference and distributed to all attendees in advance of their participation at Wingspread. Drs. Herz and Ryan presented the paper on the first day of the Conference and thus set the stage for all further dialogue throughout the remainder of three days. The findings of Drs. Herz and Ryan presented in this report provide a powerful impetus to address head-on the struggles of children and youth known to both the child welfare and juvenile justice systems and to find ways to better integrate these and other youth serving systems.



III. BUILDING MULTISYSTEM APPROACHES IN CHILD WELFARE AND JUVENILE JUSTICE



# Building Multisystem Approaches in Child Welfare and Juvenile Justice

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# Building Multisystem Approaches in Child Welfare and Juvenile Justice

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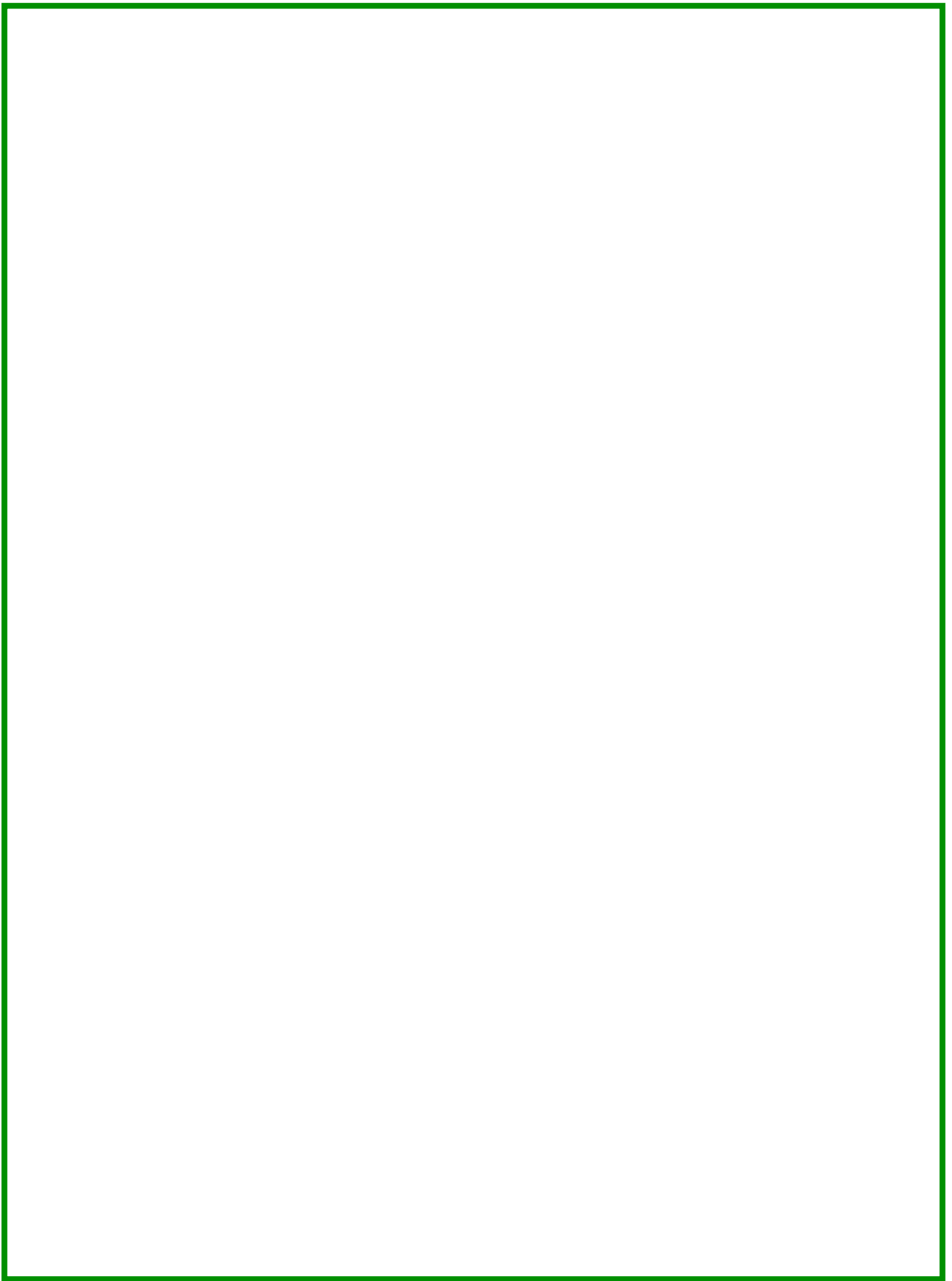
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## **Introduction: Building Multisystem Approaches in Child Welfare and Juvenile Justice**

There has been much focus on and attention around the greater use of coordinated and collaborative efforts within this country's child, youth, and family serving systems of care. This trend is predicated in part on a growing body of research finding that the clients being served by these various systems are known across their respective domains – at times concurrently and at other times along a developmental arc. This is reflected, for example, in research that has examined and confirmed the link between child maltreatment and later delinquency, negative child and youth outcomes associated with institutional placements in the child welfare and juvenile justice systems, and the impact of the inadequate provision of behavioral health and educational services for children and youth in care.

The response to these issues has been the increased use of legislative and executive mandates to incorporate multisystem approaches. These have included the use of children's cabinets, directives to more fully explore information sharing, blended funding schemes, and new and more efficient and effective service delivery systems. This trend has also surfaced in the reauthorizations of the federal Juvenile Justice and Delinquency Prevention Act and the Child Abuse Prevention and Treatment Act in direction to those federal agencies to better support multisystem efforts within their constituencies. The inclusion of "well-being" as a federal outcome of interest in the Child and Family Service Reviews has also pushed jurisdictions toward collaborative efforts.

The level of activity in "the field" across the juvenile justice, child welfare, health, behavioral health, and education systems designed to meet these mandates has been frenetic over the past several years. Unfortunately, it is taking place in uncharted waters with little informed guidance or coordinated effort. The opportunity exists, however, to create a better planned and more coherent multisystem body of work. In the fall of 2007, Casey Family Programs (CFP), American Public Human Services Association (APHSA), and Georgetown University's Public Policy Institute through its Center for Juvenile Justice Reform (CJJR) partnered to form an initiative focused on multisystem approaches in child welfare and juvenile justice.

### **The Research & Data Report**

In an effort to guide this process, APHSA, CFP and the CJJR commissioned the production of this research and data report on the prevalence of the crossover in the population known to the systems of care and the key areas of exploration to be the focus of the convening. The purpose of the report is to summarize existing research on the pathways that children follow from the child welfare into the juvenile justice system and the increased probabilities of engaging in delinquent behavior after experiencing abuse and/or neglect (Chapter 1); summarize existing research on the characteristics of these children and how they are handled in the juvenile justice system (Chapter 2); identify the jurisdictions that have done the best job of quantifying the number of youth known to both systems (Chapter 3); contribute to the field of knowledge in this area by conducting a nationwide survey of state child welfare and juvenile justice agencies (Chapter 4), and; provide a brief synthesis of the

Information contained in the report, one that will help to facilitate a more in depth exploration of its implications for policy development at the federal, state, and local levels (Chapter 5).

## **Report Terminology & Definitions**

One of the most pressing problems in this area is the lack of clear terminology and definitions to consistently reference youth who become involved in both child welfare and delinquency. To avoid confusion, key terms used throughout this report are defined below.

Child welfare and the dependency system are used interchangeably to reference the overall system of handling abused/neglected children. Similarly, dependent youth are youth who are currently under the care and custody of the dependency court due to sustained allegations of child abuse and/or neglect. Since child welfare agency names vary widely by state, this report uses “child protective services” (CPS) to reference the child welfare agency that provides social services to an abused/neglected youth.

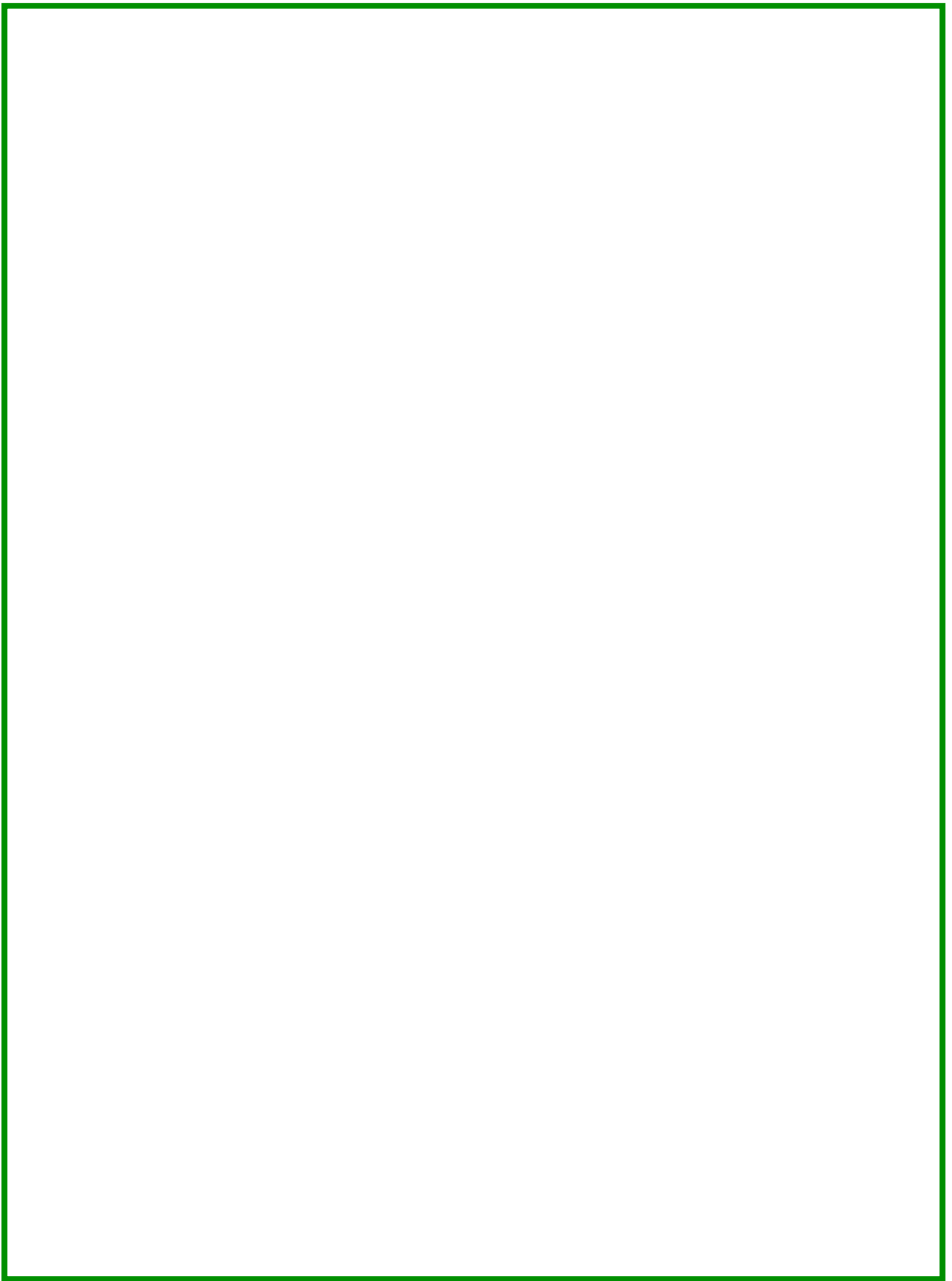
The juvenile justice system and juvenile court are used to denote involvement in the delinquency court system. Delinquent youth, then, are youth who are currently under the care and custody of the delinquency court due to sustained charges of delinquency. Probation departments are typically county-based agencies (with state oversight) that are responsible for the supervision of delinquent youth. The average youth on probation is supervised in the community rather than in an out-of-home placement; however, probation departments in many states also use group homes (i.e., congregate care) and other residential treatment center placements and a few probation departments also operate correctional institutions. Institutional corrections agencies are often state-based agencies responsible for correctional placements of delinquent youth who have longer criminal histories and/or are adjudicated for more serious crimes.

This report primarily uses the phrase “crossover youth” to refer to youth who penetrate both the child welfare and juvenile justice systems. These youth are also commonly referred to as dual jurisdiction youth or dually-involved youth (Halemba, Siegel, Lord, & Zawacki, 2004). A youth may become a crossover youth in one of three primary ways. The most frequent pathway occurs when a youth enters the child welfare system and later commits a crime while under the care and custody of child protective services. A second pathway involves a youth with prior, but not current, contact in child welfare who commits a crime and enters the delinquency system. A third possible pathway occurs when a youth with no prior child welfare system contact enters the delinquency system and probation refers the case to child protective services for further investigation of abuse/neglect. Although this report does not exclude any pathways, most references to crossover youth in the report are related to the first pathway.

## The Need for Collaboration

The issues of “crossover” youth and the negative trajectory of children who experience maltreatment and abuse highlight the need for systems to work together. Juvenile justice and child welfare professionals have long recognized the challenges shared by the two systems, but there is a growing need to work collaboratively to achieve the shared goal of improving the outcomes for children and youth in the care and custody of county and state agencies. The bar has been raised by leaders in the child-serving systems from simply reducing recidivism or establishing safety, to ensuring: the safe and appropriate return or maintenance of youth in their families and homes; academic attainment; behavioral and physical health; and preparation of youth for a successful future. The increasing pressure of these shared but difficult goals has forced the acceleration from dialog to engagement, from discussion to movement, from planning to action. This paper and the Wingspread conference provide the foundation upon which to build this commitment to a multisystem approach to achieving the goal of well-being for children and youth through policy and practice leadership.





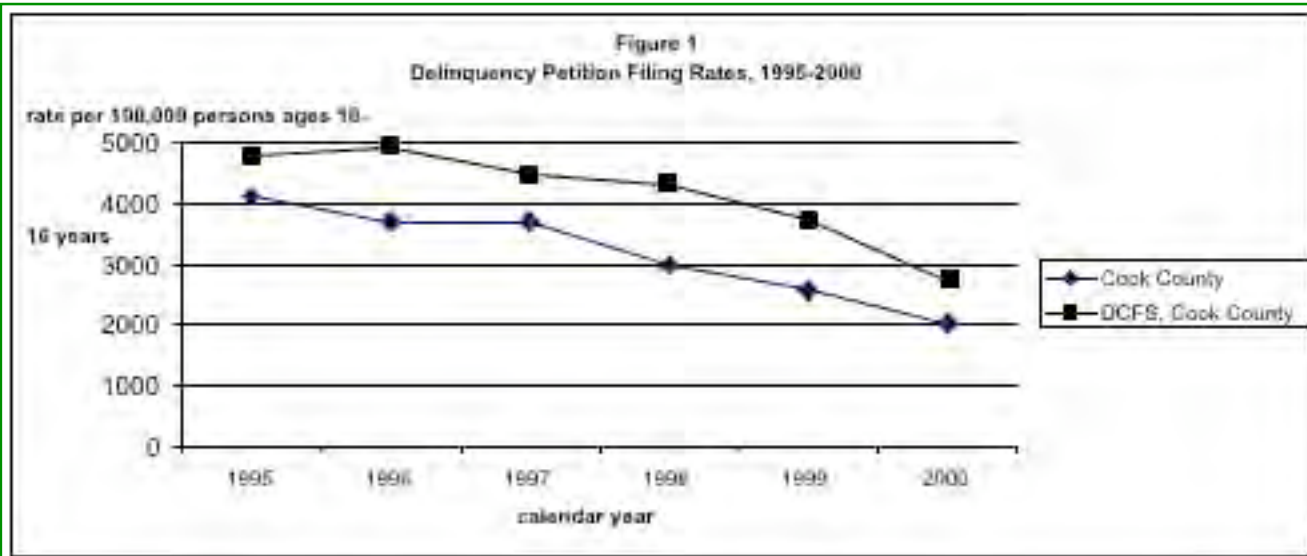
## Chapter 1: The Relationship between Maltreatment and Delinquency

At least forty years of scholarship seeks to understand the association between child maltreatment and juvenile delinquency. The findings from this literature are fairly consistent with regard to the overall risk. That is, victims of physical abuse and/or neglect are at an increased risk of engaging in delinquency (Bolton, Reich, & Gutierrez, 1977; Alfaro, 1981; Widom, 1989; Zingraff, Leiter, Myers & Johnsen, 1993; Kelley, Thornberry & Smith, 1997; Stewart, Dennison & Waterson, 2002; Widom & Maxfield, 1996; Ryan & Testa, 2005; see also Wiig, Widom, & Tuell, 2002; and Petro, 2006 for reviews of this literature). The purpose of this chapter is to review and summarize the relevant literature and to identify gaps in the knowledge base. Although we review the broader maltreatment–delinquency literature, particular attention is focused on studies of crossover youth in child welfare.

### Maltreatment as a Risk Factor for Delinquency

An estimated 2.2 million arrests were made of persons under 18 years of age in 2004. Approximately 91,000 of these arrests were associated with a violent crime (e.g. murder, forcible rape, robbery, aggravated assault). Approximately 450,000 of these arrests were associated with a property crime (Snyder, 2006). Although these figures represent a continued decline in juvenile offending, and in particular violent offending, delinquency continues to be a major social problem. This is especially true for victims of child abuse and/or neglect, as these children and adolescents are at an increased risk of engaging in juvenile offending, and even subsequent adult offending. In a seminal study of maltreatment and delinquency, Widom (1989) utilized matched cohorts and estimated that early child abuse and/or neglect increased the risk of any arrest as a juvenile by 55% and increased the risk of a violent crime arrest as a juvenile by 96%. Similar estimates are found in more recent studies. For example, Ryan and Testa (2005) analyzed data from the Illinois Criminal Justice Information Authority (ICJIA), the Department of Children and Family Services, and the Cook County Juvenile Court to compare the delinquency rates for maltreated and non-maltreated youth. The delinquency rates are calculated by dividing the number of delinquency petitions in a given year by the eligible population (ages 10-16) in that same year. Two trend lines were generated, one for youth in the general population, and one for youth formally involved (e.g. substantiated report of maltreatment) with the child welfare system. On average, the delinquency rates for adolescents involved with the child welfare system were approximately 47% greater than their non-maltreated counterparts (see Figure 1) (Ryan & Testa, 2005).

The trend for both groups indicates a steady decline between 1995 and 2000. It appears the factors that influence delinquency in the general population also influence the likelihood of delinquency for victims of maltreatment. The delinquency petition rates are consistently higher for DCFS youth. These differences are greatest in 1998 and 1999 when the rate associated with DCFS youth is 56% (4,330 vs. 2,780) and 57% (3,739 vs. 2,389) greater than the rate associated with non-DCFS youth. Mersky and Reynolds (2007), also using data from Illinois as part of the Chicago Longitudinal Study report that maltreatment is associated with a 51% increase in the likelihood of being adjudicated for a violent offense.



It is important to note that the differences in these estimates of delinquency cannot solely be attributed to the experiences of abuse and/or neglect. There are many other critical covariates that are not considered – such as family structure, economic status, and neighborhood characteristics, to name only a few. This raises an important question: what is it about maltreatment or the states’ response to maltreatment that seems to increase the risk of delinquency for youth involved with child protection? Unfortunately, little is known about specific factors or mechanisms that increase or decrease the risk of crossover for youth in the child welfare system. Yet some studies exist – focusing largely on placement, placement instability, and social bonds (Jonson-Reid & Barth, 2000a; English, Widom & Branford, 2000; Ryan & Testa, 2005, Ryan, Testa & Zhai, 2008).

### Child Welfare Placements and Crossing Over into Delinquency

For a variety of reasons, placement and placement instability in the child welfare system are the most frequently investigated risk factors associated with crossover youth. Substitute care settings (e.g. foster care, group homes) may protect children from continued maltreatment and the environmental conditions (e.g. family dysfunction, neighborhood crime) associated with delinquency. It is possible, however, that children in substitute care settings may be unintentionally exposed to other factors known to increase involvement with the juvenile justice system (e.g. negative peer groups, frequent disruptions of placement). In fact, several large studies report that children in substitute care settings are at an increased risk (approximately two times more likely) for engaging in delinquency as compared with children receiving in home services. This finding holds across gender, racial, and ethnic groups (English, Widom & Branford, 2000; Ryan & Testa, 2005; Doyle, in press).

Part of the problem with substitute care settings is the frequent disruptions, either resulting from youth running away or from foster parents’ inability to tolerate the emotional and behavioral problems of children in care (Zinn, 2006). Research clearly documents instability in the foster care system, and notes the association between such instability and problems in other child developmental

domains. A study of foster care in Illinois reports that, of all children in care on June 30, 1998, approximately 38% had experienced at least four different placements (Hartnett, Falconnier, Leathers & Testa, 1999). This finding is disconcerting, as instability is associated with a wide variety of negative outcomes including mental health problems, weak attachments, feelings of insecurity, overall dissatisfaction with the foster care system, and juvenile delinquency (Early, Mooney & Poertner, 2002; Fanshel, Finch & Grundy, 1990; Goldstein, Freud & Solnit, 1973; Lieberman, 1987; Van der Kolk, 1987; Jonson-Reid & Barth, 2000a; Jonson-Reid & Barth, 2000b; Jonson-Reid & Barth, 2003; Festinger, 1983; Kurtz, Gaudin, Howing & Wodarski, 1993; Redding, Fried & Britner, 2000). For example, adolescent males with multiple child welfare placements were more likely to enter the juvenile justice system. The odds of delinquency were 1.54 times greater for males with three placements, and 2.13 times greater for males with four or more placements as compared with males with only one placement (Ryan & Testa, 2005).

Yet not all placements appear to be equal. That is, some placements within the child welfare system may be more problematic than others. Group homes, for example, have long been considered problematic in child welfare. A recent review entitled *Institutions vs. Foster Homes: the Empirical Base for a Century of Action* indicates that there is virtually no evidence to support the use of group care in child welfare (Barth, 2002). Group homes are described as unsafe, unable to support healthy development, unstable, and expensive. Moreover, children in group care settings report seeing family members less often as compared with children in kinship care, and are less likely to experience reunification with biological caregivers; this is especially true for children aged 6 to 12 (Barth, 2002; Wulczyn, Hilsop, & Goerge, 2001). Within the child welfare system, approximately 11% of all substitute care placements are associated with a group home (CA RADD, 2001). Yet such placements are expensive, oftentimes costing between six and ten times as much as placement in a foster family home (Barth, 2002). In 2000 for example, 43% of all substitute care dollars in the State of California were associated with group home placements (CA RADD, 2001). As justification for the increased costs, the needs of group home youth are oftentimes far more complex and demanding than youth in foster family settings. Yet problems may still emerge even in such structured settings. Specific to crossover youth, an increased risk of delinquency may result from the exposure to other high risk adolescents, commonly referred to as peer contagion.

