THE SCHOOL BELL IS RINGING

What the CRB Can do to Improve Educational Outcomes for Children in Foster Care

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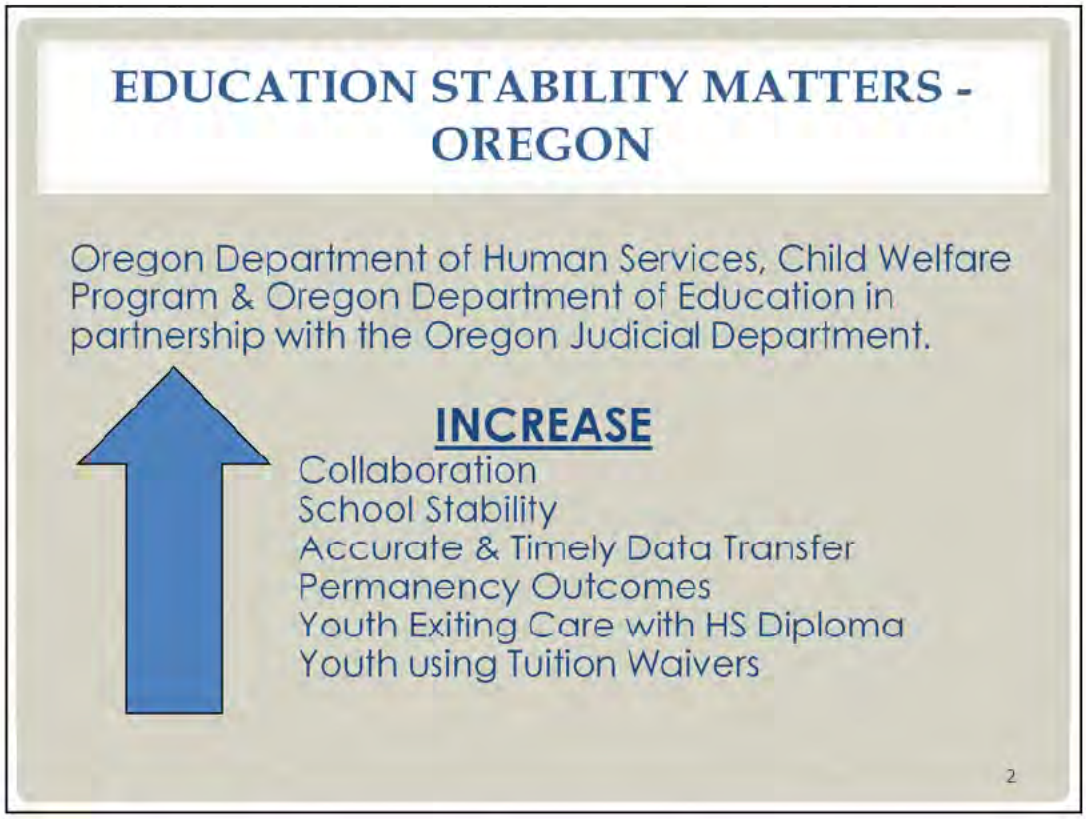

Educational Stability Matters is a 2 year project funded with a federal grant that DHS applied for and received. The grant will allow Oregon to: establish multi-disciplinary educational teams that will collaborate to meet the educational needs of students who are in foster care. In addition, Oregon will create collaborative processes that include data-sharing agreements and data exchange procedures between its Child Welfare, Educational agencies, and juvenile courts. Data sharing will be accurate and timely, providing for Oregon Department of Human Services Child Welfare (DHS) to develop a system to monitor the educational stability, educational outcomes and permanency outcomes of the target population and make improvements to data-sharing agreements, data exchanges and/or multi-disciplinary teams as needed.

Child Level Outcomes

How has the project increased the number of foster children *remaining in the same school*?

How has the project increase in the number of foster children *remaining in same placement*?

How has the project increase number of foster youth *attaining permanency*?

How has the project increased *graduation rates* for foster youth?

