



## EDUCATION ADVOCACY IN DEPENDENCY COURT



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### WHY IT MATTERS

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The body of research on the educational outcomes of students in foster care has grown significantly over the past several years. And the research has shown a consistent theme:

children in foster care face significant barriers to their educational progress, starting from before school begins and extending through postsecondary education. Yet education

provides opportunities for improved well-being in physical, intellectual, and social domains during critical developmental periods and it supports economic success in adult life. Recognizing the importance of supporting the educational needs of students in foster care, child welfare agencies, education agencies, and courts have been working together to improve policies and practices around the country. For more

than a decade, there has been growing momentum at the federal, state, and local level to prioritize the educational needs of students in foster care.

**Advocates in the courtroom can improve school outcomes, boost graduation rates, reduce disciplinary actions, increase college attendance and help break the cycle of justice system involvement.**

Many judges and courts are working with advocates and systems to alter children's educational paths. These efforts can improve school outcomes, boost graduation rates, reduce

disciplinary actions, increase college attendance and help break the cycle of justice system involvement.<sup>1</sup> Unfortunately, there are courts that don't yet recognize the critical role they play in promoting educational success. Consequently, social workers and advocates may not come prepared to talk about the educational strengths and concerns of a child. Judges who ask about education services, special education plans and how the

child is doing in school, hold others accountable and social workers, as well as advocates, quickly learn to come to court prepared to share this information.

One survey of 169 judges, 65 key stakeholders, and 1,1107 CASAs, conducted in partnership with Casey Family Programs and the National Council of Juvenile and Family Court Judges (NCJFCJ), found that there was widespread agreement by all respondents that judges have a role in ensuring that the educational needs of youth in care are met.

In this study, the following issues were noted:

1) School placement stability is a significant concern with the transfer of records and paperwork cited as the number one barrier to timely school enrollment; 2) Special education services are often lacking with the court not always addressing special education on a regular basis; and, 3) Children do not always have educational advocates in court.<sup>2</sup> Judges also reported that a consistent barrier to effectively addressing education concerns was that caseworkers were unprepared or not knowledgeable about educational issues, a lack of information from or involvement of the school, and infrequency of court hearings.

## ADVOCATES IN ACTION

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*“Part of a judge’s leadership role is to always build a sense of urgency in the lives of these children. We can’t burn days of these kids’ lives. We can’t take three months to update their IEP or to figure out what we’re going to do when they’re high school juniors, 17 years old, and have 8 credits. That’s an emergency.”<sup>3</sup>*

— Judge Egan Walker

## ACTIONS

The good news is that advocates can help support education advocacy in the courtroom by doing a number of things that bring attention to the importance of educational success and modeling the urgency that Judge Walker describes is so needed.

- **Know how children or youth are doing developmentally (for younger aged children) or academically.** Keep regular track of their

achievements and challenges to prevent things from falling through the cracks or blow up into bigger problems. Meet their teachers, principals, and counselors as appropriate so they can provide you updates and concerns. The *Questions to Ensure That the Educational Needs of Children and Youth in Foster Care Are Being Addressed* tool developed for judges by the National Council for Juvenile and Family Court Judges (NCJFCJ) provides an extensive list of checkpoints for understanding how children and youth are doing educationally.<sup>4</sup>

- **Look for education-related flags.** Actions or behaviors that should concern all involved include poor school attendance, tardiness, a drop in school performance, a deviation from positive behavior in school, lack of stable home environment with support and structure to succeed in school, running from home, out-of-control, unmanageable behavior at school or a lack of urgency to address a child's education needs. Sound the alarm when something is "off" and advocate for needed supports or interventions.

they perceive as their strengths and need areas will help individualize the uniqueness of the child's situation and prompt others to both celebrate the child's strengths and achievements as well as provide needed supports in the areas they are missing or struggling in.

- **Remember that going to school is bigger than just academics.** Many students in foster care report that school was the one place where they could just be kids and feel normal. Help students participate in

*Many students in foster care report that school was the one place where they could just be kids and feel normal.*

- **Be prepared to update the court on developmental or educational progress and concerns.** Even if it isn't a part of the court's culture to ask questions about the child's development or academic part of their lives, present the outcomes consistently both in your reports and in the courtroom. Your education advocacy may influence the behaviors of others involved in the child's case, causing them to pay more attention to the education issues of the child. See below for how Delaware's Office of the Child Advocate addresses this issue.
- **Ask children and youth what specific information they would like reported (if they are not able to be in court) about their educational experience.** Having them either share directly or indirectly what

extracurricular activities, after school clubs, sports, dances, etc., things that they identify as important to them. Advocate that the court not schedule hearings that involve children and youth during school hours, or that caseworkers not visit children at school if possible. Protect the child's privacy when contacting school people so as not to "out" them to their peers and classmates.

- **Ask whether your CASA program has volunteers that are currently or have been teachers, school counselors, school social workers, etc.** These individuals have invaluable insight as to the "workings" of the education system and can provide consultation and support to volunteers who may not be as aware of educational rights and supports of students.

## BRIGHT SPOT

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### COMPREHENSIVE EDUCATIONAL REPORT FOR CHILDREN IN FOSTER CARE, DELAWARE'S OFFICE OF THE CHILD ADVOCATE

Helping child attorneys, CASA volunteers and staff recognize the importance of education well-being has long been a priority of Delaware's Office of the Child Advocate. To this end, CASA volunteers and child attorneys receive regular training in the following topics:

- How to advocate for school stability and its connection to placement stability and well-being,
- How to examine grades, IEPs, school discipline records, and other school documents for red flags,
- The importance of attending school meetings and introducing yourself as a contact for education administrators,
- How to examine a student's credits and graduation requirements,
- How to inquire and support individual students' current and future educational goals including their plans for graduation. Finding out about extracurricular programs or school activities they participate in or would like to participate in, and,
- Learning how to request special education evaluations for IEP/504 protections.