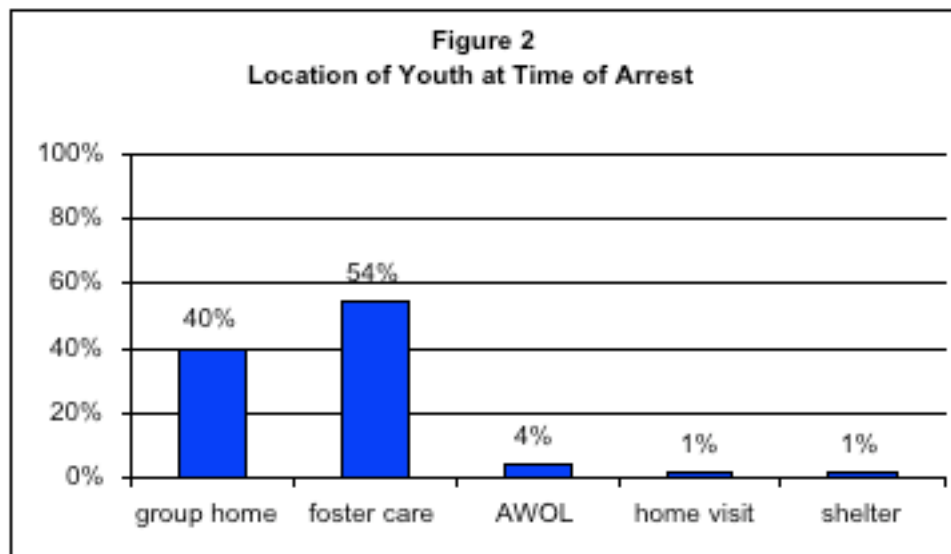
Peer contagion refers to the exposure and socialization processes (e.g. social learning) that are likely to shape and support deviant attitudes and behaviors in group care settings. Dishion et al. (1999) report that peer group interventions increase problem behaviors and negative life outcomes throughout adolescence and into early adulthood. The authors argue that serving youth in congregate residential settings, and specifically the prolonged exposure to high risk peers has the unintended effect of exacerbating deviance via social relationships. The conceptualization of deviance includes, but is not limited to, smoking, school problems, aggression, substance abuse, and delinquency (Lee, 2007).

So what do we know with regard to group homes and crossover youth? Using administrative records from Los Angeles County, Ryan, Marshall, Herz, and Hernandez (2008) report that the relative risk of delinquency is approximately two and one half times greater for adolescents with at least one group home placement as compared to similar youth in other foster care settings. Matching arrest dates with placement dates, the authors of the Los Angeles study also identified the placement location at the time of arrest. That is, at what point are youth arrested with regard to placement



status? Are adolescents in the child welfare system arrested during their stay in the group home or subsequent to their release? Of these 20,309 youth in the sample, 2,106 adolescents were associated with at least one arrest, and 1,671 (79%) of these youth experienced their first arrest in a substitute care placement setting (see Figure 2). Of the 1,671 adolescents arrested in placement, 675 (40%) of the arrests occurred while the youth was placed in a group home. As only about 20% of the Los Angeles sample ever experienced a group home placement (this percentage is significantly less for younger children in the child welfare system), and as such placements are relatively short in duration (as compared to the time spent in foster care), the estimate of 40% is troubling.

In summary, substitute care arrangements in the child welfare system seem to be associated with an increased risk of delinquency. This is true when comparing youth in foster care with youth who remain in the home. Yet, within the out-of-home care system, group homes seem to have the largest effect with regard to crossing over.



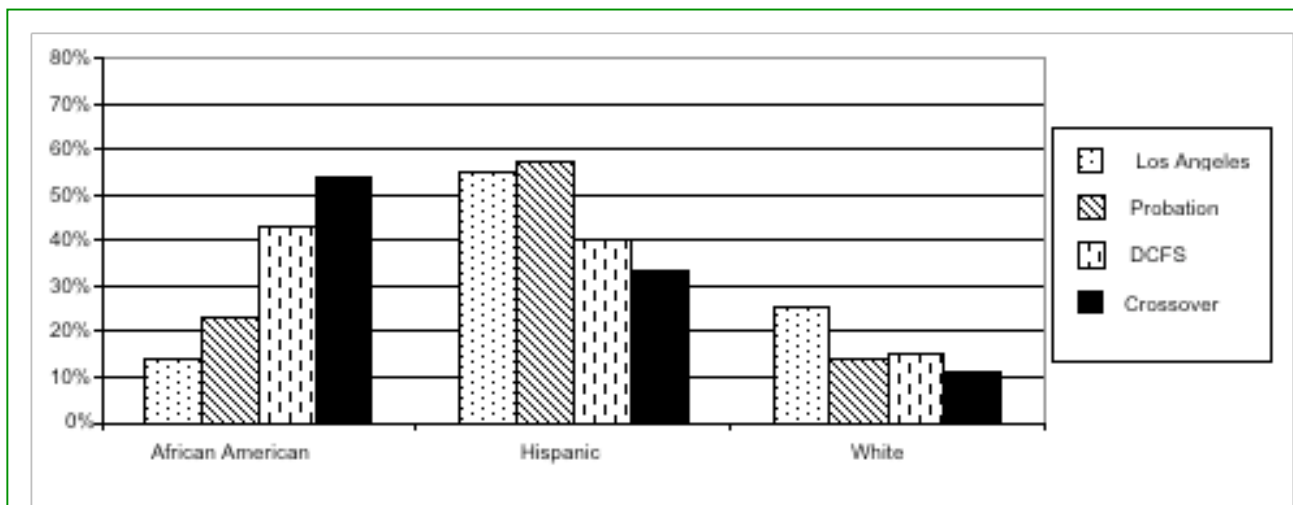
### **Racial Disparities in Child Welfare and Crossing Over into Delinquency**

It is critical to note in any discussion of crossover youth that race continues to be an important predictor of movement between child welfare and juvenile justice. This is especially true for African American youth. In the United States, African Americans comprise approximately 15% of the population, yet African American youth account for 25% of child protection investigations, 30% of substantiated investigations, and 36% of placement cases (entries into out-of-home care). On average, the disproportionality index for African American children in child welfare is 2.26, which means that they are overrepresented in foster care at a rate of more than twice their proportion in the U.S. child population. Similar findings are found within the juvenile justice literature. African American youth are more likely to be arrested, more likely to be placed in detention, and less likely to receive mental health services (Lieber & Fox, 2005; Rawal, Romansky, Jenuwine & Lyons, 2004). The Illinois Criminal Justice Information Authority (2005) estimates that African American youth are arrested at a rate that is nearly five times the rate at which white youth are arrested. The problem of

overrepresentation is not limited to a singular county. Of the 42 counties studied in Illinois, 35 (83%) report overrepresentation of African Americans at the point of arrest. The findings in Illinois are similar to those at the national level.

The issue of race is critical because it appears that the problem of crossover youth is a significant contributor to the overrepresentation of African American youth in the juvenile justice system (also referred to as disproportionate minority contact or DMC). Because there is already overrepresentation in the child welfare system, even if child welfare was responsible for referring a representative sample to the juvenile justice system, such referrals would contribute greatly to DMC. Yet the population moving from child welfare to juvenile justice is not representative of adolescents in placement. African Americans in the child welfare system are approximately two times more likely than white adolescents in the child welfare system to experience at least one arrest (Ryan & Testa, 2005). This increased risk is clearly evident when looking at population percentages. For example, in Los Angeles County, African Americans comprise approximately 14% of the general population, 30% of the overall child welfare population, 41% of foster care placements, and 54% of population that moves from child welfare to juvenile justice. Overall, open child welfare cases account for 7% of all new arrests each year, but account for 14% of all African Americans entering the juvenile justice system (Ryan, Herz, Hernandez, & Marshall, 2007). Thus, by understanding and addressing the mechanisms that contribute to crossover, the overrepresentation of African American youth in the juvenile justice system should decrease.

**Figure 3: Overrepresentation of Crossover Youth in Los Angeles County**



The age of the child in the child protection system, and more specifically the age at time of maltreatment have emerged in the literature as interesting and important findings over the last decade. Scholars in this area approach the study of adolescent maltreatment and delinquency from a life course perspective. The life course perspective, in contrast with the developmental psychopathology approach, suggests that adolescent maltreatment may have a larger effect on delinquency because the

two events are more proximal (Sampson & Laub, 2001). The empirical evidence seems to support this hypothesis. Researchers associated with the Rochester Youth Development Study have repeatedly demonstrated that the timing of maltreatment is important in understanding the etiology of juvenile delinquency. The authors conclude that adolescent limited and persistent maltreatment lead to a variety of negative outcomes through early adulthood, including drug use, teen pregnancy, and juvenile delinquency (Smith, Ireland, & Thornberry, 2005; Ireland, Smith, & Thornberry, 2002; Thornberry, Ireland, & Smith, 2001). In short, maltreatment that begins and ends in early childhood does not appear to have any significant impact on a wide range of adolescent outcomes including delinquency. In contrast, maltreatment experienced in adolescence increases a wide variety of adjustment problems (Thornberry, Ireland, & Smith, 2001).

Despite the increased likelihood of delinquency associated with males, the female delinquency population is growing. In fact, females represent the fastest growing segment of the juvenile justice population, their arrests having increased by 72% since 1983 as compared to 30% for males under 18 years of age (Snyder, 2002).

In addition to race and age of maltreatment, the role of gender as a key variable for crossover youth is consistently identified. Similar to the broader delinquency literature, males are far more likely to engage in delinquency, and thus, enter the juvenile justice system (Snyder, 2006). This finding also appears within delinquency studies in child welfare settings. In a study following two birth cohorts through child welfare and juvenile justice for eighteen years, 14% of males experienced at least one delinquency petition compared with only 4% of females (Ryan & Testa, 2005). Despite the increased likelihood of delinquency associated with males, the female delinquency population is growing. In fact, females represent the fastest growing segment of the juvenile justice population, their arrests having increased by 72% since 1983 as compared to 30% for males under 18 years of age (Snyder, 2002). Females are also more likely to be held for technical violations and status offenses as compared to males in the juvenile justice system (Sickmund, 2004). Once in the juvenile justice system, female offenders are more likely to be identified with mental health problems, such as PTSD, suicidal behavior, dissociative disorder, and borderline personality disorder (Cauffman, Feldman, Waterman & Steiner, 1998). Gender-specific findings within the maltreatment – delinquency literature are scant, but there is some evidence to suggest that the child welfare system contributes disproportionately to females in the juvenile justice system. In Los Angeles County, 37% of crossover youth are female as compared to 24% of first time female offenders entering the juvenile justice system from other referral sources (Ryan, Herz, Hernandez, & Marshall, 2007). It is clear that males are at the greatest risk of crossing over, but the disparity between females entering juvenile justice via child welfare versus other referral avenues is important to note.

## Social Bonds as a Protective Factor against Crossing Over into Delinquency

Our review of the literature thus far, and the maltreatment – delinquency literature in general, has consisted largely of identifying risk factors to help explain the movement from child welfare to juvenile justice. Yet there exists a smaller literature on potential protective factors. This work focuses on the role of social bonds. Healthy development is dependent upon parents and other socializing agents making consistent investments in the care, education, and supervision of children. Such investments help instill a sense of attachment, commitment, and obligation that tie children to family and conventional role models. Social control theorists posit that these investments and social bonds prevent children from engaging in delinquency. Difficulties arise when children experience low levels of investment and weak social bonds. When confronted with opportunities to engage in nonconforming or undesirable behaviors, children with extensive and strong social bonds have a greater stake in conformity, and are less likely to engage in delinquent behavior that might jeopardize those relationships (Furstenberg & Hughes, 1995; Hirschi, 1969). Attachment and commitment represent two key components of the social bond theory, and seem to play an important role in preventing crossover.

Healthy development is dependent upon parents and other socializing agents making consistent investments in the care, education, and supervision of children.

Child welfare practitioners and scholars assert that attachment is important because it is the foundation for the provision of quality care, and is an important predictor of healthy psychological development (Vuchinich et al., 2002; Kelly & McSherry, 2002; and Committee on Early Childhood, Adoption, and Dependent Care, 2000). The establishment of positive relationships between the foster child and the foster care provider can minimize a child's emotional distress and the negative effects on their development from temporary separation from their parents. Moreover, attachment can provide a safe context in which new relational skills can be developed (Haight, Kagle, & Black, 2003). The literature describing the importance of attachment is consistent. Yet, the literature focusing on the strengths of social bonds achieved within the foster home is somewhat inconsistent.

In a study of young adults leaving the foster care system in Wisconsin, Courtney, Piliavin, Grogan-Kaylor, and Nesmith (2001) reported that 75% of all youth felt "somewhat close" or "close" to their foster caregivers. Nearly 40% of these youth also report staying in contact with foster parents subsequent to discharge, and 20% report receiving continued emotional support and advice with decision making from their foster parents. Despite high levels of perceived attachment, 37% reported running away from the foster home at least once, 32% reported feeling lonely, 28% felt foster parents treated their biological children better than foster children, and 34% reported being "mistreated" at least some of the time while in substitute care placement. Similarly, in a study of quality parent-child interactions, Wallace and Belcher (1997) report that approximately 18% of foster children live in "at risk" homes.

So can strong social bonds prevent crossover? In a recent longitudinal study of 278 African American males in foster care, Ryan, Testa, and Zhai (2008) investigate the impact of various aspects of attachment and commitment on subsequent offending. The authors measured two dimensions of attachment. The first measure focused on the relationship between the foster youth and the foster parent and included questions about frequency of communication and level of caring. Additional measures focused on parental monitoring and included questions about setting rules and familiarity with the youth's peer group. The findings support the association between attachment and delinquency, but only with regard to the child-parent relationship. That is, more positive relationships between the foster youth and foster parent were associated with a decreased risk of delinquency. No significant association emerged between parental monitoring and delinquency. Regarding commitment, the authors used a variety of measures organized within education and religion to estimate the commitment – delinquency relationship. These measures included information on prior school suspensions, plans to attend college, participation in after school activities, and involvement with religious organizations. The findings support association between commitment and delinquency, but only with regard to involvement with religious organizations and prior school suspensions. Foster youth involved with religious organizations (whether for religious service or other community event) were less likely to experience a delinquency petition. In contrast, foster children that were suspended from school were more likely to engage in delinquent behavior.

## Summary

This much is known, victims of child abuse and/or neglect are at an increased risk of juvenile delinquency. And although with less empirical support, it also appears that once arrested, dependent youth experience more severe sanctions and are pushed deeper into the juvenile justice system. From the literature, placement (in particular, group placements), placement instability, the timing of maltreatment, and lack of social bonds are important predictors for the emergence of delinquency within the child welfare system. Moreover, similar to the broader delinquency literature, race continues to be a significant factor related to crossing from child welfare into delinquency.

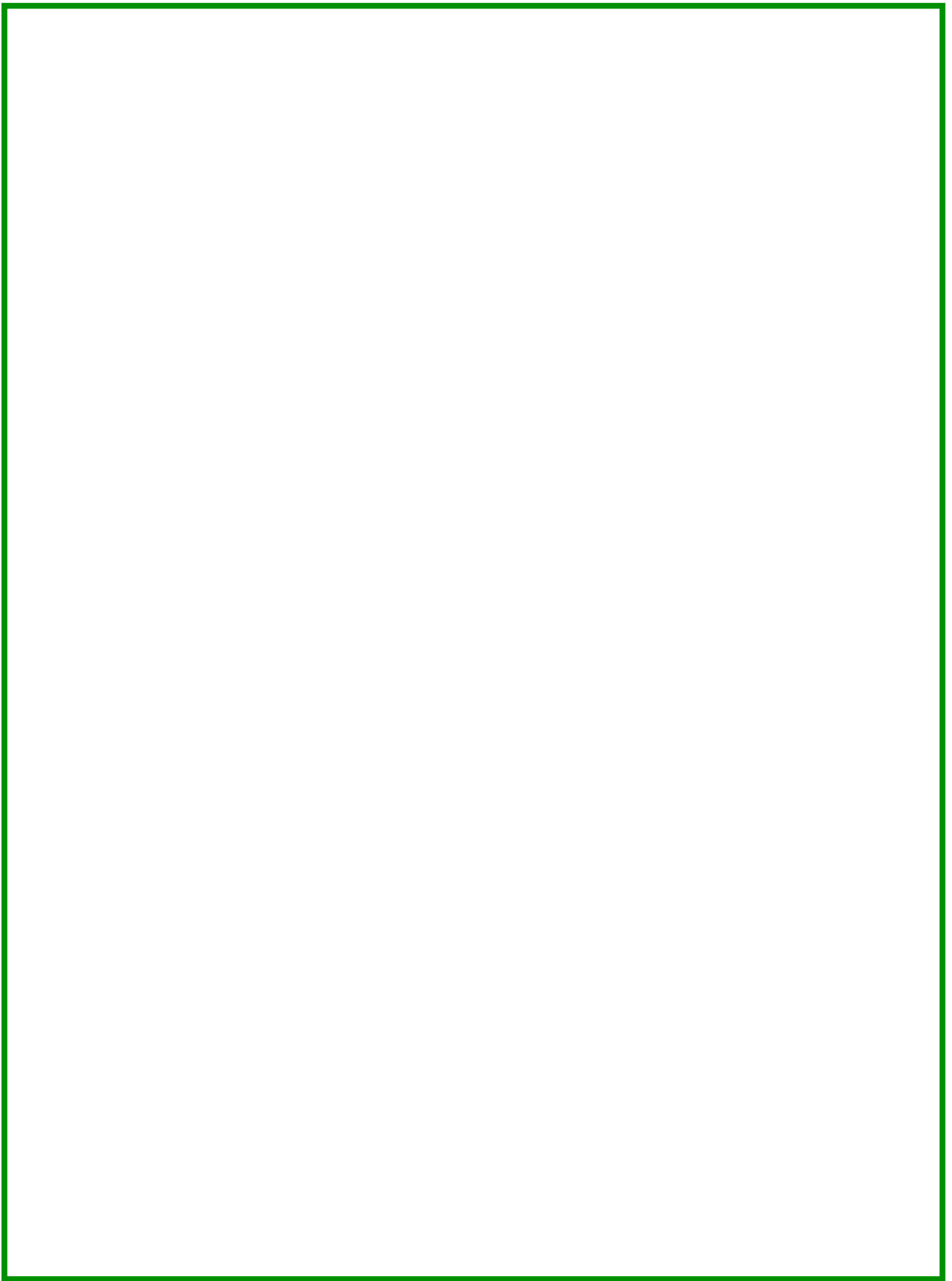
Despite decades of major scholarly contributions, much remains unknown about crossover youth. How can child welfare best prevent contact with juvenile justice? Once arrests occur, which system is best equipped to respond to the complex needs of crossover youth? Should individual cases be served under a dual jurisdiction model? In addition to arrests, recidivism, and judicial dispositions, what other areas should be considered in the evaluation of innovative crossover initiatives. Child welfare systems are clearly moving beyond the traditional outcome areas of safety and permanence and focusing considerable efforts on promoting child well-being. Areas of greatest interest seem to be academic achievement, mental health, and social adjustment.

Academic achievement and school engagement are associated with a wide variety of important outcomes, including self esteem, high school graduation, college enrollment, career opportunities, job performance ratings, future earnings, and delinquency and crime (Fredricks, Blumenfeld & Paris, 2004; Teasley & Lee, 2006; Yonezato, 1992; Redd, Cochran, Hair & Moore, 2002). The interest in academics is reflected not only in the scientific literature, but also in the enactment of recent legislation. For example, California AB 490 imposes a variety of new duties and rights related to the education of abused and neglected children in care (e.g., immediate school enrollment, ensuring

school stability during placement disruptions). Similar legislation can be found in Arkansas (House bill 1710, Act 1255) and Florida (FL ST s 39.0016). Regarding mental health and social adjustment, adolescents with mental health problems in the child welfare system spend more time in foster care, are more likely to bounce between multiple foster homes, and are less likely to experience reunification relative to adolescents without such problems (Horwitz, Simms & Farrington, 1994; Newton, Litrownik & Landsverk, 2000; Landsverk, Davis, Ganger, Newton & Johnson, 1996). The risk of delinquency is perhaps further increased when adequate and timely services are not provided. Cuellar, Markowitz and Libby (2004) studied the effects of mental health services for foster children in Colorado. The authors conclude that the provision of targeted services delays and prevents juvenile detention.

In addition to important outcomes to measure, the crossover literature currently lacks a coherent theoretical framework for evaluating proposed initiatives. Interactional theory (Thornberry, 1987) and social network theory (Krohn, 1986) are perhaps the most appropriate frameworks for evaluating the innovative strategies focused on the movement between service systems, and the relationship between such movement and the long term well-being of dependent youth. Within the context of a child welfare system, the onset of delinquency may emerge as bonds weaken and children move between various placement settings. Whether or not adolescents continue to engage in delinquency depends in part on the association with other delinquent youth and the formation of delinquent beliefs. Once delinquent patterns emerge, they have feedback effects, further compromising one's bond with conventional societal norms. Interactional and social network theories are well suited, because such frameworks permit one to investigate the factors that explain the three distinct phases of delinquency: onset, duration, and termination. The collection of new data informed by a relevant theoretical framework would permit one to investigate how such settings impact a wide range of developmental issues, including but not limited to, peer networks, antisocial beliefs, academic motivation, and repeat offending.





## Chapter 2: The Prevalence and Characteristics of Crossover Youth

While the literature is unequivocal in its conclusion that maltreatment increases the likelihood of delinquency (see Widom & Maxfield, 2001; Wiig, Widom, & Tuell, 2003; and Petro, 2006 for reviews of this literature), it is virtually silent on the prevalence of this phenomenon. Although some research estimates 9% to 29% of dependent children engage in delinquent behavior (Smith & Thornberry, 1995; Kelley, Thornberry & Smith, 1997; Widom, 1989; Stewart, Dennison & Waterson, 2002; Zingraff, Leiter, Myers & Johnsen, 1993), Halemba, Siegel, Lord, and Zawacki (2004) examined data from Arizona's state information system (JOLTS) and found that crossover youth represented larger proportions of the delinquency cases as penetration of the system deepened. Only 1% of informal diversion delinquency cases, for instance, were crossover youth compared to 7% of probation supervision cases and 42% of cases in a probation placement (see Halemba & Lord, 2005 for similar estimates in Ohio).

The survey results reaffirm the widespread belief that very few states and jurisdictions are equipped to identify and track crossover youth in their systems.

The prevalence of crossing over is difficult to estimate because crossover youth are typically subsumed in agency-specific information systems that are rarely, if ever, integrated (Herz, Krinsky, & Ryan, 2006). This problem plagues many states and counties which must dedicate additional time and resources to identify the extent of crossover youth before they can begin to address the problem (Wiig & Tuell, 2004). To include the perspective of state and county administrators in probation and child welfare in this discussion, several questions related to the prevalence were included in the nationwide survey administered as part of this report.<sup>1</sup>

The survey results reaffirm the widespread belief that very few states and jurisdictions are equipped to identify and track crossover youth in their systems. The results for prevalence questions, across state and county respondents, are presented Table 2.1. The questions included in this table ask respondents whether crossover youth are documented using either an integrated information system or simply a dedicated field within child welfare or juvenile justice. Very few county or state respondents indicated the existence of an integrated information system (10% at the county level and 19% at the state level). Moreover, the likelihood of agencies receiving an integrated information system is very low (somewhere just above "very unlikely").

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<sup>1</sup> Respondents for this study included a convenience sample of: state administrators for child protective services, state administrators for juvenile probation, state administrators for juvenile institutional corrections, juvenile justice specialists, county administrators for child protective services, county administrators for probation, county administrators for juvenile corrections, and juvenile court judges. Please see Appendix A for a description of the procedures used in conducting the survey and for a summary of response rates.