How has the project Increase the number of *promotions to next grade* for foster youth?

How has the project increased number of foster youth *applying for post-secondary education*?

Staff Level Outcomes

PROJECT DESCRIPTION: TARGET POPULATION

Collaborative Multi-Disciplinary Educational Teams:

- Children in Foster Care ages 12 – 20 years old
- 4 Counties (Multnomah, Marion, Lane, & Washington)
- These counties comprise 57% of Target Population and are the largest counties in Oregon
- Each county will select (1) High School and any feeder Middle Schools to that High School

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PROJECT DESCRIPTION: PROPOSED SERVICES/ ACTIVITIES/ PROCESSES/ OUTPUTS

Work Currently In Progress:

- (2) Education Coordinators Hired
- AAG has begun work reviewing MOU's
- Grant Steering Committee has been identified and conducted first meeting
- Assessment is occurring of Multnomah County Program
- Initial Data Collection is completed
- High School recruitment process developed

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PROJECT DESCRIPTION: PROPOSED SERVICES/ ACTIVITIES/ PROCESSES/ OUTPUTS

Work To Be Done

- Recruit and Identify High School and feeder Middle Schools in Multnomah County
- Train Staff on Multi-Disciplinary Team Protocols
- Formalize Protocols in customizable packets for Remaining Counties
- Assist Multi-Disciplinary Teams in partner identification, education, and invitation
- Finalize statewide MOU
- Data Collection

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Local, community directed / school district collaboration teams which *may also* include:

School Nurses;

Juvenile Justice;

DV Advocates;

Training Partners;

Foster Parents;

CASA;

Child

Attorneys; Youth; Parents

Challenges…

Transformation currently occurring in both state agencies.

High Workload for Caseworkers and School Employees.

Oregon's Child Welfare Information System currently lacks and/or has inaccurate education data.

Lack of Birth Parent and Foster Parent Involvement.

Cross-Training CW and School personnel in Trauma Informed Care Practices.

Education Advocacy for Homeless and Foster Youth

Brian V. Baker, Esq.
Youth, Rights & Justice

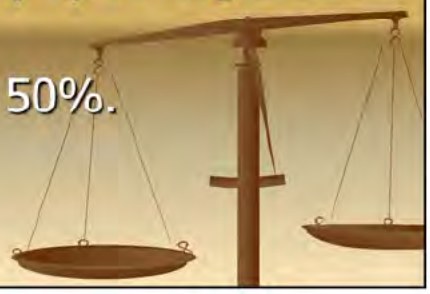
Who am I and Why am I Here?

- Brian V. Baker, Lead Resource Attorney

YRJ is dedicated to improving the lives of vulnerable children and families through legal representation and advocacy in the courts, legislature, schools and community.

Foster Care Demographics

- 423, 773 in foster care nationally.
- 67.7 % school aged.
- 40% white, 30% Black, 20% Hispanic, 10% other youth of color.
- 2.5 to 3.5 times more likely sped elig. than non-FC.
- NW sped elig. rates 30 to 50%.



Source: Education is the Lifeline for Youth in Foster Care, July 2011. National Working Group on Foster Care and Education. Located: www.fosteringconnections.org. NW Alumni Foster Care Study, 2005, Casey Family Programs.

Homeless Demographics

- 1,065,794 homeless student in 16,290 LEA's. Up 11% from SY 08-09 to SY 10-11. 761,603 homeless students (71%) in LEA's with subgrants.
- Primary nighttime residence most reported is "doubled up." 27% increase over 3 year period.
- OR: 21, 632 homeless in SY 10-11, 20% 3 yr. increase . WA: 26,048 homeless in SY 10-11, 25% 3 yr. increase.

Source: Education for Homeless Children and Youths Program SY 2010-2011 CSPR Data Collection Summary. National Centerfor Homeless Education, June 2012. Report available: http://center. serve.org/nche/pr/data comp.php.