However, to ensure that not only child attorneys and CASA volunteers are knowledgeable about these issues, Delaware's Office of the Child Advocate, also provides training for judges, caseworkers and educators on the educational rights and needs of children and youth in foster care. A tool that has been helpful in ensuring that everyone is on the same page regarding a child's educational progress is the "Comprehensive Educational Report for Children in Foster Care." This 2–3 page snapshot of a child's education experience is shared with all appropriate parties including the child's teacher, the caseworker, the attorneys and advocates involved in the case, as well as the Family Court judge presiding over the case.

The education report is generated from a dashboard (EdInsight Dashboard) by each school by the Foster Care Liaison. The report can be emailed or faxed as a PDF document to any individual with authorized access to educational records including the child protective services caseworker, the child's attorney, the child's CASA, the parent(s) and school administrators. Important key school performance characteristics that are pulled into the report include child's name, school information, enrollment history, attendance, discipline, state standardized test scores, grades and credits and special services. CASAs can request the report from the Foster Care Liaison about a week before they need it and then use it as the Education Court Report to the Family Court regarding the child's academic progress. The report can also be used for best interest determination meetings, discipline hearings, for health care/mental health providers and any time when a snapshot of the student's academic history is necessary.

As the staff with Delaware's Office of the Child Advocate will tell you, education advocacy can have far reaching impacts on a child's education outcomes as well as their permanency. Regularly presenting an education report to a judge and other parties of the case can help others consider the importance of educational stability and success in a child's life. Working across disciplines means that more eyes are on the child's educational strengths as well as needs. In Delaware, the educational outcomes of children and youth in foster care has taken hold in state legislation. Recent legislation now states that the court can appoint an education decision maker for a child or youth in care regardless of whether they have special education status. Many times, the CASA volunteer is appointed this role. Furthermore, students in foster care are no longer punished for changing schools with different graduation requirements from their last school as there

is now a minimum floor requirement for graduation for students in care.

Delaware notes that the data is clear. More students in foster care are graduating from high school on time. Less are being suspended from school and less are experiencing school placement moves. While education advocacy in the courtroom is just one piece of much larger efforts in the state to improve education outcomes of students in foster care, it is an important piece.

For more information, contact [training@casaforchildren.org](mailto:training@casaforchildren.org)

To learn more please contact Delaware's Office of the Child Advocate: 302-255-1730

## SELECTED RESOURCES

| Name   | Description   |
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| <p><a href="#">American Bar Association, Children and the Law, Legal Center on Foster Care and Education</a><sup>5</sup></p>     | <p>The <i>Legal Center on Foster Care and Education</i> has created a suite of tools related to improving the education outcomes of children and youth in foster care. Some tools that advocates may find helpful by using the site’s searchable database include:<sup>6</sup></p> <ul style="list-style-type: none"> <li>• Addressing the educational needs of children in foster care, New York State Permanent Judicial Commission on Justice for Children: <i>A Guide for Judges, Advocates and Child Welfare Professionals</i></li> <li>• Q &amp; A: <i>How can courtroom resources support judges to address the education needs of children in care?</i></li> <li>• Special education decisions: <i>Fact Sheet for Judges</i></li> </ul> |
| <p><a href="#">National Council for Juvenile and Family Court Judges (NCJFCJ)</a><sup>7</sup></p>                                | <p>One of the largest and oldest judicial membership organizations in the nation, the NCJFCJ serves an estimated 30,000 professionals in the juvenile and family justice system including judges, referees, commissioners, court masters and administrators, social and mental health workers, police, and probation officers. A frequent partner of CASA and GAL programs, NCJFCJ has created numerous resources including education checklists for judges, to support the educational success of children and youth in foster care.</p>   |
| <p><a href="#">School-Justice Partnership: Keeping Kids in School and out of Court, National Resource Center</a><sup>8</sup></p> | <p>The purpose of this project is to enhance collaboration and coordination among schools, mental and behavioral health specialists, law enforcement and juvenile justice officials to help students succeed in school and prevent negative outcomes for youth and communities. The larger goal of the project is to enhance collaboration and coordination among schools, mental and behavioral health specialists, law enforcement and juvenile justice officials at the local level to ensure adults have the support, training, and a shared framework to help students succeed in school and prevent negative outcomes for youth and communities.</p>  |

## ENDNOTES

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- 1 Chiamulera, C. (2017). *The court's role in supporting education for court-involved children*. *Child Law Practice*, 36, (6).
- 2 *Court-based education efforts for children in foster care: The experience of the Pima County Juvenile Court*. Casey Family Programs and National Council of Juvenile and Family Court Judges.
- 3 This quote was originally published in: Chiamulera, C. (2017). *The court's role in supporting education for court-involved children*. *Child Law Practice*, 36, (6).
- 4 For a copy of the checklist see: <https://www.ncjfcj.org/sites/default/files/education%20checklist%202009.pdf>
- 5 <http://www.fostercareandeducation.org/>
- 6 <http://www.fostercareandeducation.org/Database.aspx>
- 7 <http://www.ncjfcj.org/>
- 8 <https://schooljusticepartnership.org/>