**Table 2.1: Information Systems and Crossover Data Fields**

	State (N=74)			County (N=107)		
	N	Mean	SD	N	Mean	SD
Do CPS and JP agencies currently have integrated information systems in your State/County? <sup>1</sup>	62	0.19	0.40	93	0.10	0.30
If not, what is likelihood that they will have integrated systems in next 5 years? <sup>2</sup>	49	2.33	1.01	82	2.17	0.93
If not, does CPS have data field to record delinquency involvement? <sup>1</sup>	49	0.37	0.49	81	0.37	0.49
Is CPS data field completed consistently and accurately? <sup>1</sup>	47	0.04	0.20	80	0.29	0.45
If not, does probation have data field to record CPS involvement? <sup>1</sup>	49	0.39	0.49	58	0.40	0.49
Is probation data field completed consistently and accurately? <sup>1</sup>	45	0.13	0.34	70	0.20	0.40

<sup>1</sup> Yes=1; No or Don't Know=0

<sup>2</sup> Response categories: 1=Not likely at all; 2=Very unlikely; 3=Somewhat likely; 4=Very likely; 5=Guaranteed

NOTE: SD=Standard Deviation

The survey also included a question about a dedicated data field that – despite the lack of integrated systems–still might capture youth involved with both child welfare and juvenile justice.

Approximately one third of all respondents indicated that a data field does indeed exist, yet the information is far from accurate. Child welfare respondents (29% at the county level and 4% at the state level) reported that this data field is completed “consistently and accurately.” For those responding from juvenile probation, 20% at the county level and 13% at the state level responded in the same way.

Despite the lack of integrated information systems or dedicated data fields, it is possible that counties and states document the prevalence of crossover youth via special studies or more regular reporting. More than half of survey respondents reported regularly documenting the number of crossover youth (67% county level and 60% at state level), but the majority of this documentation was done informally.

The informal nature of assessing prevalence was confirmed through follow-up phone conversations with a variety of state and county officials. Ten states were initially selected for follow-up contact from the survey database. Results collected from these respondents verified that very little effort is

dedicated to generating accurate estimates of the crossover population. Respondents explained that prevalence estimates were typically based on caseworkers reviewing case files or educated guesses by supervisors. An example response illustrates this point:

We don't have a formal way to document our crossover youth. We have a positive working relationship with Juvenile Probation. I simply contacted the Chief Juvenile Probation Manager and got a ballpark figure of who they serve and the cases we have in common. He thought about 800-850 youth on their caseload and 20-25% are also in the child welfare system. My office has many of the adolescent services and so again, I know that many of the kids we deal with are what you call crossover youth.

Both the literature and survey responses verify that prevalence estimates for crossover youth are practically non-existent. This represents a concerning gap between the desire to impact change in the handling of crossover youth and a system's ability to actually effect change in this area. Without knowing how many crossover youth are in child welfare and juvenile justice systems, it is difficult to understand and respond to the needs of this population. To explore this issue further, the characteristics of crossover youth are considered.

### **Crossover Youth Characteristics**

The lack of information available on the prevalence of crossover youth in the child welfare and juvenile justice systems has prevented a widespread exploration of crossover youth characteristics. As a result, very few studies document the characteristics and needs of crossover youth because the data are simply not available. Fortunately, the literature is not devoid of any information on crossover youth characteristics. To date, three studies have contributed to this area (Herz & Ryan, in press; Halemba, Siegel, Lord, & Zawacki, 2004; Kelley, Thornberry, & Smith, 1997). Although limited in number, these studies provide substantial insight into the demographics and background characteristics of these youth (i.e., family histories, school factors, prior involvement in the juvenile justice system, placement histories, and treatment histories), their treatment needs (i.e., mental health, substance abuse, and behavioral/social), their risk levels, and their behavior outcomes (i.e., recidivism).

The first study reviewed in this chapter, Herz and Ryan (in press) examined data from Los Angeles County, California. The Los Angeles County Juvenile Court requires that all crossover youth receive a joint assessment from probation and the Department of Children and Family Services as part of the adjudication process. Herz and Ryan were given access to these joint assessment reports and extracted a number of demographic, legal, and social characteristics from reports completed between April 1, 2004 and December 31, 2004. The unit of analysis for the study was unique individuals. In other words, the most current referral was coded for youths referred multiple times within the time frame. Earlier referrals were then captured as prior offenses. The final number of youth identified cases in this study was 581.

Halemba, Siegal, Lord, and Zawacki (2004) analyzed two types of data for four counties in Arizona (Cochise, Coconino, Maricopa, and Pima Counties). First, data were extracted from the state information system (JOLTS) for all juveniles with an active dependency, delinquency, or status referral between July 1, 2001 and June 30, 2002. This procedure yielded 60,536 youth, of which 3,689 (6%) were crossover youth. Current court history information was then used through August 2003 for all cases. Secondly, data were manually collected from 204 case files (129 from Maricopa County and 75 from Pima County). The case files were randomly selected from a list of youth who had been on probation supervision and had an active dependency record between July 1, 2004 and June 30, 2005. While the first set of data was limited largely to legal characteristics of youth, the second set of data yielded a wide range of demographic and social characteristic information. Given the type of data collected, the authors were able to compare crossover youth to delinquency-only youth.

The third study, Kelley, Thornberry, and Smith (1997) analyzed data collected as part of the Rochester Youth Development Study. This study is part of a longitudinal project under OJJDP's Program of Research on the Causes and Correlates of Delinquency. The sample included a cohort of 1,000 youth drawn from public school students in seventh and eighth grade in spring 1988 in Rochester, New York. The participants were interviewed every six months for multiple waves of data collection. This study used seven waves of data to assess the impact of maltreatment on various outcomes. Both self-report and official data were collected to measure delinquency. Maltreatment was measured by identifying cases with substantiated records of abuse or neglect with the Monroe County Department of Social Services prior to the age of 12. Youth with maltreatment histories were then compared to youth without maltreatment histories on a number of outcomes, including delinquency, pregnancy, drug use, GPA, and mental health problems.

Although these studies directly capture information on crossover youth, the samples represent crossover youth in slightly different situations. Herz and Ryan's (in press) population represents all crossover youth adjudicated in the delinquency court; in other words, they were not selected based on a disposition status (e.g., under probation supervision). Halemba et al.'s (2004) study is similar to Herz and Ryan's (in press) with one important difference. Their sample only included crossover youth under probation supervision at home, in out-of-home placement, or in the custody of juvenile corrections. Finally Kelley et al.'s (1997) sample was a general population sample rather than a sample derived from the juvenile justice system. Crossover youth in this study were identified by a history of contact with child protective services combined with either an official report of delinquency or self-reported involvement with delinquency. While all three samples share common characteristics, the differences are important to note prior to reviewing and comparing the findings related to each.

### Demographics

Both Herz and Ryan (in press) and Halemba et al. (2004) reported demographic profiles for crossover youth within the child welfare and juvenile justice systems. In Los Angeles, 67% of crossover offenders were male. Although males outnumbered females among crossover youth, the percentage of crossover females (33%) was noticeably higher compared to the national statistics for females entering the juvenile justice system (26%; Snyder & Sickmund, 2006). With regard to race, 63% of

crossover youth in Los Angeles County were African-American, which reflects a significant overrepresentation of African-American youth relative to the general population, child protective service referrals, and delinquency referrals. For example, African-American youth represent only 10% of the general population, 37% of referrals to child protective services, and 28% of delinquency referrals. Twenty eight percent of offenders were Latino, 8% were Caucasian, and less than one percent was of another race/ethnicity.<sup>2</sup> The average age of crossover youth at the time of their current offense was 15.73 years, and the average time between entering the dependency system on a sustained petition and the current offense was 7.41 years.

Halemba et al.'s (2004) analysis of case file information for crossover youth placed on probation produced similar demographic breakdowns for gender, but slightly different findings across race/ethnicity. Sixty-nine percent of the cases were male, and 31% were female. Only 12% of cases, however, were African-American compared to 53% Caucasian, 27% Latino, and 3% Native American. The race/ethnicity differences between Los Angeles and the four counties in Arizona are quite large. Although it is difficult to assess the reason for the difference, it is likely influenced by the different demographic composition of the two areas.

### Family

Crossover youth in both Los Angeles and Arizona exhibited substantial amounts of family history with criminal behavior, mental health problems, substance abuse, and domestic violence. In Los Angeles, 72% of crossover youth had a biological mother or father with history of substance abuse, 24% had a history of mental health, and 36% had a history of criminal behavior. At least 33% of these crossover youth were exposed to domestic violence, and at least 17% were born drug-exposed. The numbers were similar but a bit elevated in Arizona. Seventy-eight percent had a family history of substance abuse, 31% had a history of mental health, 55% had a parent that was incarcerated, and 70% had been exposed to domestic violence.

Research indicates that domestic violence occurs in between 30 to 60% of families in the child welfare system (Edelson & Eisikovits, 1996; Findlater & Kelly, 1999), and at least one mental health problem is found in approximately 70% of such families (Faller & Bellamy, 2000). Thus, it appears that the prevalence of these problems among crossover youth families is similar to that among all families in the child welfare system. What remains unclear is whether crossover youth have families that exhibit more co-occurring problems and whether the extent of the problem is greater among crossover youth families. This has significant implications for reunification of the family and the overall resiliency of the youth. Marsh, Ryan, Choi, and Testa (2005) showed that reunification is

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<sup>2</sup>Los Angeles County estimates were taken from the U.S. Census Bureau estimates for 2005 (<http://quickfacts.census.gov/qfd/states/06/06037.html>) and Los Angeles Stats, 2007 (<http://www.laedc.org/reports/LAStats-2007.pdf>). DCFS Statistics were taken from DCFS Fact Sheet, December 31, 2004, and Probation numbers were provided to Dr. Herz from Probation for 2004. Cautionary Note: Due to the data currently available from DCFS, comparisons are made to all cases including 0-9 year olds. The proportion would probably differ in many categories if totals were limited to 10+ year olds.

less likely when more than one problem exists within the family, and Jaffee, Caspi, Moffitt, Polo-Tomas, and Taylor (2007) found the resiliency decreased as youth were exposed to more risk factors, particularly within the home.

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### School

The majority of crossover youth in Los Angeles were enrolled in school, but 51% of these youth were truant or not attending school regularly, 47% were engaging in problem behaviors at school that resulted in suspensions, and 49% were not performing well academically. Twenty one percent were classified as learning disabled. Across gender, females were more likely to be truant or have poor attendance than males, and males were more likely to engage in problem behavior at school. Males were also slightly more likely than females to have a learning disability.

In Arizona, 67% of crossover youth on probation had a truancy history and 59% were experiencing academic deficiencies/problems. Twenty-three percent of these youth had or were suspected to have a learning disability. Females in this sample were less likely than males to have a learning disability or be in special education, but they were more likely than their male counterparts to be truant and to experience academic or behavioral problems at school.

Kelley et al. (1997) found a similar pattern albeit in to a more limited extent. Thirty-three percent of crossover youth had a cumulative GPA of less than 2.0 compared to only 23% of youth without a maltreatment history.



## Offense Type

With regard to the most recent offense, 40% of Los Angeles County crossover youth were charged with a violent offense (i.e., assault, assault with a deadly weapon, or robbery), 28% were charged with a property offense, and 25% were charged with an “other” offense.<sup>3</sup> It is important to note that all violent offenses are not equal. First, misdemeanor and felony offenses were combined in this analysis, and the charge may not reflect the actual context of the situation in which the offense occurred. For instance, in one case, throwing an un-ripened avocado at a staff member resulted in an assault with a deadly weapon charge. The lack of clarity surrounding the arrest charge is significant and highlights the need to look beyond final charge data to better understand each unique incident. This is particularly true given that many of these charges occurred in group homes: 42% of violent offenses, 48% of alcohol and drug offenses, and 61% of warrants and probation violations. Slightly more than 50% of these youths were detained in juvenile hall for at least one day as a result of their offense.

Using the Arizona JOLTS data, 28% were charged with a felony or misdemeanor violent offense, 37% were charged with a felony or misdemeanor property offense, 11% were charged with a drug offense, and 24% were charged with an “other” offense. Crossover youth were more likely to be charged with a violent offense compared to delinquency-only youth placed on probation supervision. However, crossover youth were slightly less likely (27% compared to 31%) to be charged with a violent offense compared to delinquency-only youth placed in a probation placement.

Based on self-report delinquency, 70% of the youth with maltreatment histories in Kelley et al. (1997) engaged in some type of violent crime, and 79% engaged in general delinquency. Comparisons of delinquency by seriousness yielded slightly different results. Maltreated youth were most likely to report engaging in moderate delinquency (71%) followed by minor delinquency (45%) and serious delinquency (42%). Delinquency was 8-15% higher among crossover youth compared to youth without a history of maltreatment in all categories of delinquency; however, the relationship between maltreatment and delinquency was stronger for more serious rather than less serious forms of delinquency.

## Prior Involvement in the Juvenile Justice System

Subsequent to arrest, 68% of crossover youth in Los Angeles County had some level of official contact with the juvenile justice system. In Arizona, 73% of active dependent youth between the ages of 14-17 had been referred to delinquency court for at least one referral in the past; 57% had been petitioned to delinquency court; and 49% had been placed on probation supervision.

Crossover youth in Arizona also had more extensive court histories than delinquency-only youth as measured by the average number of prior referrals and petitions. Crossover youth had an average of 8.2 referrals and 4.4 petitions compared to 5.6 referrals and 3.1 petitions for delinquency-only cases

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<sup>3</sup> The “other” category included offenses such as vandalism, disturbing the peace, obstructing a police officer, warrant, violation of probation.

When comparisons were restricted to delinquency-only youth in probation placements, crossover youth had slightly fewer average referrals and petitions (8.2: 8.7 referrals and 4.4: 4.8 petitions, respectively).

Virtually all of Los Angeles crossover youth (98%) had at least one out-of-home placement. Typically, placement in out-of-home care was not temporary, but rather involved multiple placements over long durations of time.

### Placement History

All of the Arizona youth in the case file dataset (N=204) had a history of at least one out-of-home placement. Forty percent had been placed with a relative at some point, 14% in a foster care placement, and 90% percent had been placed in a group home. The average number of placement for these youth was 10.3 placements, and in total, these youth spent a total of 938 days in out-of-placement care. Additionally, 89% had a history of placement in juvenile detention centers, 15% had a history of placement in state corrections, and 51% had a history of running away from a placement (i.e., AWOL).

The data in Los Angeles demonstrate a nearly identical pattern. Virtually all of Los Angeles crossover youth (98%) had at least one out-of-home placement. Typically, placement in out-of-home care was not temporary, but rather involved multiple placements over long durations of time. Approximately, 63% had at least one placement with a relative, and the average number of times for this type of placement was 1.85. A similar proportion of crossover youth (62%) had at least one group home placement, but the average number of group home placements was higher at 3.22. Seventy-two percent of youth were placed in non-kinship foster care homes – with an average of 3.66 placements. Similar to crossover youth in Arizona, 50% of Los Angeles crossover youth had a history of running away, or going ‘AWOL’ from their placement.

In general, crossover youth in Los Angeles appear to be youths who enter the system relatively early and do not leave DCFS care for long periods of time. When reading case files, it was not uncommon to find that these youths were initially placed in a relative or non-relative foster care placement until rebellious behaviors led foster parents to ask for a removal. Foster care placements were used until youths’ behaviors escalated, leading to a group home placement. Group home placements were rarely successful. In fact, 40% of the crossover youths were living at a group home at the time of the arrest. This statistic becomes critically important when the nature of arrest is considered. At least one-third (31%) of all arrests were related to placement (i.e., the offense occurred at the youth’s placement), and two-thirds (66%) of all placement-related offenses occurred at a group home.

### Mental Health and Substance Abuse Problems

The majority of crossover youth, regardless of the study, suffered from mental health problems and/or substance abuse. In Arizona, 80% had an indication of substance abuse, 61% had an indication of emotional/mental health issues, and 27% had a history of suicide ideation/threats. In Los Angeles, 28% had an indication of a mental health problem only, 17% had an indication of a substance abuse problem only, and 38% had indication of a co-occurrence (i.e., both mental health and substance abuse problems). In total, 83% of Los Angeles crossover youth had a mental health and/or a substance abuse problem. Likewise, Kelley et al. (1997) found that children with maltreatment histories were more likely to have substance abuse and mental health problems. According to their results, 43% had a substance abuse problem and 26% had a mental health problem. These data also show that children with maltreatment are at a greater risk for both substance abuse and mental health problems compared to children without a maltreatment history. Specifically, the risk for substance abuse was approximately one-third greater for maltreated youth, and the risk for mental health problems was approximately three-quarters greater for maltreated youth.

### Juvenile Court Dispositions

The study in Los Angeles used all crossover youth facing adjudication for a delinquency charge. Thus, these data offered the opportunity to examine the disposition outcomes for these cases. Only 10% of youths had their cases dismissed by the court. The majority of youth remained dependency wards with informal probation (61%), and approximately one-third (29%) of youth became delinquency wards of the delinquency court and had their dependency court status terminated (see Chapter 3 for a description of separate jurisdiction for the handling of crossover youth).

Regression analyses were completed to assess which characteristics were significantly related to a youth becoming a ward of the delinquency court relative to other disposition outcomes (Herz & Ryan, in press). The following risk factors significantly increased the likelihood of becoming a delinquency ward:

- Living with a relative or in a group home (vs. living in a foster care placement)
- Having a history of running away from a placement
- Having previous crossover referrals
- Being detained at juvenile hall after arrest
- Having a substance abuse problem

Halembe et al. (2004) did not directly examine disposition outcomes for crossover youth, but at least one finding is related to the outcomes received in juvenile court. According to the JOLTS data, 37% of crossover youth spent time in a probation-funded private placement (i.e., group home or residential placement) compared to only 4% of delinquency-only youth. This reinforces the general finding that crossover youth receive harsher outcomes compared to offenders without a dependency case (Ryan et al., 2007; see Chapter 3 for a more complete review of literature on juvenile justice outcomes for crossover youth).



## Risk Levels

Following the collection of crossover data in Los Angeles, the Los Angeles County Probation Department validated its risk assessment tool and recalibrated the scoring to identify nine areas of risks/strengths: Delinquent Behavior; Delinquent Affiliations; Delinquent Orientation; Substance Abuse; Family Interactions; Interpersonal Relations; Social Isolation; Academic Engagement; and Self-Regulation (Yoo & Sosna, 2007). These scales, in turn, calculate overall risk to re-offend and provide guidance on which domains the youth needs intervention. The scoring for the tool was applied to a sub-group of first-time offenders from the data collected by Herz and Ryan (N=226; see Herz, Harada, Lecklitner, Rauso, & Ryan, 2007 for more description of this process). Although the data did not allow a perfect application of the tool, it was suitable enough to generate scores for each of the scales.

The results of this analysis indicated that 51% of crossover youth fell into the low risk category, 41% fell into the moderate risk category, and 8% fell into the high risk category. Need for intervention varied by risk, with high risk youths requiring more intervention than moderate and low risk youth with only one exception. The majority of crossover youth in all risk groups (>80%) scored in the “need intervention” category for family intervention; in fact, family intervention was the highest need area among all offenders regardless of risk level. Interventions to reduce delinquent orientation (i.e., attitudes favorable to delinquency), and improve academic engagement were the next highest categories for high and moderate risk offenders. Improving academic engagement and reducing social isolation were the most pressing areas for intervention with low risk offenders.

## Recidivism

Recidivism data for Los Angeles crossover youth were retrieved for the period covering April 1, 2004 to December 31, 2005.<sup>4</sup> The overall recidivism rate for this population was 28%, but recidivism rates significantly differed when levels of risk were considered.<sup>5</sup> Low risk offenders had a recidivism rate of 16%, moderate risk offenders had a rate of 30%, and high risk offenders had a rate of 41%. Recidivism rates across risk levels were further mediated by mental health problems (i.e., need for mental health). The presence of mental health problems, for example, increased recidivism among low risk offenders by 53% (13% to 20%) and among moderate risk offenders by 45% (22% to 32%).<sup>6</sup>

Halemba et al. (2004) also measured delinquency for all first-time offenders identified in the JOLTS data during FY 2002. Recidivism was measured by another referral for a delinquency matter up

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<sup>4</sup> Recidivism is measured by any new charges within the follow-up time period. This measure does not account for how the charges were adjudicated (i.e., dismissed or otherwise).

<sup>5</sup> The data currently do not provide a way to account for “time at risk” for recidivism. A certain percentage of these offenders, for instance, were placed in correctional facilities for some portion of time after their disposition. In these cases, youths would not be “at risk” for recidivism, and as a result, the recidivism rates presented above could be artificially low.

<sup>6</sup> Findings for high risk are not reported because all but two high risk offenders fell into the high risk/mental health category.

through August 2003. Crossover youth were twice as likely as delinquent-only youth to recidivate during this time period (62% compared to 30%, respectively). Female crossover youth had a slightly higher recidivism rate than males (65% compared to 61%); however, female delinquency-only youth had a much lower recidivism rate than male delinquency-only youth (23% compared to 33%).

The absence of data on the prevalence of crossover youth is exceptionally concerning and addressing this problem should be prioritized by policy-makers and administrators at all levels.

## Summary

The absence of data on the prevalence of crossover youth is exceptionally concerning and addressing this problem should be prioritized by policy-makers and administrators at all levels. Without clear estimates to document the problem, attempts to improve the handling of crossover youth will undoubtedly fall short of their full potential. Measuring prevalence requires commitment from agencies, but it is not terribly difficult or cumbersome. At best, systems should work to integrate or share their information systems, and at worst, systems should mandate that basic data fields useful for identifying crossover youth be completed. Additionally, interagency workgroups could develop a protocol to match data across information systems on an annual basis in order to track prevalence. Each of these methods provides the opportunity to not only document the number of crossover youth but also to track these youth over time to measure outcomes. For states and jurisdictions that implement collaborative approaches, these data can also be used to assess the effectiveness of these approaches.

The research on crossover characteristics points to several additional issues that should guide policy, practice, and research discussions. More investigation and special attention should be given to the role that gender and race play in crossover populations. African-Americans are consistently overrepresented in these populations; yet, clear explanations for this finding are practically non-existent. The prevalence of female offenders and their related risk for a variety of problem behaviors is escalated among crossover populations. Not only do females have worse outcomes compared to males, but Kelley et al. (1997) also showed that these young girls are more likely to become pregnant than girls without a history of maltreatment (52% compared to 34%). These findings, in combination with the results for mental health and substance abuse problems, emphasize the need to further investigate the prevalence of trauma among crossover youth and the extent to which youth with trauma histories receive appropriate counseling and interventions immediately (or as soon as possible) after the event(s). There is growing research to indicate that a substantial number of dependent and delinquent youth experience trauma but receive little or no intervention, resulting in the development and/or escalation of mental health and substance abuse problems (Taylor & Siegfried, 2005).

Similar to the results presented in Chapter 1, group homes remain questionable placements for crossover youth. Although it is unclear whether group homes increase delinquency under all conditions, the evidence regarding their criminogenic impact on crossover youth is undeniable. Thus, understanding the conditions under which group homes may be appropriate placements (i.e., when risk and treatment levels are matched to the services at the group home) should be a primary topic of interest to policy-makers, practitioners, and researchers.

Related to the role of placements is the exceptionally high need for family intervention among crossover youth. On one hand, this is an expected finding since court intervention originated from abuse/neglect typically within the family; however, the absence of appropriate family intervention and a lack of coordination between family intervention and other interventions, amplifies the problems of finding and sustaining appropriate placements for these youth. Both Multisystemic Therapy and Multi-Dimensional Treatment Foster Care, for example, are evidence-based programs directed at the problems exhibited in the crossover population, but they are often difficult to access, and when they are available, many crossover youth are prevented from participating because they do not have a stable family environment or foster care placement to which they can return. Consequently, many crossover youth find themselves shuffled across multiple group home placements until they can emancipate from the system.

