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CHILDREN'S **P**OLICY **I**NIITIATIVE

A COLLABORATIVE PROJECT ON CHILDREN AND FAMILY ISSUES

EDUCATING CHILDREN IN FOSTER CARE

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School plays an important role in the lives of most children in foster care. For every child, education is critical to successful transition to adulthood. For children in foster care, positive relationships with supportive teachers, school-based counselors and classmates can offer a measure of protection from the disruption and uncertainty associated with out-of-home placement. The need of foster children for a stable education, however, is often neglected by an overburdened child welfare system that is concerned primarily with children's physical safety. During the past few years, education of foster children has become a key issue on the agendas of various child welfare research and advocacy organizations and of some state policymakers. In addition, state performance in meeting the educational needs of children in the child welfare system is now being assessed as part of the federal Child and Family Service Review.

This report provides a brief overview of this issue. It provides some background about the academic performance of children in foster care and describes what researchers have identified as major systemic obstacles to these children's academic success. It also examines what the Child and Family Services Reviews are saying about state performance in this area and describes some promising state initiatives to address foster children's educational needs.

Background

Numerous studies have confirmed that foster children perform significantly worse in school than do children in the general population. The educational deficits of foster children are reflected in higher rates of grade retention; lower scores on standardized tests; and higher absenteeism, tardiness, truancy and dropout rates.¹ The poor academic performance of these children affects their lives after foster care and contributes to higher than average rates of homelessness, criminality, drug abuse, and unemployment among foster care "graduates."

What are the causes of such undesirable educational outcomes? First, most of the 500,000 children in foster care bear the scars of physical and emotional trauma, such as prenatal exposure to alcohol, tobacco and other drugs; parental abuse, neglect and abandonment; exposure to violence in their homes and communities; separation from their birth families; and frequent changes in foster placement. These experiences place children at great risk of developing physical, emotional and behavioral disorders that interfere with learning.

Second, the very system that is supposed to ensure the well-being of children in care often is a major obstacle to

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such children's educational success.

- Children in foster care often experience numerous changes in placement that require changes in schools. Not only must foster children cope with the emotional consequences of such instability, they also must adjust to new teachers, classmates, curricula and rules. In addition, school disruptions often result in lost credits, delayed academic progress, repetition of grades, and delays in enrollment and transfer of student records.
- In many states, lines of responsibility and accountability for the educational outcomes of children in foster care are unclear. Many people involved in foster children's education—including caseworkers, foster parents, birth parents, teachers, counselors and other service providers—and no single person or agency ultimately is held accountable for results.
- Schools, child welfare agencies and other service providers typically do not coordinate their efforts or share information about the children in their systems. For example, teachers and school administrators may not be able to identify which of their students are in foster care. Child welfare agencies often lack information about children's academic performance. Incompatible data systems and confidentiality rules compound these problems. (See the appendix for a discussion of confidentiality.)
- Children in foster care often lack a consistent and knowledgeable adult who can advocate on their behalf for special education and supplemental services. Foster parents typically are the most familiar with the needs of children in their care, but they often are unprepared to negotiate the complexities of the special education system. Further, frequent placement changes disrupt the authority of foster parents to represent children's educational interests.

Child and Family Service Reviews: A Mechanism for Accountability

The federal Child and Family Service Review (CFSR) process is a relatively new, results-based system of federal oversight of state child welfare systems. The CFSRs are intended to hold states accountable for achieving seven outcomes in the broad domains of child safety, permanency and well-being. The second of three well-being outcomes, referred to as Outcome WB2, is whether “children receive appropriate services to meet their educational needs.” The CFSRs also review state systems to ensure that certain federally required components are in place and operating as intended. States that are not in substantial conformity with respect to all seven outcomes and seven systemic factors must develop and implement program improvement plans. Financial penalties will be assessed against states that fail to make required progress in improving their systems.²

How States Are Assessed

A determination of a state's performance on Outcome WB2 is based on a review of records from 50 cases; interviews with caseworkers, children, foster parents and biological parents involved with the cases; and interviews with other system stakeholders. In the first round of reviews, states are deemed to have substantially achieved Outcome WB2 if state performance is rated a “strength”—rather an “area needing improvement”—in 90 percent or

more of the cases reviewed. Future reviews will require that 95 percent of the cases be rated a strength. Cases are rated a strength if there is evidence that the state has appropriately assessed the child's educational needs, provided services to meet those needs, included school records in the case file, and—in foster care cases—provided school information to foster parents at the time of placement.