Foster Care and Homeless

- 22% of homeless children are put into foster care and stay in care longer
- 30% of children in foster care could return home if their parents had access to housing
- Approximately 27% of homeless adults and 41% of homeless youth report a history of foster care
- 25% of youth "aging out" of foster care experience homelessness

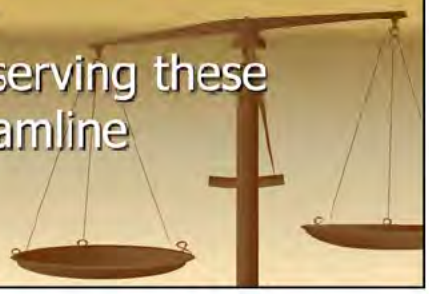
Author: NAEHCY conference, 2007, "Working with Children in Out of Home Care," panel discussion with Annie Blackledge, WA. State Children's Administration and Joo Yeun Chang, Casey Family Programs.

FC Education Risk Factors

- Mobility
- Disability
- Mental Health/Trauma
- School Discipline
- Minority Disproportionality

Learning Objectives

- Identify resources and materials for advocating for the educational needs of homeless and foster youth in Oregon and beyond.
- Identify state and federal laws/regulations that impact these youths.
- Identify roles of systems serving these youths and efforts to streamline collaboration.



Laws and Regulations

- 504/IDEA/IDEIA/ EI/EISE
  - Federal acts for disability
  - CAPTA (Child Abuse Prevention and Treatment Act)
- FERPA and Uninterrupted Scholars Act.
- Mckinney-Vento Homeless Assistance Act.
- Fostering Connections to Success…
- Oregon: HB 3075 Ed Stability and HB 2283 post-secondary Transition.

Where to start

- Interview w/ parent, foster parent, child, extended family, caseworker or social worker, therapist/psychologist/psychiatrist and others. (ROI's?)
- Records request and review (Ed and beyond.)
- Enrollment Assistance.
- Communicate with community partners.
- Request evaluation of suspected disability.
- Monitor grades/academic progress.

Ensure Enrollment

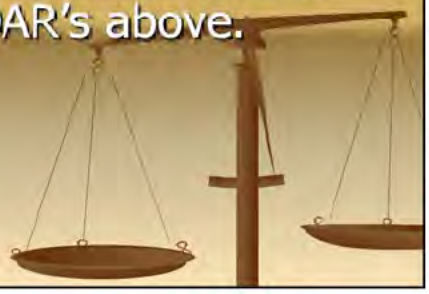
- Immediate Enrollment is goal.
- Assist with transfer of education records: IEP's, 504 plans, safety plans, etc.
- Attend intake, safety or placement meeting.
- Provide CW with school/district resource contacts.
- Assist collaborative communication: with CW and other team contacts (DD, MH, Juv Dept, etc.) .

Special Education: Our goal is to…

- Understand unique eligibility/evaluation challenges for homeless and foster youth.
- Understand barriers to identifying homeless and foster youth with disabilities.
- Understand how to craft an appropriate IEP/504 for these youths.

Special Education

- **IDEIA/IDEA:** Individuals with Disabilities Education Improvement Act; guides provision of Individual Education Plans (IEP's). See ORS 343…and OAR 581-015-2000 et. seq.
- **Section 504** (of the Rehabilitation Act of 1973); plans detailed in OAR's above.