A review of research related to the link between maltreatment and delinquency, as well as the characteristics of crossover youth, stresses the need to develop a coordinated and informed research agenda that examines a range of issues including, but not limited to: the role of representation on outcomes, the causes for racial disparities, disparities in the way crossover youth are handled in the juvenile justice system, the effect of collaborative approaches on a variety of outcomes, and the effectiveness of various types of programs with crossover youth, including programs that are classified as evidence-based programs.

Taken together, the findings from this literature clearly demonstrate the multi-dimensional needs of crossover youth and the complexities they present to single agency/system approaches. These results leave little question that collaborative approaches are essential to effectively addressing the needs of these youth.



## Chapter 3: System Responses to Crossover Youth

Despite a tremendous need for comprehensive and coordinated care, crossover youth typically fall through the crack that separates the child welfare and juvenile justice systems due to system fragmentation and poor communication. The absence of coordinated responses for youth who cross into both systems is particularly concerning because these youth often present a complexity of problems that require multisystem responses rather than single agency oversight (see Chapter 2). Research indicates that crossover youth are more likely than youth without maltreatment histories to receive harsher court outcomes in the delinquency court (Ryan, Herz, Hernandez, & Marshall, 2007; Morris & Freundlich, 2004; Conger & Ross, 2001; Jonson-Reid & Barth, 2000) which negatively impacts the likelihood that they will receive appropriate treatment programming (Freundlich & Bockstein, 2003; McMackin & Fulwiler, 2001; Pumarieg et al., 1999). Without appropriate services, crossover youth are more likely to suffer from mental health problems and drug addiction and to continue engaging in criminal behavior into adulthood (Widom & Maxfield, 2001).

A growing body of literature highlights the systemic problems related to serving the needs of crossover youth and calls for states to improve collaboration across child welfare, juvenile justice, mental health, and education systems. Wiig and Tuell (2004), for instance, offer a roadmap to jurisdictions that take steps to address the crossover issue within their state. Building on Martinson's (1999) work, they encourage jurisdictions to conceptualize collaboration as two types of interrelated activity: integration and coordination (Wiig & Tuell, 2004). Integration involves developing a new system that provides an infrastructure to support coordination across agencies. Integrated/shared information systems, written protocols between agencies, and blended funding approaches are a few examples of integration. Coordination involves the development of specific programs and procedures intended to improve information-sharing across and within agencies, such as multi-disciplinary assessment and case management. Although a jurisdiction can focus on integration or coordination efforts, the two are ultimately inseparable for building effective, sustainable multisystem approaches.

The purpose of this chapter is to summarize the current state of affairs with regard to these issues. Specifically, this chapter will summarize the literature related to the processing of crossover youth in the juvenile justice system, consider how the crossover issue is viewed by different stakeholders, discuss the impact of statutory definitions on the handling of crossover youth, and review the types of collaborative approaches currently used in jurisdictions across the nation. Both a review of extant literature and the results from a nationwide survey<sup>7</sup> are used to accomplish these tasks.

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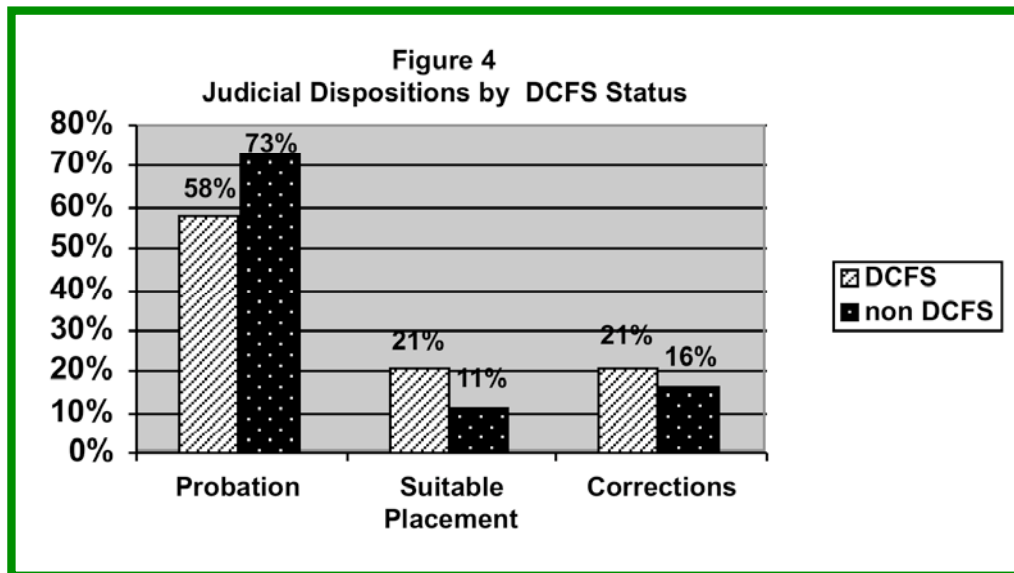
<sup>7</sup> Respondents for this study included a convenience sample of: State administrators for child protective services, state administrators for juvenile probation, state administrators for juvenile institutional corrections, juvenile justice specialists, county administrators for child protective services, county administrators for probation, county administrators for juvenile corrections, and juvenile court judges. Please see Appendix A for a description of the procedures used in conducting the survey and for a summary of response rates.

## Research Related to the Processing of Crossover Youth

Although the link between abuse/neglect and delinquency is well-established in the child welfare and juvenile justice literatures (see Chapter 1 for more discussion of this issue), the handling of dependent youths who cross into delinquency remains largely unexplored. Research from a limited number of studies concludes that crossover youth receive harsher processing outcomes compared to delinquent youths who have no connection to the dependency system (Ryan, Herz, Hernandez, & Marshall, 2007; Morris & Freundlich, 2004; Conger & Ross, 2001; Jonson-Reid & Barth, 2000). In perhaps the most detailed study of dependent youth in the juvenile justice system, researchers at the Vera Institute of Justice examined 13,000 juvenile pre-adjudication detention decisions in New York City between 1997 and 1999 (Conger & Ross, 2001). The authors concluded that foster youth without prior involvement in juvenile correction were more likely to be detained compared to non-dependent delinquent youth. Specifically, “the probability of detention for youth in foster care was 10 percentage points higher than the probability of youth not in foster care, controlling for other influences (p. 3).” Complementing this research, Morris and Freundlich (2004) interviewed a variety of stakeholders (e.g. foster parents, young adults, judges, and child welfare administrators) about foster youth experiences in the juvenile justice system. The authors concluded that the offenses associated with dependent youth entering the juvenile justice system were less serious compared to non-dependent delinquents, and that many stakeholders believed crossover youth were treated differently than their delinquency-only counterparts. Differential decision-making was perceived to be related to decision-makers’ perceptions of the living arrangements of these youth (e.g. group home placement) and their perceptions of the youth’s risk to re-offend. The authors also reported that foster youth were consistently dissatisfied with their legal representation and felt that the punishments were often more severe for dependent youth. Similarly, foster parents expressed concerns about perceived inequities of judicial dispositions for foster youth.

Research from a limited number of studies concludes that crossover youth receive harsher processing outcomes compared to delinquent youths who have no connection to the dependency system

These concerns are validated in a recent study conducted in Los Angeles County, California by Ryan, Herz, Hernandez, and Marshall (2007). Results showed that delinquency cases originating in child welfare were less likely to receive probation, controlling for a wide range of factors including age, gender, race, and type of offense. The authors investigated the likelihood of case dismissal, and the likelihood of the following judicial dispositions: probation, suitable placement, and correctional placement. Suitable placements refer to group homes most often supervised by probation. Correctional placements refer to delinquency camps supervised by probation and placement with the California Youth Authority (CYA). The relative probabilities reveal differences between these dispositional groups for DCFS (58% probation, 21% suitable placement, 21% correctional) and non DCFS youth (73% probation, 11% suitable placement, 16% correctional) (see figure 4).



So rather than probation, adolescents moving from child welfare to juvenile justice were more likely to enter correctional placements including delinquency camps and secure group homes supervised by juvenile probation (see also Halemba et al., (2004) for a similar finding).

In short, adolescents coming to juvenile justice from child welfare are at a clear disadvantage. They are more likely to experience detention, and more likely to get pushed deeper into the juvenile justice system—again, controlling for other important covariates such as age, race, prior offense history, and current offense. This is problematic on three fronts. First, residential programs are significantly less effective for reducing the likelihood of continued delinquent offending as compared with court supervised probation and community-based programs (Lipsey, 1992). Second, it is not clear how residential programs within juvenile justice systems address issues related to family violence and child safety. Juvenile offenders are best served in community-based programs that improve pro-social skills, focus on problem solving with the youth and his/her family, and are highly structured and intensive. The evidence suggests that probation and augmented forms of probation (e.g. restitution) are the most effective (Lipsey, 1992). Yet adolescents entering the juvenile justice system via child welfare are less likely to receive such programming, regardless of the crime committed. Instead, crossover youth enter group homes and other residential settings. Such environments increase the likelihood of associating with deviant peer groups, and reinforce antisocial attitudes, values, and beliefs (Dodge, Lansford, & Dishion, 2006). Moreover, adolescents leaving these programs are at an increased risk of recidivism and an increased risk of entering the adult correctional system.

Third, mental health and substance abuse problems may increase the further penetration of the delinquency system, especially if the juvenile court believes that the child welfare system has not adequately addressed these problems. In particular, dependent youth with these problems may be viewed as needing more attention than their delinquent-only counterparts. The juvenile justice system's ability to provide effective mental health and substance abuse treatment, however, is rarely more promising than the child welfare system's ability to appropriately meet the complex needs of this population (McMackin & Fulwiler, 2001; Pumariega et al., 1999).

Conducting assessments for and providing appropriate levels of supervision and treatment to crossover youths is particularly challenging because it requires coordination across the dependency and delinquency court systems. While there is a growing amount of literature that documents the need to integrate treatment and accountability to successfully reduce recidivism, there is little evidence to indicate that such integration is occurring across systems (Brezina, 1998; GAO, 2003; Halemba & Lord, 2005; McMackin & Fulwiler, 2001; Pumariega et al., 1999). In fact, it appears that fragmentation across systems amplifies problems for crossover youth. Unfortunately, social service, mental health, and probation departments within the same jurisdiction have conflicting missions and philosophies (i.e., to protect and rehabilitate v. to punish), different professional training (i.e., social work and clinical v. criminal justice), and different funding streams (i.e., Department of Health and Human Services vs. State Probation Administration) that often thwart collaboration.

### Importance of the Crossover Issue to Key Stakeholders

A state and/or jurisdiction’s willingness to address the problems related to handling crossover youth depends on various stakeholder’s recognition of the issue (Wiig & Tuell, 2007). Since it is widely accepted that effective handling of crossover youth requires interagency and intra-agency cooperation, agencies, service providers, and policy-makers must not only recognize the crossover issue, but also prioritize it for attention. The nationwide survey conducted as part of this study presents a unique opportunity to measure the perceived importance placed on the crossover issue from a variety of stakeholders.

**Table 3.1: Perceived Level of Importance of the Crossover Issue**

	n	%
High Importance		
Importance to <u>You Personally</u>	157	84.9
Importance to <u>Probation</u>	133	71.9
Importance to <u>Child Welfare</u>	128	69.2
Moderate Importance		
Importance to <u>Mental Health</u>	112	60.5
Importance to <u>Institutional Corrections</u>	102	55.1
Importance to <u>Education Providers</u>	76	41.1
Low Importance		
Importance to <u>Governor</u>	62	33.5
Importance to <u>County Governing Boards</u>	57	30.8
Importance to the <u>Legislature</u>	52	28.1

Table 3.1 shows the percentage of respondents who rated various stakeholders' view of the crossover issue as "important or very important." The results naturally classify stakeholders into one of three groups: high importance, moderate importance, and low importance. Respondents believed the crossover issue was considered most important to themselves (84.9%), probation (71.9%), and child welfare (69.2%). The issue was perceived to be the least important to the governor (33.5%), county governing boards (30.8%), and the state legislature (28.1%). Stakeholders who fell in the moderate category included mental health (60.5%), corrections (55.1%), and education (41.1%).

Not surprisingly, importance for the crossover issue was highest among those agencies impacted directly, moderate for agencies impacted indirectly, and lowest for stakeholders who were the most removed from the issue on a daily basis. While these results may fit with expectations, they have significant implications for the development and sustainability of multisystem approaches. Well-developed policy and sufficient funding are necessary for the development of integration and coordination across and within systems. If these results accurately reflect reality, they infer that policy-makers may be indifferent to providing such resources, which in turn, could detrimentally impact the long-term success of efforts to build multisystem approaches for crossover youth.

### Statutory Definitions of Crossover Youth

The handling of crossover youth is dictated, to a large degree, by state laws that define jurisdiction for crossover youth. There are three statutory approaches used in the United States: concurrent jurisdiction, "on-hold" jurisdiction, and separate jurisdiction.<sup>8</sup> States with concurrent jurisdiction allow a youth to be under the jurisdiction of the dependency court and delinquency court simultaneously. Under concurrent jurisdiction, a lead agency approach is common, whereby child protective services and probation work with the court to determine which agency will have primary responsibility over the youth's care. Concurrent jurisdiction allows for a youth's termination from the care of child protective services (e.g., a youth charged in adult court), but these conditions vary widely by state. The use of an "on-hold" status is similar to concurrent jurisdiction with only a slight difference. Cases placed "on-hold" receive a temporary interruption in services provided by child protective services until delinquency court dispositions are completed. Thirty-eight states and the District of Columbia use concurrent jurisdiction, two states use "on-hold" jurisdiction, and an additional nine use hybrids of both approaches (Dunlap, 2006; Krinsky, 2004).

Concurrent jurisdiction yields several advantages. Perhaps most importantly, this approach allows youth under the care of child protective services to retain family/dependency court involvement and his/her current placement (if appropriate). A crossover youth in a concurrent jurisdiction state also has access, at least theoretically, to a full array of services offered in child protective services, probation, and institutional corrections. Also, concurrent jurisdictions readily integrate treatment services with supervision from the juvenile justice system. The disadvantages associated with concurrent jurisdiction are few, but nonetheless important to consider. Concurrent jurisdiction does not necessarily equate with effective collaboration across systems and agencies. When an "on-hold"

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<sup>8</sup> NOTE: This terminology is widely recognized, but not standardized. To date, there is no standard definition for jurisdictional approaches.



status is used, for example, the most serious offenders are separated from collaborative efforts and left in the sole care of institutional corrections. The promise of concurrent jurisdiction, then, may remain unfulfilled, and even worse, crossover youth may flounder because no system or agency takes responsibility for his/her ultimate well-being. This point, ironically, was used by opponents in California to argue against concurrent jurisdiction in 2002 (Dunlap, 2006). Representatives of the child welfare system argued that youth would receive worse care under concurrent jurisdiction as a result of interagency confusion over roles and responsibilities, interagency conflict, duplication of services, and a lack of agency accountability.

In stark contrast to concurrent jurisdiction, separate jurisdiction does not allow a youth to be under the jurisdiction of the dependency court and the delinquency court simultaneously. In this case, the law typically outlines a court process to determine whether a case will remain in the dependency system or the delinquency system. In the event that delinquency court is given jurisdiction, the dependency case and all services provided through child protective services are terminated. Only one state, California, currently operates under separate jurisdiction. Once a youth under the care of child protective services in California is charged with delinquency, for example, California Welfare and Institutions Code (WIC) 241.1 outlines a process for determining whether a crossover youth will remain under the supervision of child protective services (the Department of Children and Family Services—DCFS) or become a ward of the delinquency court. WIC 241.1 requires probation and DCFS to submit a joint assessment report to the court for consideration in the 241.1 hearing. Outcomes in the 241.1 hearing process include (1) dismissal of the case; (2) retention of the case in the dependency court with informal probation ordered by the delinquency court; or (3) termination of the dependency case and formal probation (i.e., youth becomes a ward of delinquency court).

While the separate jurisdiction approach has many pitfalls, it potentially offers one advantage for crossover youth. There is a deliberate and concentrated effort by all parties to keep crossover youth in the dependency system. Between April 1 and December 31, 2004, only 29% of 241.1 cases resulted in the youth becoming wards of delinquency court. Ten percent were dismissed and 61% remained under the dependency court with informal probation (Herz & Ryan, in press). Once placed on informal probation, a youth can avoid a delinquency record if he/she successfully completes the conditions of the court order. Youth in concurrent jurisdictions do not necessarily have the same opportunity.

The primary shortcomings of separate jurisdiction are related to loss. Once a youth is made a ward of the delinquency court, he/she loses all access to services and treatment provided through the dependency system. This includes family treatment with parents and siblings. Additionally, he/she loses the attorney that served his/her best interests in the dependency court, his/her court appointed special advocate (CASA), his/her social worker, and his/her placement, which potentially severs sibling relationships and other emotional ties to placement. These losses, in turn, potentially impact the youth's level of attachment with others and his/her trust of the system and adult role models. Another shortcoming involves the youth's length of stay in the delinquency system. Once a crossover youth enters the delinquency system under separate jurisdiction, for example, the youth may remain in the system longer because he/she has no safe home to return to (Krinsky, 2004; Wiig & Tuell, 2007).

The problems inherent in the separate jurisdiction approach have not gone unnoticed in California. In 2004, Assembly Bill 129 was passed by the California legislature (Benningson, 2004; Center for Families, Children, & the Courts, 2007). AB 129 gave California counties the opportunity to experiment with dual jurisdiction approaches. In other words, AB 129 temporarily allowed crossover youth to be wards of both dependency and delinquency in counties that developed protocol to pilot the use of dual jurisdiction. The pilot approach was voluntary, and as of January 1, 2007, 7 of 58 counties had implemented dual jurisdiction protocol (Center for Families, Children, & the Courts, 2007).<sup>9</sup>

Regardless of the statutory definition for handling crossover youth, the multiple service needs of these youth demand the use of collaborative approaches across systems and agencies. Concurrent jurisdiction, however, more readily supports integration and coordination efforts. As indicated above, though, the potential to provide good care does not guarantee its implementation. To consider how integration and coordination have been achieved across the nation, we turn next to a review of promising approaches used to improve the handling of crossover youth.

### **Collaborative Approaches Currently Used to Handle Crossover Youth**

Despite the strong and consistent calls for collaborative efforts, the use of integration and coordination for handling crossover youth has received surprisingly little attention in the literature. The most comprehensive work in this area was completed by Siegel and Lord (2004). In “When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases,” Siegel and Lord identify promising court-based or court-linked practices and programs based on the authors’ experience working with jurisdictions, a broad-based literature review, and a survey of 96 jurisdictions across the nation. This process yielded five areas within which promising approaches were categorized: *Screening and Assessment*, *Case Assignment*, *Case Flow Management*, *Case Planning and Supervision*, and *Interagency Collaboration*.

The category *Screening and Assessment* includes the identification of offenders as crossover youth as early in the delinquency process as possible and the use of standardized assessment tools to develop case plans tailored to individual risks and needs. Procedures used to keep a case under the direction of the same decision-makers and advocates for court processing are captured in *Case Assignment*. *Case Flow Management* involves any efforts to “provide for the substance and timely handling” of court proceedings for crossover youth. Improving coordination across agencies for court recommendations and case management define *Case Planning and Supervision*. Each of the preceding categories represent coordination efforts—i.e., the implementation of policies and procedures to impact the assessment and oversight of cases on a daily basis. The last category, *Interagency Collaboration*, represents efforts to build better infrastructure across systems; consequently, *Interagency Collaboration* represents the integration component of collaboration.

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<sup>9</sup> Los Angeles County submitted its dual jurisdiction after the submission of the 2007 report, raising the total number of counties implementing AB129 to eight.

Siegel and Lord's (2004) work has become seminal with regard to identifying promising collaborative approaches used to handle crossover youth. Research recently completed by Herz, Estep, and Dunlap (2005), Halemba and Lord (2005), and Petro (2007) expands upon Siegel and Lord's work. Herz et al. (2005) conducted phone interviews with 14 jurisdictions (representing 12 states) highlighted in "When Systems Collide..." to gather more detailed information about the approaches they used and the strengths and weaknesses of those approaches. Halemba and Lord (2005) visited four counties in Ohio to further investigate the challenges encountered when implementing collaborative approaches for handling crossover youth, and Petro (2007) conducted a phone survey with 71 representatives from child welfare and/or probation in 43 states to identify unique practices, programs, or policies used for crossover youth.

Using the framework offered in Siegel and Lord (2004), jurisdiction examples of promising approaches are reviewed in order to highlight the characteristics of different approaches as well as their related strengths and weaknesses. As will be evident from this review, the use of promising approaches is not static. In other words, jurisdictions that implement one type of promising approach typically implement other collaborative approaches as well. Thus, Siegel and Lord's categories are useful heuristic devices, but not exclusive in nature. It is also important to note that the examples highlighted in this section are used for illustrative purposes only and are not intended to represent an exhaustive list of jurisdictions using promising approaches (see, for example, Compendium of Family Court Practices, 2006; Arizona Department of Corrections, 2005; CWLA, 2005; CWLA, 2003).<sup>10</sup>

### Screening and Assessment

Several practices are identified in the Screening and Assessment category, including the use of formal delinquency notification protocols, structured decision-making tools, and one-stop interagency intake assessment and screening centers. Examples of these approaches are found in New York City, New York, the State of Connecticut, Jefferson County, Alabama, and Sacramento, California.

The Administration of Children's Services' (ACS) Confirm project (formerly known as Project Confirm) in New York City, New York was created to address interagency communication and coordination issues between the child welfare system and juvenile justice system in New York City (Tuell, 2001; Conger & Ross, 2006). Upon admission of a juvenile to a pre-adjudication detention facility, an ACS Confirm screener searches the child welfare system database to determine whether the child is in foster care. If the youth is a foster child, the ACS staff contacts the social worker and probation officer/detention staff assigned to the case to provide important information, such as detention visitation, contact information, medical conditions, and other child welfare information. The social worker is required to attend the minor's court hearings for the duration of the detention. After notification, ACS Confirm staff meet with key players in the case to ensure that caseworkers,

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<sup>10</sup>Readers are encouraged to refer to Siegel & Lord for a more detailed description of each category and specific approaches contained in each category. Jurisdiction examples of promising approaches are primarily drawn from interviews conducted in Herz et al. (2005) and Halemba and Lord (2005).

probation officers, and other involved parties participate in the court process for the duration of the minor's detention.

Overall, the ACS Confirm program has increased the flow of information and coordination between delinquency and dependency agencies, caseworkers' awareness and attendance at delinquency hearings, and system accountability for delivering a continuity of care to crossover youth. Recent evaluation of this program also showed success in reducing pre-adjudication detention for crossover youth, particularly for females, Hispanic youth, and youth charged with less serious crimes (Conger & Ross, 2006).

Despite significant progress, ACS Confirm continues to struggle with caseworkers who are reluctant to get involved in the delinquency case, poor attendance at delinquency hearings due to long distances, and inefficient information-sharing due to confidentiality and turf boundaries. Conger & Ross' (2006) evaluation also found that detention increased for crossover youth charged with more serious crimes. The authors, ironically, attributed this finding to improvements in information-sharing across court decision-makers. More accurate information about youth, especially with regard to AWOL history, became available to prosecutors. While such information did not seem to matter in less serious cases, it was a critical piece of information for more serious cases.