Although the CFSRs draw much-needed attention to the educational needs of children in the child welfare system, the reviews are limited in the extent to which they can hold states accountable for educational outcomes. The program improvement requirements and financial penalties associated with the reviews apply only to state child welfare agencies, not to state education departments, local school systems or individual schools. Meeting the educational needs of children in the child welfare system, however, requires the coordinated efforts of these and other entities. In a number of states, the reviews noted that problematic relationships between child welfare agencies and school systems are hindering efforts to improve children's academic performance. Accordingly, the reviews assess only whether child welfare agencies are making diligent efforts to meet children's educational needs, not whether such efforts have resulted in improved educational outcomes.³

Results

The CFSRs are yielding interesting insights into state performance in meeting the educational needs of children in the child welfare system. To date, 46 states have undergone reviews; final reports have been issued and are available for 37 of those states. The findings of the reviews with respect to Outcome WB2 include the following.

- Eleven states—Colorado, Connecticut, Idaho, Kansas, Kentucky, Montana, New Hampshire, New York, North Dakota, Utah and Vermont—have so far been assessed as having substantially achieved Outcome WB2.
- The average number of cases in which children's education was a relevant issue was 40.27 per state, out of a sample size of 50. This finding is an indication of the pervasiveness of education issues among child welfare cases.
- The percentage of cases per state rated a "strength" averaged 84.58 percent, compared to the 90 percent required for an overall rating of "substantial conformity" with respect to Outcome WB2. State scores ranged from a low of 71 percent (Indiana) to a high of 100 percent (Utah).
- The percentage of foster care cases rated as strengths for Outcome WB2 was significantly higher than the corresponding percentage of in-home cases (89.5 percent and 79.3 percent, respectively).⁴

The reviews also identified a number of issues that states need to address in order to improve their performance on this outcome:

- Failure to provide appropriate educational services (24 states);
- Multiple school changes as a result of changes in foster placement (21 states);

- Educational records missing from case file or not provided to foster parents (18 states);
- Inadequate educational advocacy (14 states);
- Issues with school/agency relationships, communication or cooperation (12 states);
- Failure to address educational needs in case plans (5 states); and
- Failure to address school absenteeism, tardiness and truancy (5 states).

Characteristics of Successful Programs

Although the CFSR final reports provide few details about programs that are working, it is possible to identify some general themes associated with substantial conformity on Outcome WB2:

- The educational needs of children are a priority for the child welfare agency and are consistently addressed in case plans;
- There exists a strong, collaborative relationship between the child welfare agency and the education community, including timely sharing of information and participation in meetings regarding the child; and
- Children have strong advocates or other educational decision makers who ensure that they receive needed educational services.

Other Themes

A few other salient themes emerge from the reviews. First, although the educational needs of foster children often are neglected, state child welfare agencies appear to pay even less attention to the educational needs of children who remain at home. This disparity between in-home and foster care cases is reflected in other areas, as well. The FY 2002 reviews found that state performance in foster care cases was significantly better than performance in in-home cases with respect to risk of harm, caseworker visits with children and provision of mental health services, in addition to educational services.⁵ Second, the reviews confirmed that foster parents often are more involved than are caseworkers in advocating with schools for educational services. In order to be more effective advocates, however, both foster parents and caseworkers need training in school policies, special education programs and development of individualized education plans.

Programs and Legislation

The growing body of literature on the educational needs of foster children identifies only a small number of programs and initiatives in this area, not all of which have been evaluated for effectiveness. These initiatives, some of which are described below, address issues such as interagency coordination, educational stability, educational advocacy and decision mak-

ing, reduction of educational disruptions and creation of opportunities for post-secondary education.

Interagency Coordination and Collaboration

California's Foster Youth Services Program. California, which is home to one in five foster children, has long grappled with the complexities and costs of educating children in out-of-home placements, particularly children in institutional settings, referred to as “group homes” in state law. Of the approximately 98,000 children in foster care in California, about 18,400 of them reside in group homes and require the highest—and most expensive—levels of care. Almost 4,000 of these children receive their education in non-public schools; the remainder attend public schools. According to two recent studies, improving the educational outcomes for children in group homes is hampered by inappropriate fiscal incentives, insufficient system capacity, lack of clear lines of responsibility, inadequate data, lack of interagency coordination and inadequate educational advocacy.⁶

In recent years, the California Legislature has taken an active role in addressing the educational needs of foster children. One prominent initiative funded by legislative appropriations is the Foster Youth Services (FYS) Program, based in the state Department of Education, which provides grants to counties to develop local, coordinated approaches to public education for foster children in group homes. The FYS program originated with the efforts of four school districts 30 years ago. The Legislature, recognizing the effectiveness of these early steps, began to fund them in 1982. In 1992, two more school districts were added and, in 1998 and 1999, the Legislature provided funds for statewide program expansion from the school district to the county level. The intent of the Countywide Foster Youth Services Program is to make services available to every group home resident between the ages of 4 and 21. As of 2000, 32 counties were receiving funds under the program to serve approximately 11,680 students.