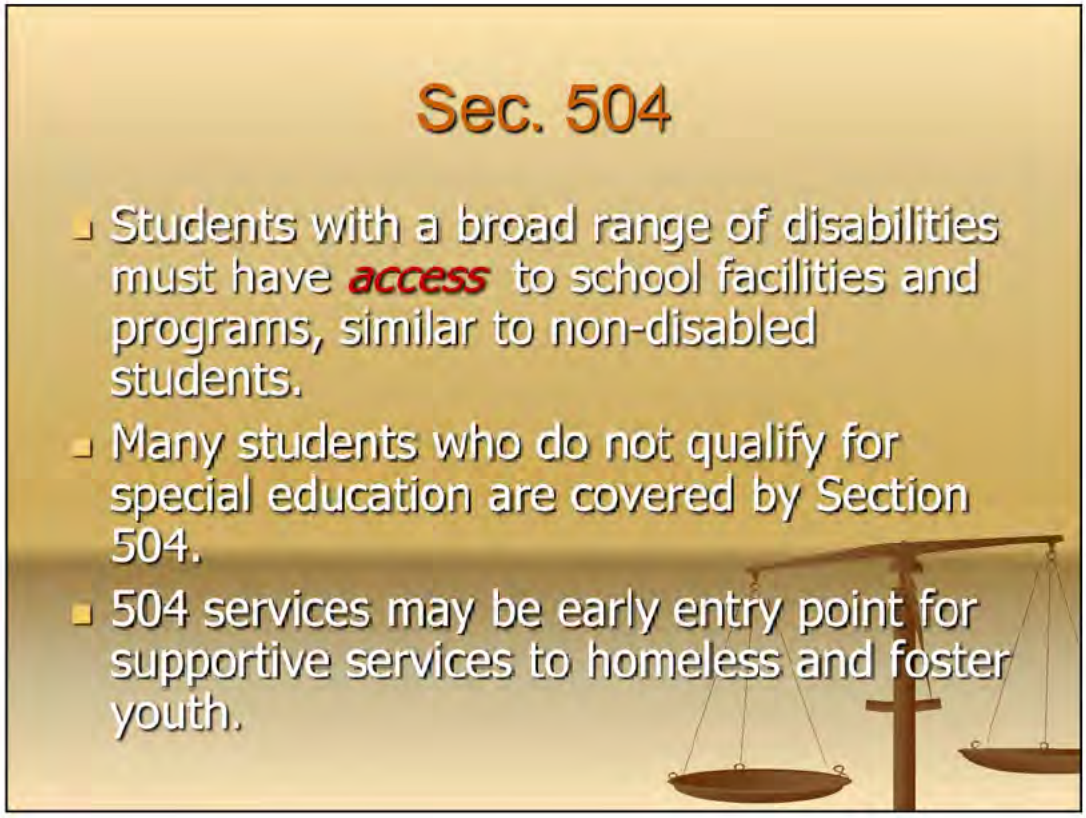
Pre-Referral Interventions: informal building interventions before special ed. evaluation.

Special Education

- How is disability defined under IDEA?
- 11 Eligibility Categories in Oregon.
- Children in care often qualify under categories of Emotional Disturbance (ED) and/or Other Health Impaired (OHI).

The 11 disability eligibility categories for special education include intellectual disability , hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities. Each category has specific minimum evaluation criteria set out in law that school districts must follow.

Under Section 504, eligibility may result if disability substantially impacts major life activities, including learning. Section 504 accomodations required if actual impairment, history of impairment or perceived impairment. 504 accomodations are provided within the general education setting.



Section 504 services information available on-line through the US Department of Education, Office of Civil Rights (OCR)—pamphlets available in PDF form in English and Spanish. OCR is found at: **www2.ed.gov/ocr**.

Sec. 504 Evaluation/Eligibility

- 504 procedures should mirror IDEA processes: consent, evaluation, 504 meeting, written plan with modifications and accommodations, and possibly specially designed instruction.
- Consider expedited evaluation/eligibility upon receipt of non-district evaluations provided by community partners assisting youth and family.