In Connecticut, the Department of Child and Family Services places liaisons in the pre-detention facilities to run new intakes through their computer system in order to identify crossover youth (Herz et al., 2005). Following the identification of a crossover case, the liaison contacts the social worker and probation office to initiate a planning process. In Jefferson County, Alabama, offenders are immediately referred to a specialized unit within probation once he/she is identified as a dependent youth. Two probation officers with expertise in both probation and social services assess the risks and needs of the youth using a specialized instrument. This information is then used by the probation officer to prepare recommendations for the court. The assessment is conducted before adjudication and is used for case planning. The probation officers in this unit are responsible for managing all crossover youths. Similarly, the State of New Mexico uses a structured decision-making tool to determine where a client should be placed and how often they should be visited in the field.

These approaches assess a youth's needs at the beginning of the adjudication process, result in the development of coordinated case plans, and capitalize on resources offered by both probation and child protective services. Unfortunately, the effectiveness of these approaches is potentially hampered by interagency conflicts regarding "the best interest of a child" and judges who are unwilling to follow the recommendations.

The probation department in Sacramento, CA operates a one-stop interagency intake assessment and screening center for youth facing placement post-adjudication. This center was originally funded by grants, but is now sustained primarily using mental health MediCal and probation funding. The center is a one-stop residential (21 beds) center used to comprehensively assess a youth prior to placement. The facility is located close to the courthouse, and it offers educational programming, medical services, evaluation services, and other support services. The average stay for offenders is approximately 30 days. During this time, the offenders are observed in structured and unstructured ways. A multi-disciplinary assessment team then reviews the case, and makes final decisions about the case plan. Assessment information is provided to the recommended placement, and the probation

officer remains assigned to the case except in special circumstances. Although the center is not limited to crossover offenders, a large portion of those served fall into the crossover category.

The benefits of a one-stop assessment center are several. Co-located services facilitate better communication and collaboration across multidisciplinary entities, probation officers become knowledgeable about different systems, and evaluators have the ability to observe offenders in different contexts and over time. Ultimately, a more thorough understanding of the case results in better case planning, better treatment, and more appropriate placements. Unfortunately, these assessments are completed after adjudication rather than before adjudication. Furthermore, funding continues to present challenges, since MediCal is limited in coverage, leaving substance abuse, educational needs, and certain medical services uncovered.

### Case Assignment

Case assignment approaches consolidate court processing so that the dependency and delinquency cases are handled simultaneously and are supervised by attorneys familiar with both systems. At least three types of approaches fall into this category: one family/one judge, dedicated dockets, and special qualifications for attorneys. Examples of these approaches are found in Allegheny County, Pennsylvania; Bernalillo County, New Mexico; Maricopa County, Arizona; Jefferson County, Alabama; and Palm Beach County, Florida.

The one family/one judge approach is used in all of the counties listed above. In these cases, a single judge hears both the dependency and delinquency matters. In addition to the one family/one judge approach, many of these jurisdictions require continuity of counsel for both the dependency case and the delinquency case. A dedicated docket approach is used in Allegheny County, Pennsylvania, for post-adjudication delinquency and child welfare review hearings. Probation officers, caseworkers, and dependency/delinquency attorneys are required to attend the post-adjudication hearings. To facilitate interagency communication, cross-training is provided to all new probation and child welfare personnel, and supervisors from both agencies meet monthly to discuss new issues and improvement in handling dual jurisdiction cases.

One family/one judge, dedicated dockets, and continuity of counsel provide consistency in oversight, require active involvement by the judge, facilitate communication between agencies, improve case planning, and hold agencies as well as service providers accountable. The only barrier cited in this area was related to the challenges of knowing the expectations of two different systems and learning how to more effectively communicate across agencies.

### Case Flow Management & Case Planning and Management

Siegel and Lord's (2004) categories for Case Flow Management and Case Planning and Supervision are distinct in definition, but quite similar in application. Both categories reference approaches intended to streamline information and improve coordinated case management. Consequently, they are combined for the current discussion. Collectively, they include the following types of procedures and programs: joint pre-hearing conferences, combining dependency and delinquency hearings, joint

court orders and court reports, mandatory attendance of CSW and probation officer at hearings, joint case plans, specialized case management and supervision units, multi-disciplinary team assessment and case management, special qualifications and/or training for case managers, the use of child protective services liaisons, and the use of probation liaisons. Some form of these approaches was found in Bernalillo County, New Mexico; Bexar County, Texas; Tarrant County, Texas; Connecticut; Hillsborough County, Florida; the State of New Mexico; Jefferson County, Alabama; Maricopa County, Arizona; Los Angeles County, California; and Lucas County, Ohio.

The use of dedicated units improves communication across agencies, facilitates cross-training for probation officers who, in turn, become experts for others, improves case planning and management, and improves court expectations.

Dedicated supervision units are used in Maricopa County, Arizona and Jefferson County, Alabama. In Maricopa County, Child Protective Services and Probation jointly agree which agency should take the lead in providing services on a case. Cases in which probation is the lead are assigned to a unit dedicated to supervising crossover cases. Probation officers assigned to this unit receive special training and are in daily contact with their counterparts in CPS as well as any and all agencies/service providers related to the youth's case. In Jefferson County, two probation officers are hired and trained to handle crossover caseloads. These officers liaison between probation and social services, attend court hearings, make recommendations to the judge, develop case plans, and oversee case plans. Caseloads typically range from 35-50 cases/officer.

The use of dedicated units improves communication across agencies, facilitates cross-training for probation officers who, in turn, become experts for others, improves case planning and management, and improves court expectations. The strengths of this approach are augmented when a one family/one judge approach, a good information system, and organizational cultures supportive of collaboration are also established. Organizational differences, however, continue to present challenges to effective information-sharing and coordination across agencies, and the availability of services continues to be a problem especially for children aging out of the system.

Probation and social worker team approaches are used in Bernalillo County, New Mexico; Hillsborough County, Florida; Ramsey County, Minnesota; and the State of Connecticut. A probation officer takes the lead in handling concurrent jurisdiction cases in Bernalillo County. The youth's social worker locates services and works with probation to find the most appropriate placement for the youth. In Hillsborough County, the probation officer or social worker takes the lead in arranging services for the child depending on the severity of the charge. The probation officer prepares and files reports with the court based on discussions and interviews with the social worker and other professionals providing services to the child. In Ramsey County, a judge may assign youth to the "Human Services Delinquency Unit." Youth placed in this unit are then assigned a probation officer and a child protection caseworker who are jointly responsible for overseeing the youth's case plan. The probation officer and caseworker are co-located to facilitate information-sharing and coordination of activities (Halemba & Lord, 2005). In the State of Connecticut,

probation uses Case Review Teams for offenders facing an out-of-home placement. These teams consist of probation officers, social workers, and parole officers, and are responsible for reviewing cases and making appropriate placements.

Team approaches facilitate communication across agencies, increase the likelihood that youth will receive appropriate placements, and improve coordinated case planning and management. Finding the right people to work with crossover youth, reducing high turnover rates, having integrated information systems, and finding funds to access appropriate services remain barriers to team effectiveness.

Child protective service and probation liaisons are often used to facilitate case management. In Bexar County and Tarrant County, Texas, the child protective services agency placed a child protective services (CPS) liaison in Juvenile Services to act as liaison between CPS and probation. The primary responsibilities of the CPS liaison include: providing cohesion across agencies by clarifying policies, language, etc.; accessing information from both systems for case planning; screening referrals; following up on referrals to CPS; responding to emergency situations; and participating in multi-disciplinary team meetings for youth and families with higher risks and needs. The purpose of the liaison is to cross-educate agencies on the roles and responsibilities of each agency in order to (1) avoid duplication; (2) clarify who must take a lead in different circumstances; (3) coordinate and manage the implementation of policies and procedures from both agencies in crossover cases; and (4) provide advocacy in specific cases. Additionally, all crossover cases receive joint assessments and case plans in Tarrant County, and both CPS and probation are responsible for overseeing implementation of the youth's case plan.

A CPS liaison was also placed in the juvenile court in Lucas County, Ohio (Halemba & Lord, 2005). The duties of this liaison are similar to those in Texas. This liaison additionally facilitates an alternative placement to detention, keeps the court apprised of all developments related to a case, and provides informal services to both the youth and his/her parent(s).

Liaisons in all three areas have proven helpful because they understand all aspects of a crossover case and can quickly and efficiently identify problems as well as solutions. Consequently, the court is better informed, delays in accessing services are reduced, and youth have better outcomes (i.e., are less likely to be detained). Often, however, the crossover caseload exceeds the time available for one liaison.

A final approach used in some jurisdictions is a multi-disciplinary team (MDT) for assessment and case management of crossover youth. Los Angeles, California is currently piloting a MDT for its crossover youth. The MDT is comprised of a probation officer, a DCFS social worker, a clinician from the Department of Mental Health (DMH), and an educational liaison (i.e., an education law attorney). Dependent youth charged with a delinquent offense are automatically referred to the MDT. All members of the MDT gather information from their respective agencies about the youth involved in the case and distribute it to the team. The MDT then meets and discusses this information in order to make a joint recommendation to the court regarding (1) which dispositional option is most appropriate for the youth's level of risk and treatment needs; and (2) what treatment and other services should be provided to the youth based on his/her risk and need levels.

Post-disposition, the MDT meets with the youth, the youth's social worker, the assigned probation officer, and any additional relevant parties (i.e., parent/caregiver, treatment provider, placement representative, attorney, etc.) to discuss the court orders and case plan. Monthly progress reports are given to the MDT by the youth's social worker and probation officer.

The MDT approach improves communication with the court and the development of a comprehensive case plan that integrates supervision and treatment in order to address risk and needs simultaneously. The most difficult challenges faced by the MDT are overcoming interagency conflicts related to philosophical and procedural differences, accessing mental health information due to confidentiality concerns, and the lack of availability of appropriate placements and services for crossover youth.

### Interagency Collaboration

Interagency collaboration represents efforts to build infrastructure supports for building partnerships across agencies. Approaches found in this category include: court-facilitated interagency planning meetings, formal written agreements, collaborative funding arrangements, and integrated or shared information systems or databases. The use of formal written agreements was cited by almost all of the jurisdictions highlighted above; without such agreements, systematic application of collaborative approaches would not be possible.

In addition to written agreements, integrated information systems and shared funding significantly contribute to effective collaboration. Many areas have made progress in developing integrated information systems including (but not necessarily limited to), Arizona, Delaware, Michigan, and King County, Washington. Many jurisdictions report using pooled funding but it is unclear how such funding is accomplished (Petro, 2005). Morgan & Martin (2004, p. 39) define four basic strategies to accomplish cross-agency funding:

- Pooling: Combining funds from several agencies or programs into a single funding stream.
- Coordinating: Aligning categorical funding from a number of agencies and funding streams to support community-based initiatives.
- Devolving: Delegating authority for allocating funds from higher to lower levels (e.g., from state to community-based agencies or organizations).
- Decategorizing: Removing narrow eligibility requirements or other rules that restrict how groups can spend funding.

Hamilton County, Ohio was highlighted in Halemba & Lord (2005) for its innovative and long-standing efforts to accomplish pooled and de-categorized funding. In 1995, county commissioners in Hamilton County contracted the purchase, management, and evaluation of wrap-around services to a private vendor. Five agencies including the child protective services agency, the Juvenile Court, the Board of Mental Retardation and Developmental Disabilities, Community Mental Health Board, and the Alcohol and Drug Addiction Services Board collaboratively funded the program. By 2005, the program was de-categorized, and enrollment was based fully on need regardless of the youth's involvement with any one or a combination of agencies.



## Accomplishing Collaboration

Each of the examples reviewed provides insight into how jurisdictions accomplish collaboration or some aspect of it. When these examples are considered in combination with the broader literature on crossover youth, a list of requirements for collaboration and common barriers to collaboration emerges. It appears from the literature that accomplishing collaboration requires, at a minimum, the following:

- Leadership from judges.
- The development of methods to increase information-sharing, case oversight, and the provision of services across agencies.
- Timely notification of delinquency involvement, improved initial assessments, and coordinated case planning/supervision.
- Formal, written memorandums of agreement or understanding that clearly outline the roles and responsibilities of each agency.
- Cross-training for staff involved in collaborative efforts.

The barriers to collaboration are common across jurisdictions as well. The most commonly cited barriers in the literature include (Center for Families, Children, & the Courts, 2007; Petro, 2006, 2007; Halemba & Lord, 2005; Halemba et al., 2004):

- Coordination is often informal, which results in the inconsistent handling of crossover cases. The efforts related to collaboration are sporadic and dependent upon the priorities of individuals rather than the needs of the population.
- When collaborative efforts do occur, there is often confusion over the roles and responsibilities of probation and child protective services as they relate to the supervision and management of cases and to the provision of services.
- Efforts are often plagued by competition over limited funding.
- Interagency tension often surrounds the best way to proceed for a youth.
- Despite efforts to collaborate, agency staff rarely understands the perspective of staff from other agencies/systems.
- Since collaborative efforts are sporadic, guidance and support is often lacking from the state.

Although the characteristics of and barriers to collaboration are helpful in understanding collaboration, they do not quantify how often collaborative approaches are used. To measure the prevalence of these approaches, data from the nationwide survey was aggregated from 185 respondents to the 48 states they represent (see Chapter 4 for a summary of responses for individual respondents on these items). A mean was calculated across respondents for each state and an overall mean was calculated across states to measure how often a selected list of promising approaches was used. Table 3.2 displays the results of this analysis.

**Table 3.2: Use of Collaborative Approaches for Handling Crossover Youth (N=48)**

	n	Mean	SD
Dedicated dockets/one judge approach	40	3.24	1.11
Interagency planning meetings	41	3.22	0.92
Use of MDT to assess and manage cases	39	3.10	0.86
Formal delinquency notification protocols	41	3.09	1.21
Continuity of counsel	41	3.00	1.01
Funding arrangements across CW & Probation	39	2.75	1.00
Joint case plans	39	2.62	0.96
Structured decision-making tools	41	2.58	1.12
Use of child protective service liaisons	38	2.51	1.11
Joint court orders & court reports	38	2.42	0.90
Integrated/shared information systems	42	2.25	1.22
Joint pre-hearing conferences	38	2.24	0.66
Use of probation liaisons	36	2.06	0.95

NOTE: The response category for these items was 1=None of the Time; 2=Rarely; 3=Some of the Time; 4=Most of the Time; 5=All of the Time)

NOTE: SD=Standard Deviation

As shown in this table, none of the promising approaches is used, on average, “most of the time” or “all of the time.” Five of thirteen approaches were used, on average, between “some of the time” and “most of the time.” Dedicated dockets/one judge approaches were used most often, followed by interagency meetings, multi-disciplinary teams, formal delinquency notification protocols, and continuity of counsel. The least often used approaches (i.e., mean < 2.50) were the use of joint court orders and court reports, integrated/shared information systems, joint pre-hearing conferences, and the use of probation liaisons.

As mentioned earlier, Petro (2007) conducted a phone survey with 71 administrators across the United States. He found similar results related to the use of promising approaches: 53% reported using assessment, 30% reported using approaches classified in Siegel and Lord’s (2004) Case Planning and Supervision category, 27% reported using special screening procedures for crossover youth, and only 11% used approaches that fell into Case Flow Management and Case Planning and Supervision categories. Taken together, these findings indicate that despite strong advocacy and support for collaborative efforts, large-scale, sustainable implementation of such approaches continues to challenge states and local jurisdictions.

In addition to the sporadic use of collaborative approaches, effectiveness of these approaches is an important consideration. With only one exception (Conger & Ross, 2006), none of the approaches described above has been evaluated to assess whether they meet their intended goals. Effectiveness of promising approaches ultimately plays a critical role in the attempt to shift organizations from an independent system approach to a multisystem approach. The absence of data may actually contribute to the slow growth of collaborative approaches since funds are increasingly directed at programs that are evidence-based or empirically proven to reach intended outcomes. Perhaps the most concerning finding is the virtual absence of discussions regarding outcomes for crossover youth. Wiig and Tuell (2004), Halemba et al. (2004), and Herz and Ryan (In Press) offer some guidance on this point, but to date, a comprehensive list of suggested outcomes does not exist. As a resource for future discussion, a list of outcomes developed by the Los Angeles Juvenile Court AB 129 Executive Committee is provided in Appendix D.

As research increasingly demonstrates, crossover youth face uncertain futures unless their needs are addressed as early as possible using a comprehensive approach.

## Summary

In sum, at least four persistent themes surface from the information reviewed in this chapter. First, collaborative approaches are necessary to improve communication and coordination across agencies. Second, collaborative approaches are sporadic and guided more by local needs than an overarching philosophy and directive from research and policy groups. Consequently, there is great variation in the ways integration and collaboration are accomplished not only across states, but within states as well. Third, confusion over roles and responsibilities in collaborative approaches is a chronic problem that hinders the potential success of any approach undertaken by a jurisdiction. Finally, coordination efforts intended to improve information-sharing and coordinated case management depend heavily on integration efforts. Integration provides a larger infrastructure through which coordination can function and flourish. In other words, the day-to-day case management of a youth will only succeed if resources (i.e., integrated/shared information systems, blended funding, and access to a continuum of effective services and placements) are available.

Addressing these areas requires clear definitions of crossover youth and how they should be handled within a state. In a telephone survey, Petro (2006) found that only 51% of state respondents could identify a law, written policy, memorandum of understanding, or executive order outlining the expectations and procedure for processing crossover youth across the child welfare and juvenile justice systems. These results underscore the need to educate key stakeholders. Without recognition and clear understanding of the crossover problem, the likelihood of building effective multisystem approaches remains tenuous. Finally, the evaluation of promising approaches based on outcomes specific to crossover youth needs to be prioritized. The consequences of not addressing these issues are dramatic. As research increasingly demonstrates, crossover youth face uncertain futures unless their needs are addressed as early as possible using a comprehensive approach.

## Chapter 4: State Perspectives on Issues Related to the Handling of Crossover Youth

To further explore the experiences and perceptions of practitioners who oversee the handling of crossover youth on a daily basis, a national survey was sent to a sample of state administrators for child protective services, state administrators for juvenile probation, state administrators for juvenile institutional corrections, juvenile justice specialists, county administrators for child protective services, county administrators for probation, county administrators for juvenile corrections, and juvenile court judges.<sup>11</sup> The survey was comprised primarily of close-ended questions; however, a few open-ended questions were used to capture respondents' perceptions of their strengths in handling crossover youth as well as the problems they continued to face despite progress in this area.

Specifically, open-ended items on the survey asked respondents to identify (1) three strengths related to their current handling of crossover youth, (2) three of the most significant problems facing their state's approach to handling crossover youth, (3) three primary areas that needed improvement in their state's approach to handling crossover youth, and (4) three recommendations for improving the handling of crossover youth. The last three questions generated responses that were very similar in substance; thus, the responses were combined to create one category for challenges and problems that characterize the handling of crossover youth. Analysis of the open-ended items revealed several themes related to the handling of crossover youth.<sup>12</sup> Table 4.1 summarizes and compares these results.

**Table 4.1: Summary of Results for Strengths and Challenges/Problems**

	Current Strengths (N=269)		Challenges/ Problems (N=902)	
	Count	Percentage	Count	Percentage
Collaboration & Consistency Across Agencies	228	83%	420	46%
Availability of Services	14	5%	258	28%
Funding	13	5%	93	10%
Access to Placements & Placement Alternatives	--	--	48	5%
Prevention & Early Intervention	--	--	46	5%

Note: (1) The unit of analysis in this table is total number of responses rather than total number of respondents. (2) Categories associated with less than 5% of the responses were excluded from the table.

<sup>11</sup>Please see Appendix A for a description of the procedures used in conducting the survey and for a summary of response rates.

<sup>12</sup>Data analysis revealed group differences across respondent groups and between state and county respondents. Due to the limited space, results are shown for all respondents collectively. Statistically significant mean differences across respondent groups and/or between state and county respondents will be noted in the text when applicable.

As shown in this table, the most dominant theme from these data was the role of collaboration and consistency in handling crossover youth. Collaboration and consistency represent the willingness of various entities in the child welfare and juvenile justice systems to work together in order to improve the assessment of crossover youth and to provide them with more appropriate services. Interestingly, collaboration and consistency was cited most often as both a strength and a challenge/problem related to handling crossover youth. While at first these results may seem contradictory, they make a great deal of sense when considering the substantial obstacles that face multisystem approaches. In other words, these findings may reflect both the progress that agencies have made in the area of collaboration as well as their continued struggles with establishing clarity in roles and responsibilities, resolving agency conflicts, monitoring agency and staff accountability, and overcoming hurdles to collaborative funding arrangements. These seemingly mixed results are reflected elsewhere (Petro, 2007) and seem to capture jurisdictions' continuous battle between the urgent need to respond differently to crossover youth and the slow progress made across agencies toward collaboration.

The remaining strengths pale in comparison to collaboration and consistency. Only 5% of the respondents indicated that access to appropriate services and access to funding were strengths in current methods for handling crossover youth. In contrast, access to appropriate services (general as well as behavioral health services) was viewed more as a challenge/problem (28%), rating it as the second highest challenge/problem facing the handling of crossover youth. Two additional challenges/problems were also related to the availability of services: the availability of appropriate placements and/or placement alternatives (5%) and the availability of prevention and early intervention services for youth in child protective services who are at-risk for crossing into delinquency (5%). Access to funding for services (10%) was the third highest challenge/problem faced by respondents.

Taken together, the responses presented in Table 4.1 draw attention to three principal concerns related to the handling of crossover youth: the ability to collaborate across systems, the ability to access appropriate services and placements, and the ability to access funding for appropriate services and placements. To better understand the nature of these themes and to consider how multisystem approaches might be improved, each of these themes is further explored using additional survey data.

## **Use of Collaboration**

In Chapter 2, a wide range of collaborative approaches to handling crossover youth was reviewed and the use of promising approaches was assessed. The results showed that promising approaches were not commonly used. In addition to the use of collaborative approaches, respondents were asked to indicate their agreement with several statements related to the collaboration between different agencies/entities implicated in the handling of crossover youth; specifically, these statements captured the extent of partnership between CPS, probation, institutional corrections, the mental health care system, the substance abuse treatment system, and educational providers (i.e., schools). The first finding from this table is striking and parallels the findings from Table 4.2. While collaboration does exist, agreement for effective interagency collaboration did not exceed 40%. In other words, the majority of respondents did not "somewhat or strongly" believe that effective collaboration exists across any agencies (see Table 4.2).

According to respondents, collaboration was most likely to occur between CPS and probation (39.5%) and between CPS and institutional corrections (31.4%). About one quarter of respondents also agreed that collaboration occurred between the mental health care system and CPS (28.1%), probation (26.5%), and institutional corrections (25.9%); between the substance abuse treatment system and probation (28.1); and between educational providers and probation (24.1%). Of all partnerships, collaboration was reported to be the weakest between the substance abuse treatment system and CPS (22.2%); and the substance abuse treatment system and institutional corrections (21.6%); and between educational providers and CPS (22.2%), and educational providers and institutional corrections (21.1%).

**Table 4.2: Perceived Levels of Collaboration across Systems (N=185)  
—Percentage Reporting “Somewhat or Strongly Agree”**

	n	%
CPS & Probation collaborate effectively	73	39.5
CPS & Corrections collaborate effectively	58	31.4
The MH system is partner with CPS	52	28.1
The SA treatment system is partner with Probation	52	28.1
The MH system is partner with Probation	49	26.5
The MH system is partner with Institutional Corrections	48	25.9
Educational providers are partners with Probation	45	24.3
The SA treatment system is partner with CPS	42	22.7
Educational providers are partners with Institutional Corrections	41	22.2
The SA treatment system is partner with Institutional Corrections	40	21.6
Educational providers are partners with CPS	39	21.1

NOTE: Means and significant mean differences across respondent group and by state and county respondents are reported in Appendix B and C, respectively.