Local FYS initiatives bring together courts, child welfare agencies, schools, probation agencies and other service providers to provide a wide array of education-related services to foster children, including educational assessments, tutoring, mentoring, counseling, advocacy, and facilitation of information sharing and records transfers. San Diego County's FYS program, for example, consists of the following components.

- *Foster Youth Services Advisory Committee*, consisting of representatives from school districts, the county child welfare and probation agencies, the public defender's office, advocacy groups and group homes.
- *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 release of juvenile records.
- *Foster Youth Services Information System*, a countywide database that contains placement, demographic, and health and education records for foster youth residing in group homes.⁷

Legislation authorizing the FYS program requires that educational outcome data be tracked and reported. The six core FYS programs continue to generate positive data on program effectiveness. The ongoing evaluation measures actual performance against target objectives in the areas of academic achievement, discipline problems and truancy. Data from the six school districts during the 1998-1999 school year yielded the following findings.

Academic achievement

- Objective: Sixty percent of foster youth will gain one month of academic growth for every month of tutoring.
- Findings: Eighty-five percent of the students met the objective. The average rate of academic growth was two months for each month of tutoring.

Discipline problems

- Objective: Fewer than 5 percent of the foster youth will be expelled during the school year.
- Findings: Only 0.48 percent of the foster children (14 of 2,911 students) were expelled.

Truancy rates

- Objective: Foster youth will achieve an average attendance rate of 90 percent.
- Findings: Foster youth achieved an average attendance rate of 96 percent.⁸

Educational Liaisons and Consultants. To enhance interagency coordination, some states and localities have created new positions or have hired consultants to serve as liaisons between child welfare and education agencies.

- *Connecticut Department of Children and Families (DCF):* DCF contracts with educational consultants in each region of the state. The consultants' duties include consulting with caseworkers on children's educational needs, advocating with schools for appropriate services, reviewing children's educational records, conducting educational testing and evaluation, observing children and consulting with foster parents, participating in special education planning, and acting as liaison between DCF and the education community.⁹
- *Mecklenburg County (Charlotte), North Carolina:* In 1999, the county child welfare agency and school system agreed to combine funding for a school psychologist to serve as liaison between the two agencies. The liaison provides consultation and cross-training and is part of a broader initiative that includes improved sharing of information, creation of a comprehensive database of student information, tutoring, transportation of children to their home schools, and enhanced educational and psychological assessments.¹⁰
- *Contra Costa County, California:* Educational liaisons are employees of the county Office of Education but are placed in the child welfare agency to assist in managing the cases of foster children. The liaison program has developed a protocol for enrolling foster children in school to minimize the impact of administrative delays associated with school changes. The county is also developing an easily accessible centralized data repository.

- *California Assembly Bill 490* (AB 490), passed in 2003, requires each local educational agency to designate a staff person as the educational liaison for children in foster care. Such liaisons are required to ensure and facilitate the proper educational placement, enrollment and transfer of such children. AB 490 states legislative intent that foster youth are to be ensured the same educational opportunities and are to be held to the same rigorous academic standards as are other children. The bill further provides that foster youth are to be placed in the least restrictive environment and that educational placements for such youth are to be dictated by the best interests of the child.¹¹

Massachusetts' School and Community Support Project. This program provides grants to localities to promote positive working relationships among schools, foster parents and local child welfare agencies; to train school staff and foster parents about the social and emotional issues facing children in foster care; and to provide direct services to children such as behavioral interventions and after-school and recreational activities. The program, funded by the state Department of Education at \$750,000 per year, is administered by the Department of Social Services.¹² Program evaluations in 2000, 2001 and 2002 yielded positive results.¹³

Educational Stability

Recent legislation in Washington addresses educational stability for children in foster care. A legislatively mandated study by the Washington State Institute for Public Policy in 2001 documented the problems experienced by foster youth in terms of low test scores, school failure, grade retention and school changes.¹⁴ In 2002, the Legislature directed the formation of a working group to prepare a plan to address educational stability and continuity for children in short-term foster care. The legislation also directed two school districts to implement a pilot project to assist foster children to continue attending the school in which they were enrolled prior to entering care.¹⁵

The working group issued a report with recommendations on increasing educational stability and improving coordination between child welfare and education agencies.¹⁶ In response to the report, the 2003 Legislature enacted the following additional provisions.

- A declaration of state policy that foster children, whenever practical, shall remain in the schools they were attending prior to placement;
- A requirement that the child welfare agency develop protocols with school districts for communication, coordination, collaboration and effective sharing of information;
- A requirement that the child welfare agency establish an interagency oversight committee to develop strategies to recruit foster parents in school districts with high rates of foster care placements and to promote best practices for educational continuity; and
- A requirement that the child welfare agency work with the courts to develop protocols to ensure that educational stability is addressed in initial court hearings.¹⁷

In 2001, New Hampshire amended its education statutes to allow a child in placement to

continue attending the school he or she attended prior to placement, provided the following conditions have been satisfied.