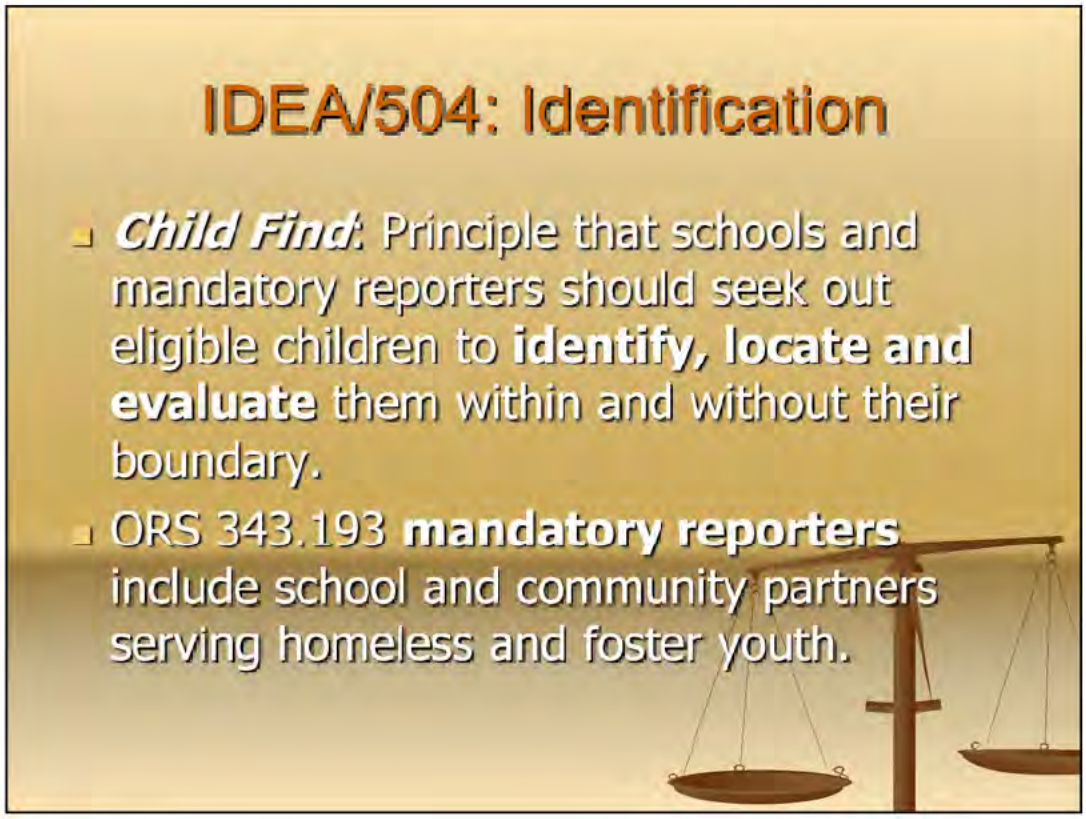
IDEA/504: Identification

- Community Advocates: How do we identify children who may have qualifying disabilities?
- Multiple Sources: child, family, evaluations (MH assessments or psych. Evaluations), medical evaluations, review of education records, red flags…
- Cross-Systems communication, ROI's.

Discuss varied records available on child; who has and how to obtain for review.

IDEA/504: Identification

- Red-Flags at School: poor grades, behavioral difficulties, discipline referrals, poor attendance, negative attitude toward school, inattention at school, socially withdrawn, fighting, off-task, frustration, fear, etc.
- Red-Flags at Home: consider input from parent and community partners on child's functioning across non-school domains (placement, services, etc.)



Child Find generally begins with a child's local school through an assigned special education case manager or school psychologist. When contacting the school, ask for the assigned special education representative in the building and/or the principal. Section 504 services and plans are generally maintained by a school counselor. ORS 343.193 requires **mandatory reporters** to notify the State Department of Education when the reporter has a reasonable belief the child may qualify for special education services. When contacted, the state agency will inquire of the local district's special education department what efforts are underway to meet their child find obligations.

IDEA/504: Identification

- **Obtain and review** school file of the child.
- FERPA barriers for community partners—consent or health and safety exception?
- Pending FERPA legislation: Uninterrupted Scholars Act, (HR 5871, 2012).
- Coordinate with CW regarding education records in its possession for highly mobile students.

Education records of the child include the cumulative file, discipline file and special education records. Use the **FERPA** (Family Education Rights Privacy Act, OAR 508-021-0220 et seq.) for access: get permission from parent/foster parent surrogate for records; or use FERPA exceptions—court order, or protective services health/safety exception of ORS 336.187.