Mean comparisons yielded several differences across respondent groups and between state and county respondents. Probation respondents were more likely to agree that collaboration occurred between probation and substance abuse treatment system than respondents from child protective services and institutional corrections. County respondents rated the collaboration between mental health care systems and probation and institutional corrections higher than state respondents. County respondents also rated educational providers’ collaboration with CPS, probation, and institutional corrections higher than state respondents.

These results align with historical contracting patterns as well as anecdotal information. CPS has historically relied on Medicaid to pay for treatment services. The requirements for services through Medicaid promote more alignment with the mental health care system than the substance abuse treatment system. Probation, in contrast, has historically focused on substance abuse problems and contracted more readily with substance abuse providers. As mental health problems have increased among juvenile offenders, both probation and institutional corrections have started to utilize Medicaid funding and to forge better relationships with mental health treatment providers. From an educational point of view, it is not surprising that the relationship between schools and probation was better rated than the relationships with other agencies. Probation often has offenders in school and as a result, has started putting probation officers in schools. Many have expressed, anecdotally, that schools view probation as a method to control a student's behavior, since problem behaviors can result in violation of court orders. Social workers, on the other hand, typically work outside of the schools even though schools are required to fill the many educational needs of their clients. Institutional corrections staff also work outside of the school system, maintaining their own educational programs (sometimes coordinated with local districts) that are expected, but rarely do, transition seamlessly into the public school system upon a youth's release back into the community.

As mental health problems have increased among juvenile offenders, both probation and institutional corrections have started to utilize Medicaid funding and to forge better relationships with mental health treatment providers.

### Barriers to Collaboration

The survey also asked respondents to rate the extent to which the lack of collaborative relationships operated as barriers to effectively handling crossover youth. Table 4.3 displays the percentage of respondents rating each item as a "significant or very significant" barrier. When the relationship with each agency is considered individually, a lack of relationship with schools is considered to be the most significant barrier followed closely by relationships with the mental health care and substance abuse treatment systems. Not surprisingly, schools' resistance to sharing information was closely related to the lack of relationship with schools, reinforcing the notion that confidentiality of information poses a problem for interagency collaboration, particularly when the entity is not part of the juvenile court system (i.e., CPS, probation, or institutional corrections). Interagency collaboration was least likely to be viewed as a problem with CPS, probation, or institutional corrections

Despite these ratings, less than 20% of respondents rated any of these relationships (or lack thereof) as "significant or very significant" barriers to effectively handling crossover youth. Collectively, these results mirror those from the open-ended items, which showed that respondents felt that progress in the area of collaboration was both a strength and a challenge for their state/county.

**Table 4.3: Perceived Barriers to Effectively Handling Crossover Youth (N=185)  
Percentage Reporting “Significant or Very Significant”**

	n	%
Lack of relationship with schools	36	19.5
Schools resistance to share information	34	18.4
Lack of relationship with mental health care system	29	15.7
Lack of relationship with substance abuse treatment system	28	15.1
Lack of collaboration with CPS	25	13.5
Lack of collaboration with Probation	23	12.4
Lack of collaboration with Institutional Corrections	22	11.9

NOTE: Means and significant mean differences across respondent group and by state and county respondents are reported in Appendix B and C, respectively.

The only significant differences across respondent groups were for barriers related to schools and collaboration with the substance abuse treatment system. Probation was less likely than juvenile justice specialists, institutional corrections respondents, and judges to rate collaboration with schools as a significant barrier, and less likely than juvenile justice specialists to rate collaboration with the substance abuse treatment system as a significant barrier. CPS respondents were also less likely than juvenile justice specialists to rate a lack of relationship with schools as a significant barrier. Across county and state respondents, state respondents were more likely to rate all these barriers as more significant than county respondents. This finding is consistent with those reported for collaboration—county respondents perceive more collaboration and fewer obstacles than state respondents.

### Training

The ability of agencies to cross-train their staff arguably impacts a system’s ability to accomplish effective collaboration. As indicated above, collaboration requires commitment, the development of clear policies, and consistent implementation of those policies. Without cross-training, it seems reasonable to believe that collaboration would be less effective. This may be due to the fact that those responsible for collaboration would not understand each others’ roles and responsibilities, and their capacity for resolving interagency conflicts would diminish.

To assess the extent of cross-training, respondents were asked to indicate their agreement with a series of items related to the availability and completion of cross-training by different decision-makers/personnel involved in the handling of crossover youth. Table 4.4 shows the percentage of respondents who “somewhat or strongly agreed” with each of the statements. While a third or less of respondents perceived that cross-training was available, a small minority of respondents (15% or less) agreed that cross-training was completed. Respondents believed cross-training was most



available for attorneys (32.4%), followed by judges (25.4%), social workers (22.7%), and probation officers (20.5%). Cross-training was least likely to be offered to institutional corrections staff (13%). With regard to completion, social workers (22.7%), probation officers (20.5%), and judges (15.1%) were most likely to complete the training, while respondents believed that institutional corrections staff (9.2%) and attorneys (8.6%) were the least likely groups to complete the training.

**Table 4.4: Cross-Training for Advocates, Decision-Makers, and Agency Personnel (N=185)  
Percentage Reporting “Somewhat Agree” or “Strongly Agree”**

	N	%
Cross-discipline training is available for:		
Attorneys	60	32.4
Judges	47	25.4
Social workers	42	22.7
Probation officers	38	20.5
Institutional corrections staff	24	13.0
Cross-discipline training often completed by:		
Social workers	34	18.4
Probation officers	32	17.3
Judges	28	15.1
Institutional corrections staff	17	9.2
Attorneys	16	8.6

NOTE: Means and significant mean differences across respondent group and by state and county respondents are reported in Appendix B and C, respectively.

No significant differences between state and county respondents were found; however, differences appeared across respondent groups. Judges were more likely to believe that cross-training was available and completed by attorneys and judges than CPS and institutional corrections respondents. Probation respondents were also more likely to perceive training as more available and completed by probation officers than CPS respondents.

### **Access to Appropriate Services and Placements**

A second theme that surfaces from an analysis of these data is agency access to appropriate services and placements for crossover youth. A critical step in identifying which services and placements are appropriate is through the use of a standardized assessment to identify the youth’s risks and treatment needs. Once risks and treatment needs are assessed, best practice dictates that a coordinated case

plan should be developed across agencies responsible for supervising the youth’s risks and meeting the youth’s treatment needs. Thus, assessment and case planning are key features to a system’s ability to effectively handle crossover youth. Survey results provide insight into each of these issues as well as into the barriers that respondents perceive to hinder progress in this area.

### Assessment & Case Management

Respondents were asked to indicate how often they believed standardized assessment and coordinated case management are accomplished in their systems. Table 4.5 shows the percentage of respondents who reported “most or all of the time” to survey items related to assessment and case management. At least three findings surface in Table 4.5. First, less than 50% of respondents felt that agencies used a standardized assessment and coordinated case management “most or all of the time.” When comparing assessment and case management, however, respondents were twice as likely to utilize a standardized assessment for risk of re-offending and for treatment needs (40% and 38.9%, respectively) than to create coordinated case management across agencies (18.9% and 14.6%, respectively). Coordinated case management was slightly less likely to occur regularly between CPS & institutional corrections.

**Table 4.5: Use of Standardized Assessment and Coordinated Case Management  
Percentage Reporting “Most of the Time” or “All of the Time”**

	n	%
Standardized assessment for risk of re-offending	74	40.0
Standardized assessment for treatment needs	72	38.9
Coordinated case management across CPS & Probation	35	18.9
Coordinated case management across CPS & Institutional Corrections	27	14.6

NOTE: Means and significant mean differences across respondent groups and by state and county respondents are reported in Appendix B and C, respectively.

Although the results for assessment were more favorable than those for coordinated case planning, uncoordinated (29.2%), inconsistent (22.7%), and limited access to assessments (27.6%) were still considered to be “significant or very significant” barriers to effectively handling crossover youth (see Table 4.6). These results reflect the growing commitment of agencies to use standardized assessments, but emphasize the fact that agencies have not fully overcome this hurdle within or across agencies.

**Table 4.6: Perceived Barriers Related to Funding (N=185)  
Percentage Reporting “Significant” or “Very Significant”**

	n	%
Uncoordinated assessments	54	29.2
Inconsistent assessment	42	22.7
Limited access to appropriate assessments	51	27.6

NOTE: Means and significant mean differences across respondent groups and by state and county respondents are reported in Appendix B and C, respectively.

Three significant differences were found across respondent groups for assessment. CPS respondents were less likely to report the use of a standardized assessment for risk of re-offending as compared to probation respondents. Also, CPS respondents were less likely to report the use of a standardized assessment for treatment needs relative to probation and institutional corrections respondents. There were no significant differences found across respondent groups for assessment barriers. Ironically, state respondents reported more frequent use of standardized assessments for risk and treatment needs than county respondents; yet, they also rated assessment barriers as more significant than county respondents.

### Services and Placements Used for Crossover Youth

Once assessment and case plans are developed, accessing services is the next step in addressing the needs of crossover youth. Table 4.7 summarizes the results for various types of services that are used by states/counties across the nation. Results indicate the percentage of respondents who reported using particular services “most or all of the time.” According to these results, individual mental health counseling (32.4%) and substance abuse treatment (27.0%) are used most often for crossover youth. About one-fifth of respondents also indicated using group counseling (21.6%), cognitive behavioral interventions (20.0%), and evidence-based programming generally (19.5%). Day treatment (16.2%) and Family Functional Therapy (15.1%) were used slightly less, and specialized services for crossover youth (8.1%) were the least likely type of services to be used “most or all of the time.”

... individual mental health counseling (32.4%) and substance abuse treatment (27.0%) are used most often for crossover youth.

**Table 4.7: Use of Services for Crossover Youth (N=185)  
Percentage Reporting “Most of the Time” or “All of the Time”**

	n	%
MH-Individualized counseling	60	32.4
Substance abuse treatment	50	27.0
MH-Group counseling	40	21.6
Cognitive behavioral interventions	37	20.0
Evidence-based programming	36	19.5
Day treatment	30	16.2
Functional Family Therapy	28	15.1
Specialized services for crossover youth	15	8.1

NOTE: Means and significant mean differences across respondent groups and by state and county respondents are reported in Appendix B and C, respectively.

Results for placements are contained in Table 4.8. While crossover youth were most likely to be placed back in the home (34.6%), only a third of respondents indicated that this option was used “most or all of the time.” Group homes for delinquents and residential placements were half as likely to be used this often, but nonetheless, they represented the second highest category of placements to be used. Respondents rated foster care and correctional placements slightly lower at 17.3% and 16.2%, respectively. Thus, it appears that the entire continuum of out-of-home placements are used regularly to house crossover youth.

**Table 4.8: Use of Placements for Crossover Youth (N=185)  
Percentage Reporting “Most of the Time” or “All of the Time”**

	n	%
Home	64	34.6
Group home--delinquents only	34	18.4
Residential treatment center	34	18.4
Group home--mixed populations	31	16.8
Foster care	32	17.3
Correctional placement	30	16.2

NOTE: Means and significant mean differences across respondent groups and by state and county respondents are reported in Appendix B and C, respectively.

Agencies’ inability to place crossover youth in appropriate services and placements continue to be barriers to effectively handling crossover youth (see Table 4.9). Slightly less than half of respondents rated access to appropriate mental health services and a lack of appropriate placements as “significant or very significant.” Similarly, 37.8% rated access to substance abuse services and 28.1% rated access to evidence-based programming as barriers.

**Table 4.9: Perceived Barriers Related to Services and Placements (N=185)  
Percentage Reporting “Significant” or “Very Significant”**

	n	%
Lack of access to appropriate mental health services	85	45.9
Lack of appropriate placements	82	44.3
Lack of access to appropriate substance abuse services	70	37.8
Lack of access to evidence-based programming	52	28.1

NOTE: Means and significant mean differences across respondent groups and by state and county respondents are reported in Appendix B and C, respectively.

The only difference found across respondent groups with regard to services used for crossover youth was for substance abuse treatment. Based on mean comparisons, substance abuse treatment was more likely to be used by probation than other respondent groups. This finding is consistent with the general findings related to collaboration described above. County and state respondents rated the use of services and placements similarly with only one exception. State respondents reported lower use of individualized mental health counseling. Additionally, access to mental health services, substance abuse services, and evidence-based programming were perceived as more significant barriers to the effective handling of crossover youth by state respondents (compared to county respondents).

### **Funding for Appropriate Services & Placements**

Funding for services and placements for children in child protective services as well as delinquency has been challenging for decades. Consequently, states have increasingly relied on federal funding to augment funds available at the state and county levels. To assess the nature of funding in states/counties for crossover youth, respondents were asked to identify the primary funding streams their state/county used. A substantial amount of missing data existed for items related to funding, which is indicative of the lack of knowledge about funding sources, poor survey items, or both. Nonetheless, the results generated from these items gives some insight into the extent to which federal funds are used compared to state and county funds. Federal funds typically included Medicaid and Title IV-E funds, whereas state and county funds typically included general fund dollars. As shown in Table 4.10, 40% of respondents reported using federal funds, 36.2% reported using state funds, and 23.2% reported using county funds. It is important to note that these sources

were rarely, if ever, used in isolation; rather, some combination of funds is typically blended together to cover costs.

**Table 4.10: Perceived Barriers Related to Assessment (N=185)**

	n	%
Funding streams used:		
Federal	74	40.0
State	67	36.2
County	43	23.2
Method for using funding streams:		
Blended funding	57	30.8
Braided funding	13	7.0
Fee for service pool of funds	18	9.7

While it is unlikely that these numbers accurately portray the percentage of funds drawn from each source, they are instructive. For example, they provide some initial evidence of a growing trend to rely more on federal funds than local funds. As such, funds are more likely to be managed according to strict rules related to which services and placements are covered, making funding less flexible to the actual needs of youth. Very few respondents indicated the use of a “fee for service” method, which allows for more flexible funding based on the needs of youth. The importance of this problem is reflected in respondent ratings of funding as a barrier to effectively handling crossover youth. Slightly less than half of respondents rated inflexibility of funding and a lack of funding as significant barriers, and slightly less than one-third considered their state’s/county’s reliance on managed care as a problem (see Table 4.11).

**Table 4.11: Perceived Barriers Related to Funding (N=185)  
Percentage Reporting “Significant” or “Very Significant”**

	n	%
Lack of funding	79	42.7
Inflexibility of funding	85	45.9
Reliance on managed care insurance	57	30.8

## Results from Follow-Up Calls to States

Following the analysis of survey data, research staff contacted jurisdictions in nine states to ask additional questions related to collaboration and to services and placements available for crossover youth. Six of the nine respondents contacted participated in the follow-up phone interview. These respondents represented Arizona, Maryland, Minnesota, New York, North Carolina, and Virginia. With regard to collaboration, each of the respondents was asked to define interagency collaboration in their jurisdiction and identify the greatest challenge to achieving collaboration in that jurisdiction. With regard to services and placements, respondents were asked whether crossover youth required specialized services relative to non-crossover youth in their agencies, whether crossover youth had a higher demand for certain types of services, and what types of placements were needed to meet the needs of crossover youth. The results of the phone interviews are summarized below.

### Collaboration

All respondents indicated that their jurisdiction used some level of collaboration in the processing of crossover youth. Collaboration efforts typically included the youth's social worker, probation officer, a representative from mental health, and a school representative; however, the majority of respondents indicated that whoever is involved in the case is a potential partner in the collaboration (e.g., therapist, teacher). The strength of collaboration varied, with most respondents indicating that collaboration in their area was very good to excellent but that efforts in other areas ranged widely in their effectiveness. One respondent stressed the success of collaboration across three counties in his area. The success was evidenced by the group's ability to secure additional grant funding to support their efforts.

In general, respondents stressed their successes but openly acknowledged that improvement was possible. Respondents believed that effective collaboration is dependent upon the people involved in the collaboration and the stability of relationships developed within the collaborative effort. High staff turnover was identified by several respondents as a major challenge to sustaining collaboration. Not having the "right" staff was also cited as an obstacle—"some people are more collaborative than others, and people need to continually work on developing those skills." Additionally, unaligned goals and different philosophies/procedures across the child welfare and juvenile justice system were a significant source of frustration. Collaboration was most likely derailed when differences in philosophies/procedures were combined with staff unsupportive of collaboration. Confidentiality impacted the effectiveness of collaboration because it restricted the ability to access information across systems and to develop comprehensive case plans for dealing with the case. Confidentiality combined with "turf" boundaries was particularly difficult to overcome. Finally, leadership was viewed as instrumental to successful collaboration. One respondent, in particular, stressed the need for agencies to compromise and not take charge of the process simply because they were the largest and had the most resources. From the perspective of this respondent, collaboration worked because the participants in the collaboration were respectful of the strengths and needs of all agencies involved in the process

## Services

Respondents believed that crossover youth did not need different services from non-crossover youth in their respective agencies, but they indicated that crossover youth required more attention than non-crossover youth because of the complexity of their cases. Permanency was viewed as a key feature of these cases; yet, it was also one of the most challenging aspects of these cases. Due to challenging family dynamics or the absence of family entirely, numerous placement changes were common among crossover youth. In turn, crossover youth are often sent farther away from their originating community because placement options become fewer and fewer for them. This was particularly the case in jurisdictions with a limited number of local services.

The demand for services combined with a high number of placement changes underscored the need for more services. Specifically, respondents felt there was a need for gender-specific programming, day centers, short-term and long-term treatment for mental health problems and/or substance abuse, therapeutic foster homes, educational assessment and services, transitional services and supports, mentors, and more community-based programs in general. One respondent also indicated that opportunities to intervene with crossover youth early in the process were missed as a result of ineffective strategies and a lack of services for dealing with chronic runaways and truants.

Respondents viewed crossover youth as needing more case management and access to therapeutic living arrangements that are structured and intensively supervised.

Although respondents felt that crossover youth did not require different services than non-crossover youth, they acknowledged that the needs of crossover youth were more complex and multi-faceted than non-crossover youth. Respondents viewed crossover youth as needing more case management and access to therapeutic living arrangements that are structured and intensively supervised. Consequently, respondents expressed a need for programs designed to simultaneously address mental health problems, substance abuse, and behavioral problems. Traditional mental health programs and residential placements (i.e., group homes, independent living programs) were often considered inappropriate for these youth because these programs did not address the behavior problems with enough structure and supervision. In addition to structure and supervision, respondents indicated that handling crossover youth consistently and listening to them (i.e., their needs and wants) was critical to achieving effective outcomes.

Taken together, these results reinforce and augment the findings from the survey. Respondents supported the notion that while much progress has been accomplished with regard to interagency collaboration, several significant obstacles continue to hinder the wide-scale and consistent use of collaborative approaches across jurisdictions. Thus, much can be learned from what has been accomplished as jurisdictions continue to move forward in this area. For services, a new continuum of services is not necessary for crossover youth, but their unique situations require special attention. These results stress the need to increase the overall availability of evidence-based programs and access to residential programs that combine techniques to change behavior problems while also addressing the behavioral health needs of crossover youth.



## Summary

In sum, the findings presented in this chapter help us better understand the use of collaboration for handling crossover youth, agencies' access to services and placements for crossover youth, and the use of funding across systems to access services and placements for crossover youth. With regard to collaboration, there is a need to clearly define collaboration within the context of handling crossover youth. This definition, in turn, should be accepted and applied across all agencies and entities involved in handling crossover youth; thus, creating consensus and clarity with regard to role and responsibility obligations across agencies/entities and within agencies/entities at the state and county levels. Once defined, the application of this collaboration must be explored to identify the mechanisms necessary for implementing collaboration uniformly, rather than sporadically, within and across states. These results also indicate that collaboration with educational providers and the substance abuse treatment system is less established than it is with other agencies. Since these two entities offer services that are critical to the needs of crossover youth (see Chapter 2 for a discussion of needs), it is necessary to identify and address the unique barriers that prevent effective collaboration with them. Finally, special attention to the role of preparing staff to implement collaboration is critical. A jurisdiction may have a theoretically strong plan for collaboration, but without the appropriate people to implement the plan, it remains effective only in a theoretical sense.

With regard to services and placements, agencies need to improve their use of standardized assessments to identify youth risks and needs and to enhance their ability to coordinate the development of comprehensive case plans tailored to the individual needs of crossover youth. This should be a priority in developing collaborative approaches since accessing appropriate services and identifying appropriate types of placements depend on the risk and treatment need levels of the youth. Although results indicated that standardized assessments are being used, systems still struggle with limited access to assessments, inconsistent assessments, and uncoordinated assessments. Ultimately, it is difficult to assess what types of services and placements are appropriate and should be available for crossover youth until regular, consistent assessment is achieved.

The general trends related to funding underscore the need to fully understand which funds are being used and how they are used to fund crossover services. Assuming the need for federal funding will continue, it is essential to examine how the rules associated with different streams of funding potentially (1) reduce the efficiency with which funds can be used and (2) limit the availability of appropriate programming and placement options for crossover youth. Once identified, ways to reduce barriers across federal funding streams and to maximize the use of state and local funds should be considered.

While the results showed a great deal of consistency across respondent groups and between state and county respondents, several significant differences were found. Such differences point to the varying perspectives that respondents have based on their roles and responsibilities by agency and/or by level of administration (i.e., a focus on policy v. a focus on practice). These findings further stress the need for cross-training across agencies and the need to make sure that both state and county administrators understand each other's perspective in order to (1) correct inaccurate and contradictory perceptions, and (2) ensure that any decisions related to policy and practice incorporate both perspectives. Ultimately, inter- and intra-agency differences must be resolved in order to build effective multisystem approaches.

## Chapter 5: Building Multisystem Approaches for Handling Crossover Youth

Crossover youth present complex backgrounds and problems that neither the dependency nor delinquency systems can address individually; thus, it is necessary that agencies work together to address their risks and needs simultaneously. At a minimum, this requires child welfare agencies, probation and institutional corrections (when applicable), the mental health care system, the substance abuse treatment system, and education to develop collaborative approaches that are effective and sustainable. As indicated in this report, however, accomplishing collaboration requires the development of system integration and agency coordination initiatives that are uniformly supported by key stakeholders at the federal, state, and county levels (Wiig & Tuell, 2004; Martinson, 1999).

Although accomplishing effective collaboration is challenging, the literature in this area proves that building multisystem approaches is feasible. These efforts, however, have been sporadic, largely informal, and often dependent on specific individuals committed to the issue. The problem, in turn, is a lack of a coordinated vision and plan to ensure collaboration occurs in a consistent and sustainable way.

As indicated earlier in this report, the purpose of this initiative is to create a unified vision and a strong set of policy recommendations for the increased use of multisystem approaches. To this end, we encourage key stakeholders to translate the report findings into implications for policy development at the federal, state, and county levels. Martinson (1999), for example, identified several factors at the federal level that foster service coordination. Specifically, federal efforts should document and communicate information about the benefits of coordination (i.e., provide examples of successful collaboration; provide support for coordination by offering technical assistance, guidance, and problem resolution to states and local jurisdictions; and help states overcome barriers to using funding more efficiently and effectively. The role of states in successfully coordinating services includes: providing high-level support for coordination; strengthening statewide coordinating committees; providing localities with technical assistance and problem resolution; promoting the integration of information systems; and providing resources to cross-train staff) (Martinson, 1999). Finally, roles and responsibilities for administrators at the local or county level include: developing an understanding of objectives and operations of other programs; increasing joint planning among local agencies; introducing cross-training of staff; and documenting and evaluating coordination efforts.