IDEA: Eligibility and Services

- Consider inter-agency participation for special education evaluation and eligibility determinations.
- Consider inter-agency service participation in provision of special education through related services or supports to school personnel.
- Consider inter-agency cost sharing in service provision (evaluation/diagnosis, related services and supports.)

Important school meetings will include initial screening, evaluation planning, eligibility determination and IEP development, as well as annual IEP reviews. Homeless and foster youth may require periodic team IEP team review for coordinated monitoring of school and community-based services.

IDEA: Evaluation

- **Consent for Testing:** Must be informed and received by **parent** or **education surrogate**.* DHS caseworker cannot give consent for testing even though they are legal guardian.
- Assist identification of temporary surrogate for highly mobile/homeless students.
- Collaborate with community partners regarding identification of surrogate. Dual Appointing Authority available.
- Encourage early involvement of biological parent in special education process at all stages.

IDEA: Eligibility

- **Individual Education Plan:** in writing, based on assessment and addresses all areas of concern.
- **Timing:** IEP must be held within 30 days of eligibility determination. Eligibility meeting after assessments completed.
- **Crucial** to include community partners in evaluation/eligibility determinations and IEP/504 development.

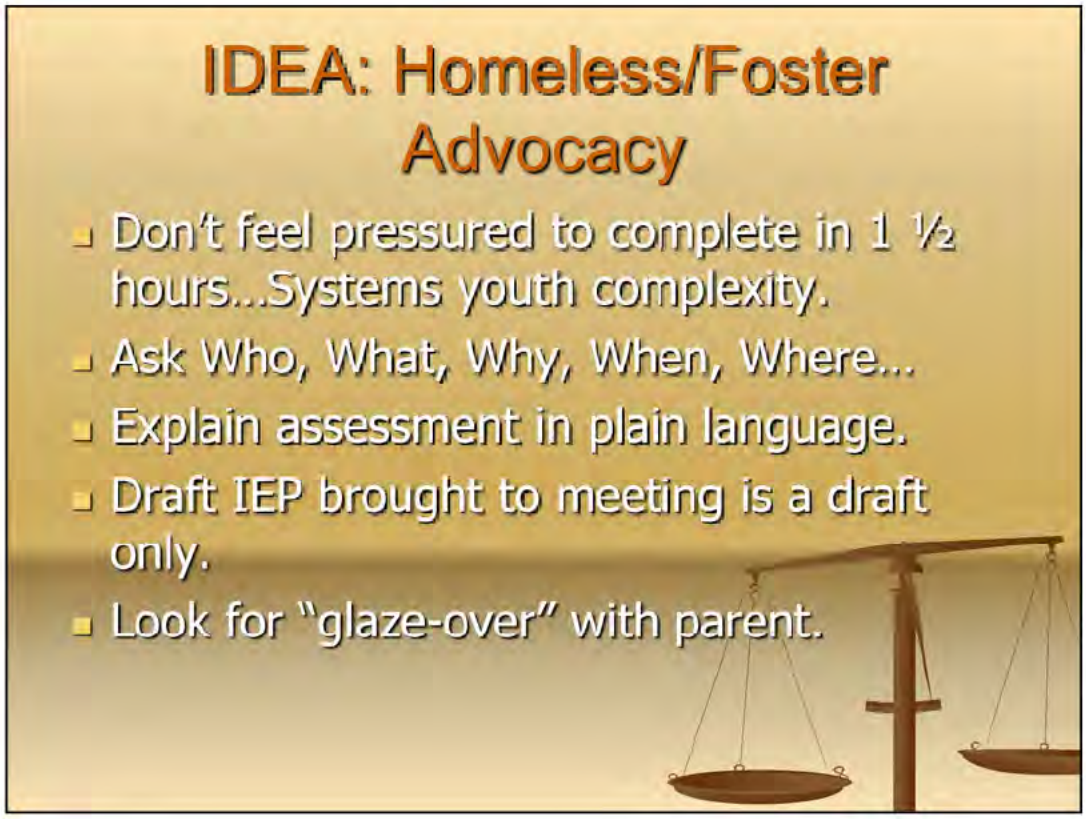
Practice note: it may be necessary to convene more than once to complete eligibility and/or IEP drafting for systems involved youth because of complexity of needs. Generally, it is not advisable to meet longer than 90 minutes and teams should consider setting up a follow-up meeting.

IDEA: Crucial IEP Components

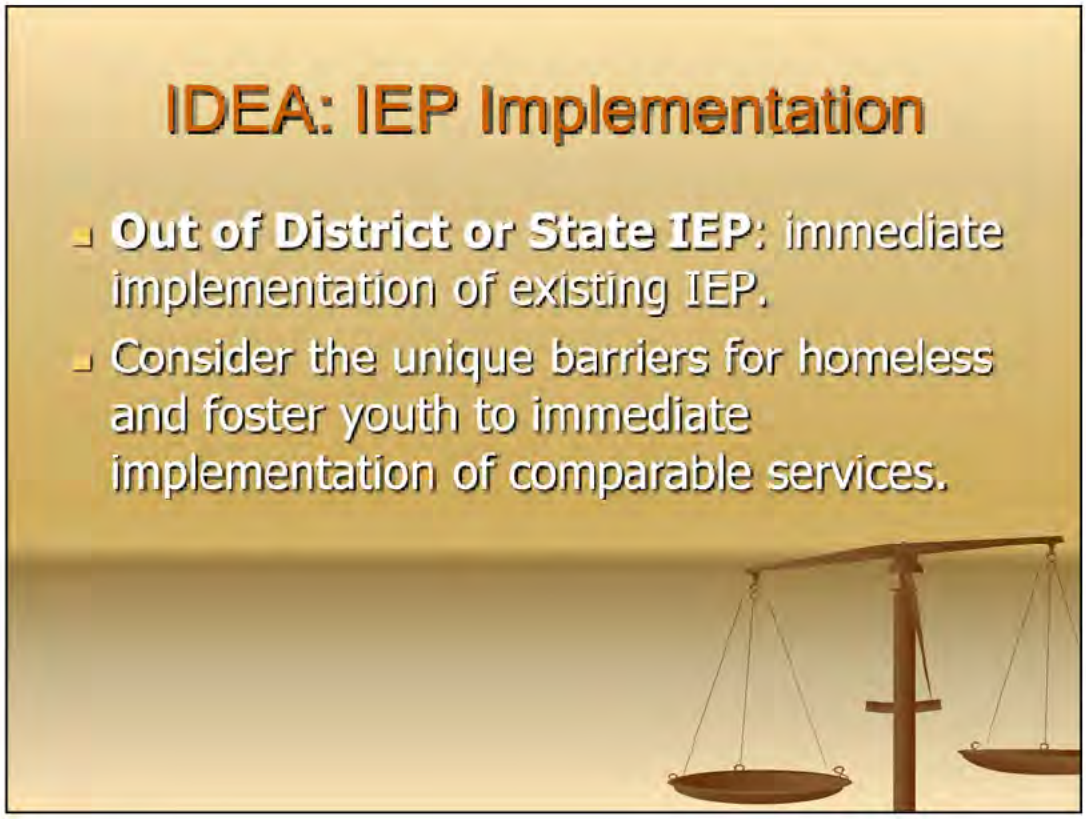
- Behavioral Intervention Plan (BIP) supported by a Functional Behavioral Assessment (FBA).
- Transition Service Planning (HB 2283, 2011).
- Extended School Year (ESY) data keeping and determination.

IDEA: IEP Placement

- **Placement:** continuum of least restrictive placements may include resources/placements available to community systems serving homeless and foster youth and may require out of district placements to meet special needs of these youth.