Ragan (2003) also points out that strategies at all levels must have an administrative and an operational focus. Administrative strategies underpin a state and jurisdiction's ability to accomplish system integration, and operational strategies facilitate coordination across and within agencies. From an administrative perspective, federal, state, and local agencies must prioritize the integration of information systems and funding streams, shared responsibility in the planning, management, and oversight of multisystem initiatives, and the development of a comprehensive continuum of services that are available and accessible to collaborative groups working with crossover youth (Ragan, 2003). From an operational standpoint, agencies must work together to integrate intake and assessment

procedures, create and co-locate multi-disciplinary teams, and develop clear policies that clearly outline agency roles and responsibilities with regard to the development, coordination, and oversight of case plans (Ragan, 2003).

Using Martinson's and Ragan's frameworks in combination with the findings presented in this report, we believe it is possible to develop a plan for achieving a multisystem approach to handling crossover youth. Yet, no plan would be comprehensive without consideration of research. Building a research agenda into a strategic plan not only documents progress in implementing that strategy, but it can assess the effectiveness of efforts, hold responsible parties accountable, and help direct actions in the future.

In sum, crossover youth have become a hidden population because of the lack of coordination between the child welfare and juvenile justice systems; consequently, they significantly impact the resources of both systems and personally face dismal outcomes as they enter adulthood. Failing these youth carries substantial consequences for the youth themselves, families, communities, and the criminal and social services systems. Conversely, succeeding with these youth breeds hope, which is the key to a better future for everyone. The opportunity exists for systems to recognize the shortcomings of historical approaches and design better models for the future. It now rests in the hands of policy-makers, agency administrators, and agency staff to turn potential into reality. This report was intended to tell the story of who crossover youth are and their experiences in the child welfare and juvenile justice systems; hopefully, it has not only told this story but has also inspired the development of a sustainable multisystem approach to handling crossover youth in the near future.



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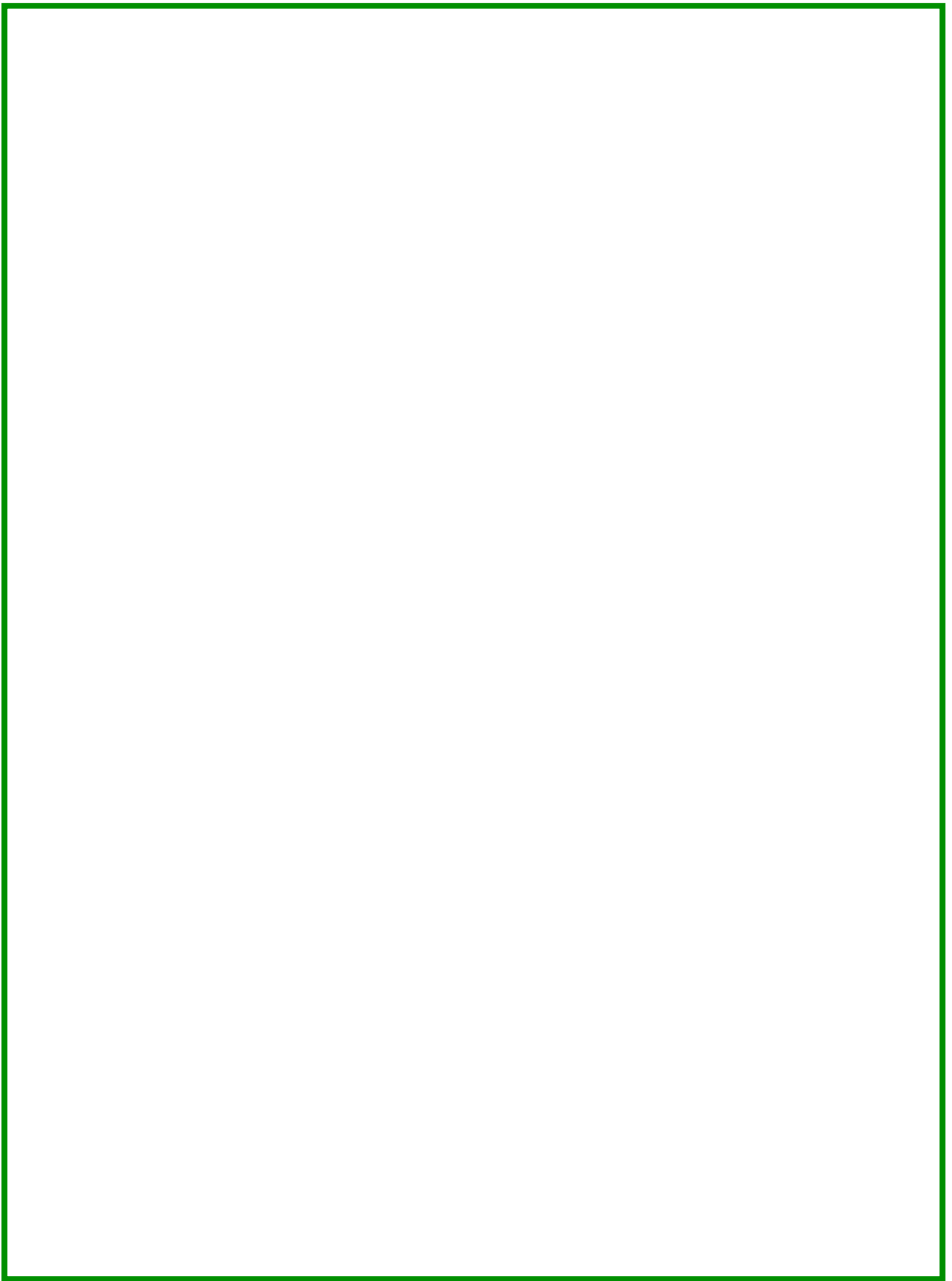
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## Appendix A: Survey Methodology and Description of Respondents

To explore the crossover issue from a practice perspective, surveys were distributed to several administrators and decision-maker groups who represented the child welfare and the juvenile justice system at both the state and county levels. At the state level, surveys were sent to child welfare administrators, probation administrators, institutional corrections administrators, and juvenile justice specialists. At the county level, surveys were sent to child welfare system directors, chief officers of probation departments, county administrators for institutional corrections, and judges.

A survey for both state and county respondents was developed; however, the surveys were nearly identical across (or for) both groups. The most significant difference between the two surveys was language that referenced “in your state” versus “in your county.” Survey items represented three domains: The structure of child welfare and juvenile justice systems, the prevalence of crossover youth, and system responses to crossover youth.

Respondents were invited to participate in the survey via email, and they subsequently completed the survey at [www.surveymonkey.com](http://www.surveymonkey.com). The sample of respondents was identified using a convenience sampling method. Email addresses were provided by various professional groups. Specifically, we received email address from the American Public Human Services Association, the American Probation and Parole Association, the Council of Juvenile Correctional Administrators, the National Council of Juvenile and Family Court Judges, and the Coalition for Juvenile Justice. These lists were generated to provide a wide representation of states and counties, but the lists did not necessarily cover/include the entire population of any one group. The email lists were split at the county and state level, so that appropriate surveys could be distributed. Using survey monkey ([www.surveymonkey.com](http://www.surveymonkey.com)), an online version of the systems integration survey was then forwarded to each targeted respondent. The email included the following introduction to the project:

*Hello. We are writing on behalf of the American Public Human Services Association, Casey Family Programs, and the Center for Juvenile Justice Reform at Georgetown University’s Public Policy Institute, to seek your involvement in a survey we are conducting addressing a key issue facing the juvenile justice and child welfare systems. There has been much conversation over the past three decades on the nexus between child abuse and neglect and juvenile delinquency. This correlation has been firmly established in the research – both in data demonstrating a crossover or dual jurisdiction phenomena, as well as in the research showing that maltreated children have a higher probability of entering the juvenile justice system. What has only recently been raised as an issue for serious consideration and action is what we can do that responds to this knowledge.*

*The following survey addresses the extent of this crossover as you experience it within your jurisdiction, the barriers you encounter in attempting to address the needs of this population (including through multisystems approaches), and the advances that you may have made in breaking down those barriers. The*

*survey will be completed by representatives from the juvenile justice and child welfare fields, including both state and local officials. It is our hope that through the results of this survey we will be able to more fully explore ways that policies, practices, and cross-systems operations can be improved to better support you in your work in this area.*

*Thank you in advance for your assistance in this important undertaking.*

*Shay Bilchik, JD*

*Research Professor/Center Director*

*Center for Juvenile Justice Reform*

*Georgetown Public Policy Institute*

*Georgetown University*

*Anita Light*

*Director of NAPCWA*

*American Public Human Services Association*

Respondents were provided the opportunity to decline the survey and be removed from the mailing list. All procedures and protocols were approved by the Institutional Review Board at the University of Illinois, Urbana–Champaign.

Respondents were given approximately three weeks to complete the survey. All data were then cleaned and prepared for analysis. Four open-ended questions were read by two researchers associated with the Children and Family Research Center at the University of Illinois, who, in turn, independently coded themes from the open field responses. The researchers then met, compared coding schemes, and created the final list of categories.

Once the results were analyzed, a small number of jurisdictions were selected for a follow-up phone interview. Phone interviews provided the opportunity to pursue more detailed responses in areas of interest identified in the survey responses. Ten states were contacted with regard to their methods for documenting the prevalence of crossover youth, including: California, Colorado, Connecticut, Idaho, Kansas, Michigan, Minnesota, Pennsylvania, Virginia, and Washington. Additionally, nine states were contacted to discuss their responses to crossover youth, particularly with regard to collaboration, funding, and providing services included: Arizona, Maryland, Massachusetts, Minnesota, New York, Ohio, North Carolina, Virginia, and Washington. The following questions were used in these phone interviews:

1. Once a youth in child protective services is charged with delinquency, how is he/she handled in your court system?

2. Ideally, how would you define interagency collaboration with regard to handling crossover youth? Who should be part of the collaboration? Would you say your area has good, formal collaboration based on this definition?
3. How would you characterize the current level of participation by all agencies involved in your collaborative approach?
4. What is the greatest challenge to achieving formal collaboration across agencies?
5. How are services for crossover youth primarily paid for?
6. Do you use blended, braided, or fee for service funding? If so, please describe how this works.
7. Do you think crossover youth need specialized services (i.e., different from youth only in the delinquency system or only under the care of child protective services)? If so, what type(s) of services?
8. Do you think crossover youth have a higher demand for certain types of services offered to youth only in one system or the other? If so, what types of services?
9. Availability of appropriate placements is often cited as a problem faced for crossover youth. What types of placements are needed, but often unavailable, for these youth?

**Response Rate:** 144 state representatives and 220 county representatives received an email inviting them to participate in the survey. 104 (73%) state representatives entered the survey site and 77 (53%) completed the survey. 141 (64%) county representatives entered the survey site and 107 (49%) completed the survey. In total, there are 182 survey respondents. A total of 47 states (including the District of Columbia) and one U.S. Territory were represented by state and/or county respondents. States/territories represented by type of respondent are summarized in Table 1.





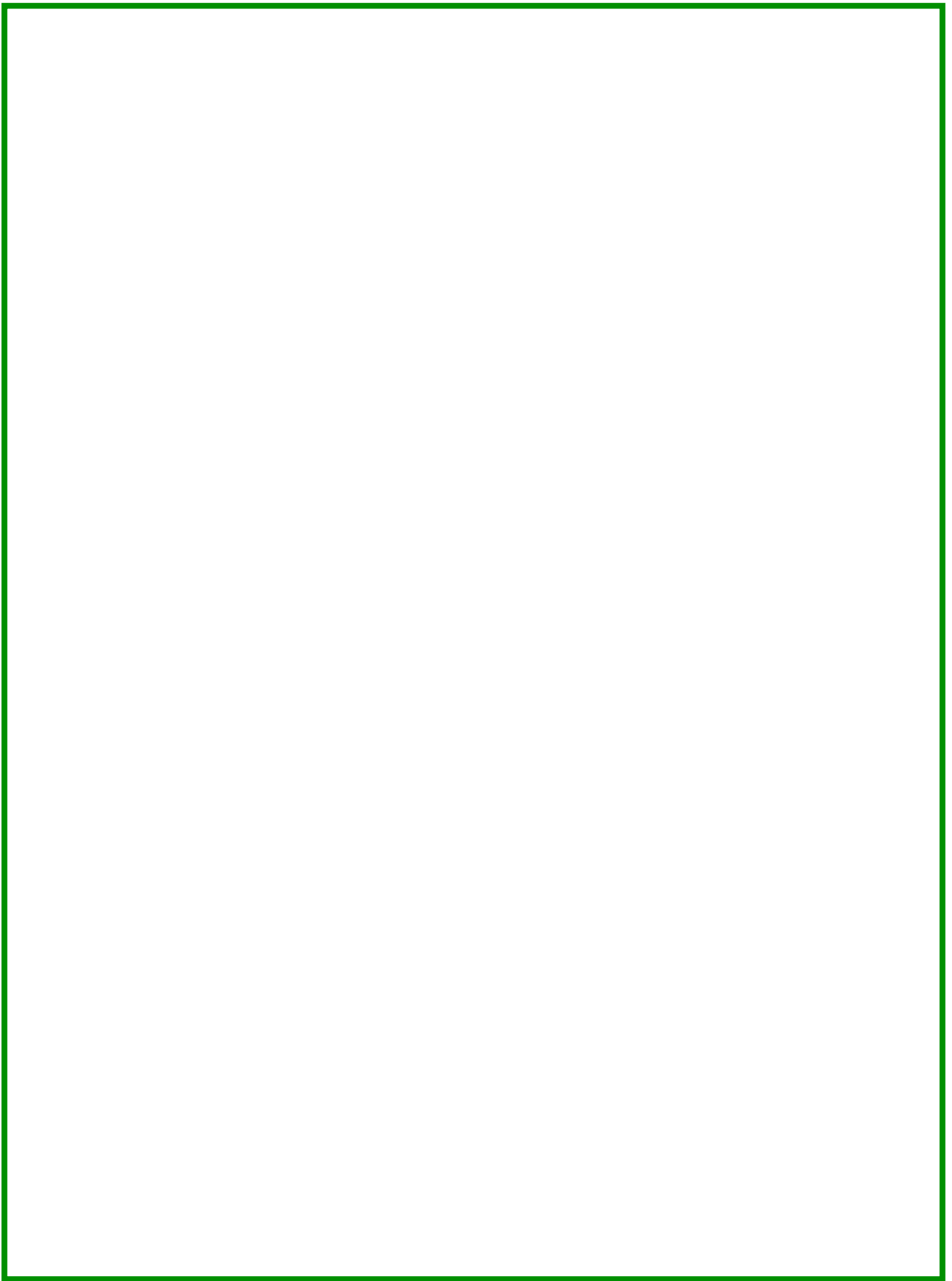
**Table 1: States/Territories Represented by Respondents**

State/Territory	Respondent Type		State/Territory	Respondent Type	
	State	County		State	County
Alabama	---	---	Nevada	■	■
Alaska	■	---	New Hampshire	■	---
Arizona	■	■	New Jersey	---	---
Arkansas	■	---	New Mexico	■	---
California	■	■	New York	■	■
Colorado	■	■	North Carolina	■	■
Connecticut	■	---	North Dakota	■	---
Delaware	■	---	Ohio	■	■
District of Columbia (D.C.)	■	---	Oklahoma	■	---
Florida	■	---	Oregon	---	■
Georgia	■	---	Pennsylvania	■	■
Hawaii	■	---	Rhode Island	■	---
Idaho	■	■	South Carolina	■	■
Illinois	■	■	South Dakota	■	---
Indiana	■	■	Tennessee	■	---
Iowa	■	---	Texas	---	---
Kansas	■	---	Utah	■	---
Kentucky	■	---	Vermont	■	---
Louisiana	■	■	Virginia	■	■
Maine	■	---	Washington	---	■
Maryland	■	■	West Virginia	■	■
Massachusetts	---	---	Wisconsin	■	■
Minnesota	■	■	Wyoming	■	---
Mississippi	---	---	American Samoa	---	---
Missouri	■	---	Guam	---	---
Montana	■	---	Puerto Rico	---	---
Nebraska	■	---	U.S. Virgin Islands	■	---

**Respondent Positions:** Among state respondents, slightly more than a third (39.2%) were state administrators for institutional corrections, approximately one-quarter were state administrators for the child welfare system and juvenile justice specialists (27.0% and 25.7% respectively), and only 8.1% of respondents were state administrators for probation (see Table 2). Among county respondents, almost half (49.7%) were county administrators for child welfare, approximately one-quarter were county administrators for probation and juvenile court judges (26.2% and 22.4% respectively), and only 2.8% of respondents were county administrators for institutional corrections.

**Table 2: Positions Currently Held by Respondents**

Position Currently Held	State (N=74)		County (N=107)	
	n	%	N	%
State Survey Respondents				
State Administrator for Child Welfare System	20	27.0	---	
State Administrator for Probation System	6	8.1	---	
State Administrator for Juvenile Corrections	29	39.2	---	
Juvenile Justice Specialist	19	25.7	---	
County Respondents				
County Administrator for Child Welfare	---		50	46.7
County Administrator for Probation	---		28	26.2
County Administrator Juvenile Corrections	---		3	2.8
Juvenile Court Judge	---		24	22.4
Missing	---		2	1.9



## Appendix B: Results for Mean Comparison across Respondent Groups

**Table 1: Perceived Level of Importance to Various Agencies/Policy-Making Bodies  
(1=Not Important at all ... 5=Extremely Important)**

Perceived Importance by...	Child Welfare (N=75)			Probation (N=36)			Corrections (N=32)			Judge (N=24)			JJ Specialist (N=19)		
	n	Mean	SD	n	Mean	SD	n	Mean	SD	n	Mean	SD	n	Mean	SD
Child Welfare*	71	4.34	0.83	36	4.08	1.13	29	3.69	1.17	24	3.75	0.94	16	3.75	1.06
Probation	71	4.11	0.95	36	4.31	0.92	29	4.00	0.96	24	3.96	0.95	16	4.00	1.03
Corrections*	69	3.81	1.12	36	3.36	1.40	29	4.17	0.85	24	3.08	1.35	17	4.00	1.00
Mental Health	70	3.90	1.09	36	3.97	1.08	28	3.64	1.16	24	3.38	1.21	16	3.88	1.15
Education	69	3.39	1.11	36	3.42	1.30	28	3.39	1.26	23	3.00	1.28	16	3.38	1.26
Governor	68	3.18	1.22	32	3.03	1.23	28	3.29	1.27	21	2.43	1.29	15	3.13	1.30
Legislature	68	2.91	1.21	31	2.94	1.26	26	2.96	1.43	22	2.59	1.44	16	3.00	1.26
County Governing Boards	66	3.23	1.05	31	2.87	1.23	25	2.80	1.22	22	2.68	1.17	14	3.00	1.41
Personally	70	4.53	0.79	36	4.36	0.96	29	4.45	0.78	24	4.71	0.62	17	4.76	0.44

\*Analysis of Variance results significant p<.05

**Table 2: Methods Used for Handling Crossover Youth  
(1=None of the Time; 2=Rarely; 3=Some of the Time; 4=Most of the Time; 5=All of the Time)**

	Child Welfare (N=75)		Probation (N=36)		Corrections (N=32)		Judge (N=24)		JJ Specialist (N=19)					
	n	Mean	SD	n	Mean	SD	n	Mean	n	Mean	SD			
Protocols for notifying CPS & attorney upon delinquency*	55	3.20	1.38	28	3.75	1.32	20	2.65	17	4.06	1.25	11	2.64	1.29
Structured decision-making tools for processing <sup>1</sup>	56	2.68	1.50	28	2.39	1.55	19	2.53	17	3.53	1.59	11	2.09	1.04
Dedicated dockets/one judge approach	55	3.27	1.33	28	3.54	1.48	19	2.84	17	3.35	1.73	9	3.22	0.97
Continuity of counsel	54	2.89	1.34	26	2.92	1.41	19	2.89	17	2.88	1.45	9	3.56	0.73
Joint pre-hearing conferences	53	2.28	1.13	26	2.00	1.02	18	2.44	17	2.76	1.52	9	2.00	1.00
Joint court orders & court reports	53	2.25	1.33	27	2.22	1.28	18	2.28	17	3.12	1.36	10	2.70	1.16
Joint case plans*	55	2.15	1.16	27	3.04	1.13	18	2.50	17	2.94	1.48	10	2.70	1.06
Use of MDT to assess and manage cases	55	3.29	1.13	28	3.43	0.96	18	3.06	17	3.29	1.45	9	2.56	1.13
Use of child protective service liaisons	53	2.21	1.41	28	2.50	1.35	18	2.28	16	2.63	1.50	8	2.63	1.19
Use of probation liaisons	53	1.98	1.15	27	2.33	1.33	18	1.78	16	2.56	1.46	8	2.00	0.76
Integrated/shared information systems	55	1.71	1.20	29	2.07	1.39	20	2.15	17	2.12	1.54	10	2.60	1.58
Authority over parents/guardians in delinquency court	49	2.59	1.58	28	2.75	1.58	19	3.21	17	3.53	1.62	10	2.50	1.35
Interagency planning meetings	55	3.42	1.05	29	3.52	0.95	21	2.95	17	3.47	1.46	10	2.70	1.16
Funding arrangements across CW & Probation	53	2.87	1.30	29	2.97	1.21	19	2.58	16	2.63	1.50	10	2.50	1.51

\*Analysis of Variance results significant at  $p < .05$

**Table 3: Perceived Barriers to Effectively Handling Crossover Youth  
(1=Not Significant . . . 5=Very Significant)**

	Child Welfare (N=75)		Probation (N=36)		Corrections (N=32)		Judge (N=24)		JJ Specialist (N=19)		
	n	Mean	SD	n	Mean	SD	n	Mean	n	Mean	SD
Inconsistent assessment*	55	2.91	1.17	28	2.57	1.17	20	3.30	0.86	1.23	1.45
Uncoordinated assessments <sup>1</sup>	55	3.05	1.11	28	2.79	1.20	21	3.81	0.81	1.17	1.05
Limited access to appropriate assessments	55	3.02	1.13	28	2.79	1.26	20	3.30	0.98	1.05	1.29
Lack of funding	54	3.87	1.20	29	3.83	1.14	20	3.50	1.05	1.20	1.54
Inflexibility of funding	53	3.83	1.12	29	3.52	1.33	20	3.90	0.97	1.22	1.30
Reliance on managed care insurance	52	3.08	1.34	28	3.43	1.14	20	3.45	1.15	1.28	1.26
Resistant partner agencies*	55	2.44	1.20	28	2.64	1.10	19	2.58	1.22	1.20	0.94
Lack of collaboration with CPS <sup>1</sup>	55	2.22	1.13	28	2.57	1.03	21	2.52	1.08	1.37	1.44
Lack of collaboration with Probation	55	2.36	1.18	27	2.07	0.92	21	2.48	1.12	1.46	1.32
Lack of collaboration with Institutional Corrections	55	2.38	1.11	27	2.04	1.06	20	2.25	1.07	1.33	1.46
Lack of relationship with mental health care system	55	2.42	1.17	28	2.61	0.99	21	2.95	1.07	1.44	1.51
Lack of relationship with substance abuse treatment system	55	2.69	1.29	28	2.18	0.94	20	2.85	1.14	1.42	1.41
Lack of relationship with schools*	55	2.60	0.99	28	2.04	1.10	20	3.05	1.47	1.25	1.21
Schools resistance to share information*	54	2.41	1.17	29	2.00	1.34	20	2.95	1.19	1.19	1.34
Access to appropriate mental health services	55	3.51	1.15	29	3.52	1.24	20	3.95	1.10	1.14	0.73
Access to appropriate substance abuse services*	55	3.44	1.21	29	2.90	1.23	20	3.55	1.10	1.26	0.73
Access to evidence-based programming <sup>1</sup>	53	3.21	1.15	27	2.89	1.25	20	3.25	1.37	1.29	1.15
Lack of appropriate placements	55	3.73	1.34	29	3.55	1.15	20	3.55	1.15	0.97	0.89

\*Analysis of Variance results significant at p<.05

**Table 4: Perceived Levels of Collaboration across Systems**  
**(1=Strongly Disagree; 2=Somewhat Disagree; 3=Neither Agree or Disagree; 4=Somewhat Agree; 5=Strongly Agree)**

	Child Welfare (N=75)		Probation (N=36)		Corrections (N=32)		Judge (N=24)		JJ Specialist (N=19)					
	n	Mean	SD	n	Mean	SD	n	Mean	n	Mean	SD			
CPS & Probation collaborate effectively	55	3.42	1.13	29	3.48	1.18	21	2.67	17	3.35	1.32	13	3.31	1.25
CPS & Corrections collaborate effectively*	55	3.35	1.08	29	3.38	1.15	21	2.62	15	2.67	1.23	13	3.23	1.24
The MH system is partner with...														
CPS	55	3.07	1.32	28	3.18	0.94	20	2.55	17	2.82	1.33	13	2.92	1.04
Probation	55	3.00	1.19	29	3.17	1.20	21	2.33	17	3.00	1.37	13	3.00	1.08
Institutional Corrections	55	3.07	1.15	29	3.17	1.00	21	2.52	16	3.06	1.29	12	2.67	1.30
The SA treatment system is partner with...														
CPS	55	2.82	1.23	28	3.18	1.06	21	2.43	17	2.88	1.17	12	3.17	1.11
Probation*	55	2.82	1.12	29	3.59	1.12	21	2.57	17	2.94	1.20	12	3.17	1.03
Institutional Corrections	55	2.73	1.08	29	3.21	0.98	21	2.67	16	2.81	1.28	12	3.08	1.16
Educational providers are partners with														
CPS	54	3.06	1.27	28	3.14	1.04	21	2.62	17	2.65	1.27	12	2.50	1.09
Probation*	55	3.09	1.09	29	3.34	1.45	21	2.52	17	2.65	1.17	12	2.42	1.08
Institutional Corrections*	55	2.98	1.13	29	3.31	1.20	21	2.71	16	2.75	1.06	12	2.17	1.11

\*Analysis of Variance results significant at p<.05

**Table 5: Perceived Levels of Cross-Training for Advocates, Decision-Makers, and Agency Personnel (1=Strongly Disagree; 2=Somewhat Disagree; 3=Neither Agree or Disagree; 4=Somewhat Agree; 5=Strongly Agree)**

	Child Welfare (N=75)			Probation (N=36)			Corrections (N=32)			Judge (N=24)			JJ Specialist (N=19)		
	n	Mean	SD	n	Mean	SD	n	Mean	SD	n	Mean	SD	n	Mean	SD
Cross-discipline training available for:															
Attorneys*	54	2.19	0.95	29	2.55	1.15	21	2.19	1.03	16	3.31	1.30	12	2.33	1.07
Judges*	54	2.59	1.17	28	3.29	1.18	21	2.52	1.17	17	3.82	1.13	12	2.92	1.24
Probation Officers*	54	2.46	0.93	28	3.21	1.29	21	2.71	1.19	16	3.25	1.24	12	3.08	0.90
Social Workers	54	2.63	1.15	28	3.07	1.21	21	2.81	1.12	16	3.25	1.24	12	2.92	1.08
Institutional Corrections Staff	54	2.31	0.99	27	2.89	1.05	21	2.52	1.03	15	2.60	0.99	12	2.75	1.14
Cross-discipline training often completed by:															
Attorneys*	54	2.11	0.92	29	2.41	1.12	20	2.00	0.86	17	3.00	1.22	12	2.58	1.00
Judges*	52	2.50	1.06	28	2.89	1.13	21	2.48	1.12	17	3.53	1.37	12	2.92	0.79
Probation Officers*	54	2.37	1.00	28	3.18	1.16	21	2.71	1.06	16	3.06	1.06	12	2.92	1.08
Social Workers	54	2.50	1.19	27	3.00	1.11	20	2.70	0.98	16	3.00	1.03	12	2.83	1.03
Institutional Corrections Staff	53	2.30	0.87	27	2.78	0.89	21	2.48	1.12	15	2.53	0.99	12	2.83	1.11

\*Analysis of Variance results significant at p<.05

**Table 6: Use of Standardized Assessment and Coordinated Case Management (1=None of the Time; 2=Rarely; 3=Some of the Time; 4=Most of the Time; 5=All of the Time)**

	Child Welfare (N=75)			Probation (N=36)			Corrections (N=32)			Judge (N=24)			JJ Specialist (N=19)		
	n	Mean	SD	n	Mean	SD	n	Mean	SD	n	Mean	SD	n	Mean	SD
Standardized assessment for risk of re-offending*	48	3.81	1.72	29	5.03	1.48	21	4.90	1.22	18	4.50	1.86	13	4.31	1.38
Standardized assessment for treatment needs*	51	3.69	1.64	29	4.83	1.36	21	5.00	1.26	18	4.39	1.85	13	4.46	1.39
Coordinated case management across CPS & Probation	53	3.74	1.20	28	4.18	1.25	20	3.60	1.19	17	3.88	1.36	13	4.08	1.26
Coordinated case management across CPS & Corrections	53	3.49	1.35	27	3.37	1.55	19	3.58	1.26	17	3.00	1.50	13	3.92	1.12

\*Analysis of Variance results significant at p<.05



**Table 7: Types of Services Used for Crossover Youth  
(1=None of the Time; 2=Rarely; 3=Some of the Time; 4=Most of the Time; 5=All of the Time)**

Services	Child Welfare (N=75)		Probation (N=36)		Corrections (N=32)		Judge (N=24)		JJ Specialist (N=19)			
	n	Mean	SD	n	Mean	SD	n	Mean	SD	n	Mean	SD
Specialized services for crossover youth	51	3.10	1.36	29	3.00	1.44	20	3.10	1.25	13	3.23	1.01
Specialized educational services for crossover youth	50	3.00	1.34	27	2.74	1.70	20	3.10	1.29	12	3.17	1.11
Non-specialized services	51	4.29	1.10	28	4.46	1.35	20	4.05	1.00	12	4.33	1.50
MH-Individualized counseling	52	4.40	0.96	28	4.61	0.88	20	4.10	1.21	12	4.08	1.24
MH-Group counseling	52	4.21	0.98	28	4.04	0.96	20	3.80	1.15	12	4.00	1.21
Cognitive behavioral interventions	52	4.00	0.79	28	4.21	0.83	20	4.05	0.83	12	3.83	1.11
Day treatment	52	3.54	1.18	29	3.52	1.57	20	4.00	0.92	12	3.67	1.07
Substance abuse treatment*	51	3.94	0.90	29	4.72	0.96	20	4.25	0.79	12	4.08	1.24
Functional Family Therapy	50	3.48	1.23	28	3.71	1.80	20	2.90	1.48	12	3.17	1.19
Evidence-based programming*	51	3.57	1.27	29	4.28	1.13	20	3.70	0.86	12	3.42	1.38
Placements												
Home	53	4.40	0.74	28	4.71	0.90	20	4.55	0.60	13	4.38	1.39
Foster care	53	4.25	0.73	28	3.96	0.74	20	4.10	0.64	13	4.00	1.15
Group home--mixed populations	53	4.04	0.85	28	3.57	1.40	20	3.90	1.07	13	4.08	1.32
Group home--delinquents only	51	4.00	0.96	28	3.71	1.49	20	3.75	1.25	13	3.46	1.66
Residential treatment center	54	4.07	0.93	28	4.25	0.84	20	4.25	1.02	12	4.00	1.21
Correctional placement	52	3.90	0.98	27	4.07	1.44	20	4.30	1.13	13	3.69	1.44

\*Analysis of Variance results significant at  $p < .05$

## Appendix C: Results for Mean Comparisons across State and County Respondent

**Table 1: Perceived Level of Importance to Various Agencies/Policy-Making Bodies  
(1=Not Important at all . . . 5=Extremely Important)**

Perceived Importance to...	State (N=75)			County (N=107)		
	n	Mean	SD	n	Mean	SD
Respondent	68	4.49	0.80	104	4.56	0.79
Probation	67	4.04	0.93	105	4.13	0.97
Child Welfare	67	3.88	1.02	105	4.13	1.02
Corrections*	67	4.12	0.96	104	3.39	1.27
Mental Health	66	3.68	1.14	104	3.85	1.13
Education	66	3.30	1.23	102	3.33	1.20
Governor*	65	3.40	1.23	97	2.82	1.23
Legislature*	64	3.13	1.37	97	2.71	1.20
County Governing Boards	56	2.91	1.20	100	3.02	1.16

NOTE: Items are rank ordered by county responses.

\*T-test results significant at  $p < .05$

**Table 2: Methods Used for Handling Crossover Youth  
(1=None of the Time; 2=Rarely; 3=Some of the Time; 4=Most of the Time; 5=All of the Time)**

	State (N=75)			County (N=107)		
	n	Mean	SD	n	Mean	SD
Formal protocols for notifying CPS & attorney*	43	2.74	1.22	85	3.56	1.42
Dedicated dockets/one judge approach	40	3.20	1.18	85	3.36	1.46
Interagency planning meetings	44	3.14	0.88	85	3.38	1.16
Use of MDT to assess and manage cases	40	3.08	1.00	84	3.27	1.13
Continuity of counsel	40	2.83	1.15	82	3.05	1.37
Collaborative funding b/t CPS & Probation	41	2.59	1.02	83	2.86	1.34
Structured decision-making tools for processing	43	2.53	1.28	85	2.78	1.58
Authority over parents/guardians in delinquency	40	3.00	1.40	80	2.84	1.63
Joint case plans	40	2.50	0.91	84	2.51	1.28
Joint court orders & court reports	39	2.36	1.06	83	2.47	1.38
Use of child protective service liaisons	38	2.39	1.10	82	2.30	1.39
Joint pre-hearing conferences	39	2.44	0.82	82	2.26	1.27
Use of probation liaisons	37	1.86	0.75	82	2.16	1.26
Integrated/shared information systems	43	2.12	1.12	85	1.85	1.33

NOTE: Items are rank ordered by county responses.

\*T-test results significant at  $p < .05$

**Table 3: Perceived Barriers to Effectively Handling Crossover Youth  
(1=Not Significant . . . 5=Very Significant)**

	State (N=75)			County (N=107)		
	n	Mean	SD	n	Mean	SD
Access to appropriate mental health services*	47	4.02	0.99	85	3.52	1.19
Inflexibility of funding	45	3.89	0.98	84	3.71	1.20
Access to appropriate substance abuse services*	47	3.85	1.04	85	3.31	1.22
Lack of appropriate placements	47	3.83	1.17	85	3.69	1.22
Uncoordinated assessments*	47	3.74	0.82	85	2.86	1.17
Lack of funding	46	3.74	1.20	84	3.76	1.19
Access to Evidence-based programming*	45	3.58	1.25	84	2.96	1.21
Inconsistent assessment*	46	3.43	1.11	85	2.69	1.17
Reliance on managed care insurance	44	3.41	1.13	81	3.21	1.28
Limited access to appropriate assessments*	46	3.39	1.11	85	2.87	1.12
Lack of relationship with schools*	45	3.38	1.27	85	2.35	1.09
Schools resistance to share information*	45	3.36	1.23	85	2.22	1.20
Lack of relationship with substance abuse treatment system*	45	3.09	1.20	85	2.46	1.21
Lack of relationship with mental health care system*	45	3.07	1.19	85	2.39	1.13
Resistant partner agencies	45	2.87	1.12	85	2.52	1.21
Lack of collaboration with CPS*	46	2.85	1.17	85	2.27	1.18
Lack of collaboration with Probation*	46	2.76	1.14	84	2.25	1.17
Lack of collaboration with Institutional Corrections*	45	2.67	1.19	81	2.16	1.11

NOTE: Items are rank ordered by state responses.

\*T-test results significant at  $p < .05$

**Table 4: Perceived Levels of Collaboration across Systems  
(1=Strongly Disagree; 2=Somewhat Disagree; 3=Neither Agree or Disagree; 4=Somewhat Agree; 5=Strongly Agree)**

	State (N=75)			County (N=107)		
	n	Mean	SD	N	Mean	SD
<b>Inter-Agency Collaboration</b>						
CPS & Probation collaborate effectively	47	3.06	1.15	85	3.42	1.22
CPS & Corrections collaborate effectively	47	3.13	1.13	83	3.13	1.15
<b>Collaboration with Mental Health Treatment System</b>						
The MH system is partner with Probation*	47	2.55	1.10	85	3.15	1.24
The MH system is partner with Institutional Corrections*	46	2.59	1.17	84	3.12	1.12
The MH system is partner with CPS	45	2.78	0.97	85	3.08	1.26
<b>Collaboration with the Substance Abuse Treatment System</b>						
The SA treatment system is partner with Probation	46	2.83	1.04	85	3.05	1.19
The SA treatment system is partner with CPS	45	2.71	0.99	85	2.93	1.21
The SA treatment system is partner with Institutional Corrections	46	2.83	1.08	84	2.85	1.09
<b>Collaboration with Education</b>						
Educational providers are partners with CPS*	45	2.47	0.97	84	3.17	1.19
Educational providers are partners with Probation*	46	2.43	1.03	85	3.27	1.19
Educational providers are partners with Institutional Corrections*	46	2.43	1.11	84	3.13	1.12

NOTE: Items are rank ordered by county responses.

\*T-test results significant at  $p < .05$

**Table 5: Perceived Levels of Cross-Training for Advocates, Decision-Makers, and Agency Personnel**  
**(1=Strongly Disagree; 2=Somewhat Disagree; 3=Neither Agree or Disagree; 4=Somewhat Agree; 5=Strongly Agree)**

	State (N=75)			County (N=107)		
	n	Mean	SD	n	Mean	SD
Cross-Discipline Training is Available for...						
Judges	45	2.82	1.17	84	2.95	1.30
Probation officers	45	2.93	0.91	83	2.81	1.21
Social workers	45	3.04	1.02	83	2.81	1.22
Institutional corrections staff	45	2.58	0.97	81	2.57	1.06
Attorneys	46	2.37	1.02	83	2.47	1.16
Cross-Discipline Training is Often Completed by						
Judges	45	2.78	0.97	82	2.73	1.26
Probation officers	45	2.82	0.94	83	2.73	1.16
Social workers	45	2.87	0.99	81	2.70	1.17
Institutional corrections staff	45	2.53	0.99	80	2.54	0.94
Attorneys	46	2.33	0.92	83	2.35	1.11

NOTE: Items are rank ordered within category by county responses.

\*T-test results significant at  $p < .05$

**Table 6: Use of Standardized Assessment and Coordinated Case Management**  
**(1=None of the Time; 2=Rarely; 3=Some of the Time; 4=Most of the Time; 5=All of the Time)**

	State (N=75)			County (N=107)		
	n	Mean	SD	n	Mean	SD
Standardized Assessment						
Risk of re-offending*	44	4.77	1.22	83	4.20	1.82
Treatment needs*	45	4.64	1.26	85	4.13	1.76
Coordinated Case Management						
Across CPS & Probation	44	3.84	1.03	84	3.89	1.27
Across CPS & Institutional Corrections*	43	3.77	1.07	83	3.30	1.45

NOTE: Items are rank ordered within category by county responses.

\*T-test results significant at  $p < .05$

**Table 7: Types of Services Use for Crossover Youth**  
**(1=None of the Time; 2=Rarely; 3=Some of the Time; 4=Most of the Time; 5=All of the Time)**

	State (N=75)			County (N=107)		
	n	Mean	SD	n	Mean	SD
Non-specialized services	42	4.29	1.13	83	4.46	1.19
Individualized mental health counseling*	43	4.12	1.12	83	4.54	0.93
Substance abuse treatment	43	4.09	0.89	84	4.30	0.98
Group mental health counseling	43	3.98	1.08	84	4.18	1.01
Cognitive behavioral interventions	43	4.00	0.90	84	4.10	0.94
Evidence-based programming	43	3.65	1.07	84	3.90	1.25
Functional Family Therapy	42	3.26	1.40	83	3.65	1.30
Day treatment	44	3.80	1.07	84	3.54	1.30
Specialized services for crossover youth	45	3.11	1.15	83	3.04	1.44
Specialized educational services for crossover youth	43	3.05	1.21	81	2.94	1.41

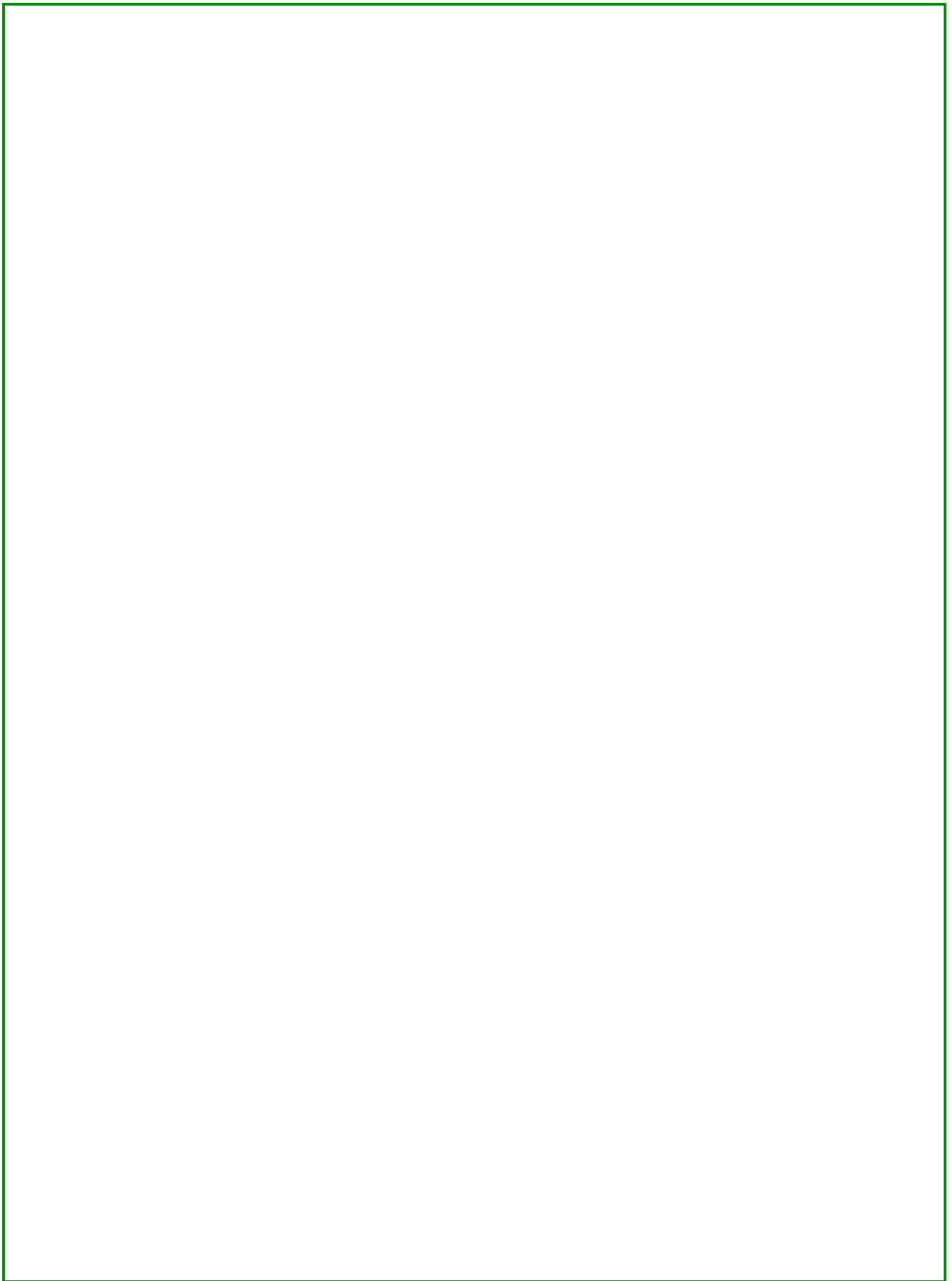
NOTE: Items are rank ordered by county responses.

\*T-test results significant at  $p < .05$

**Table 8: Types of Placements Used for Crossover Youth**  
**(1=None of the Time; 2=Rarely; 3=Some of the Time; 4=Most of the Time; 5=All of the Time)**

	State (N=75)			County (N=107)		
	n	Mean	SD	n	Mean	SD
Home	44	4.50	0.88	85	4.51	0.78
Foster care	44	4.11	0.78	85	4.19	0.75
Correctional placement	43	4.02	1.20	83	4.05	1.08
Residential treatment center	44	4.14	0.98	85	4.04	0.98
Group home--mixed populations	45	3.93	1.07	83	3.93	1.02
Group home--delinquents only	44	3.73	1.26	83	3.92	1.21

NOTE: Items are rank ordered by county responses.



## Appendix D: Proposed Outcomes for Crossover Youth (Developed by the Los Angeles County AB 129 Executive Committee)

### Proposed Outcomes by Domain

#### Individual/Peer Related Outcomes

- Increase connections/investment in the community
- Reduce association with delinquent peers
- Increase association with pro-social peers
- Increase association with positive adult role models
- Decrease in the use of and days spent in inpatient hospitalization
- Decrease in the use of and days spent in juvenile hall
- Increase ability self-control and self-regulating behaviors
- Reduce dysfunctional behaviors (self-injurious)
- Reduce substance abuse
- Decrease mental health symptoms
- To reduce overall risk to reoffend
- Reduce social isolation
- Reduce pregnancies
- Reduce participation in risky sexual behaviors
- Improve ability to obtain and sustain employment
- Improve successful independent living and emancipation
- Improve participation and performance in treatment
- Improve attendance in treatment
- Improve behavior in treatment
- Decrease number of irregular treatment service changes
- Improve behavior in placement
- Decrease number of irregular placement changes
- Improve desistance from crime in adulthood
- Improve successful completion of probation conditions (incl. restitution, community service)

#### Family-Related Outcomes

- Improve contact with family
- Improve parent(s)/caretaker completion of treatment
- Reduce family conflict
- Improve family communication and support
- Increase overall stability of parent(s)/caregiver
- Decrease time to permanency

#### School-Related Outcomes

- Improve school performance
- Improve school attendance



- Increase exercising educational rights
- Increase completion of IEP (when needed)
- Decreased time to complete IEP
- Improvement in achieving IEP recommendations (i.e., follow-through on IEP recommendations)
- Improve educational transitional planning and follow-up
- Improve access to educational information
- Increase the use of appropriate educational planning
- Decrease the number of irregular school changes

### System-Related Outcomes

- Improve access to appropriate services and placements for youths and families
- Increase the extent to which recommended services/placements were received
- Increase the use of lower levels of care when appropriate
- Reduce the number of offenses occurring in group homes (i.e., congregate care)
- Reduce time required to access recommended services/placements
- Increase in the capacity for services & placements
- Improve interagency communication and coordination