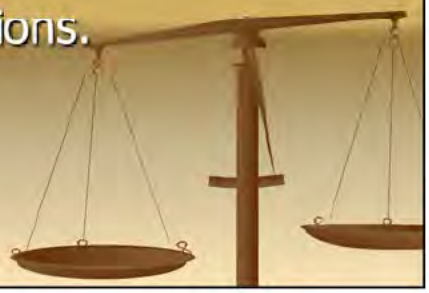
The district personnel who conduct evaluation should be able to explain the purpose of the testing, the results, and provide a comparison with non-disabled peers…Be sure to provide explanation in lay person's terminology. Be sure parent/surrogate understands information provided to the team. Draft plans allow for team input and revision. School teams should indicate at the beginning of meetings that the IEP is a draft and that the team may suggest revisions.



A receiving school must immediately implement the existing IEP through provision of comparable services until the team can meet to determine if local modification are necessary, or for an out-of-state IEP, if further evaluation needed in order to determine Oregon special education eligibility.

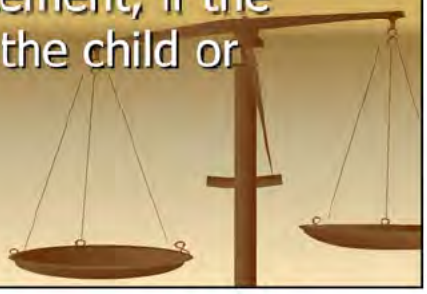
Education Stability

- Oregon HB 3075 (2005) and Fostering Connections to Success…(2008).
- McKinney-Vento Homeless Assistance Act.
- State ED/CW coordination, training, communication.
- Transportation considerations.



Oregon HB 3075

- Amends state residency statute, ORS 339.133(4), Oregon's school residency statute, to permit a child or youth in foster care to remain in the school he/she attended prior to placement in foster care, or through change of placement, if the juvenile court deems it in the child or youth's best interest.



Fed Fostering Connections (2008)

- Presumes ed stability in child's best interest when placed in foster care or moves in foster care.
- Requires CW and ED develop plans to ensure ed stability for children in foster care.
- Provides federal CW funds for transportation for IV-E elig. children.

For indepth review of the Fostering Connections education provisions, see www.fosteringconnections.org.

McKinney-Vento Reauthorization

- HR 1253 and S 571 introduced Spring, 2012 and elements of both bills passed in House and Senate.
- Congress did not complete work on ESEA and McKinney-Vento Reauthorization this term.

Resources

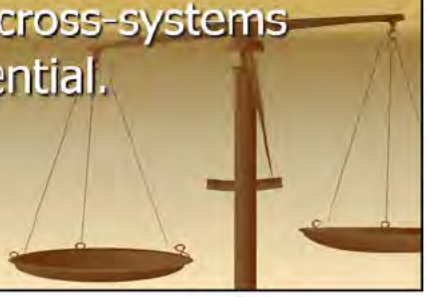
- www.youthrightsjustice.org.
- www.fosteringconnections.org.
- www.naehcy.org.
- www.casey.org.
- www.casey.org/resources/initiatives/National Working Group/. National Working Group on Foster Care and Education.

School Advocacy Wrap Up

- Don't exclude biological, systems-involved parent. Meetings may include multiple "parents" for systems youth.
- Build community-based advocacy team to support child and family.
- Maintain communication with community partners at all stages, including providing periodic progress reports to partners and encouraging cross-systems participation in school meetings.

School Advocacy Wrap Up

- Lastly, look for opportunities to stream line planning documents across systems: IEP, ISP, child-welfare transition plans.
- Ideally, youth's transition goals are similar across these domains.
- In tight budgetary times, cross-systems collaboration/training essential.



LET'S GET ACTIVE!

Now is the time to apply what you have learned!

Form groups of 5 at each table. Your group will receive a case scenario regarding an individual child of the Partridge family sibling group. Each child has unique educational needs. Working together, please identify those needs and what services or intervention would be appropriate for that child.

You will have about 25 minutes to work on the scenario before reporting back as a group on needs you identified and what recommendations you might make.

Give board members a 5 minute break before the small group activity, and suggest that when they reconvene they form tables of 5 with people not on their regular boards.