- Continuing in the same school district is in the child's best interest;
- The placement is within a reasonable distance of the school; and
- Suitable transportation can be arranged without imposing additional costs on the school district or the state child welfare agency.¹⁸

California's AB 490 requires each local educational agency serving a foster child, at such child's initial detention or placement and at any subsequent change in placement, to allow such child to continue attending his or her school of origin for the duration of the school year, subject to certain exceptions.¹⁹

Educational Decision Making and Advocacy

The birth parents of a child in foster care may be unable or unwilling to make decisions about his or her education or to advocate on behalf of their child for special education services. Their rights to participate in educational decisions may have been limited or terminated by a court, or they may no longer be involved in their child's life. In such cases, a responsible adult must be appointed to fill this role.

In many cases, a child's foster parent is the person most familiar with the child's educational needs and thus may be in the best position to advocate and make decisions on behalf of the child regarding special educational services. The regulations under the Individuals with Disabilities Education Act (IDEA) provide that a foster parent may act as a child's "parent" under the act if the following conditions are met:

- State law does not prohibit the foster parent from acting as the child's "parent;"
- The birth parents' authority to make educational decisions for the child has been extinguished; and
- The foster parent—
 - has an ongoing, long-term parental relationship with the child;
 - is willing to make the educational decisions required of parents under the act; and
 - has no interest that would conflict with the interests of the child.²⁰

Some states have incorporated the foregoing language into their special education laws.²¹

IDEA also provides for the appointment of a surrogate parent in cases in which no parent can be identified, the public education agency cannot discover the whereabouts of a parent, or the child is a ward of the state. Surrogates must have "knowledge and skills that ensure adequate representation of the child" and must not have an interest that conflicts with the interests of the child.²² Some state laws require that relative caregivers, foster parents or court-appointed special advocates be given first preference for appointment as a surrogate.²³

If a child is a ward of the state—and thus entitled to a surrogate—but his or her foster parent would qualify to act as a “parent,” then appointment of a surrogate may not be necessary.²⁴ If the foster parent does not meet the criteria to act as a parent, then he or she might be able to qualify as a surrogate.

In some cases, however, it may not be advisable for a foster parent to represent a child in need of special education services, either as a parent or as a surrogate. Most foster parents have not been trained in the complexities of special education and thus may not be able to adequately represent the children in their care. Some states have amended their foster parent licensure laws to require specialized foster care providers to receive training in special education.²⁵ In some jurisdictions, however, such training is offered only infrequently or at times or locations that are inaccessible to foster parents.

Another disadvantage of having a foster parent represent a child’s special education needs is that a change in foster placement would result in loss of the foster parent’s authority. A similar issue exists with respect to a surrogate parent, who may lose his or her authority if the child changes school districts. California recently passed two laws that are intended to provide continuity in educational decision making for children in foster care who experience frequent placement changes.

- AB 490 restricts the authority of a foster parent to act as a child’s “parent” under the IDEA to those situations in which the child’s placement is a “planned permanent living arrangement,” rather than a temporary foster care placement.²⁶ This provision is in line with the IDEA regulations’ requirement that foster parents acting as parents have a “long-term parental relationship” with the child.
- A related law passed in 2002 requires that courts appoint a “responsible adult” to make educational decisions for a child in a dependency proceeding whenever the court limits the educational rights of the parent or guardian.²⁷ Because a responsible adult is appointed by the court, not the school district, he or she retains authority even if the child changes school districts. Where no responsible adult can be identified, and the child is eligible for special education services, the court is required to refer the child to the school district for appointment of a surrogate.

Reducing Disruptions and Delays in School Enrollment and Attendance

States are beginning to pass laws seeking to minimize the educational disruption caused by initial removal from home and by changes in foster placement. Three states passed such laws in 2003. California’s AB 490 makes local educational agencies and county child welfare or probation agencies jointly responsible for the timely transfer of foster children between schools and specifies procedures and deadlines for completing such transfers. The law also provides for immediate enrollment in the new school when a transfer is necessary, even if the foster child is unable to produce records normally required for enrollment.²⁸

Similarly, a new Texas law requires a school district to accept children in state custody for enrollment without documentation and requires the state to provide the required documentation within 30 days after enrollment.²⁹ The law also requires that a child removed

from home be returned to school within three days, unless the child has a physical or mental condition that makes school attendance temporarily infeasible.

Finally, a 2003 Maryland measure requires certain residential child care programs to enroll children in the local school system, to initiate and monitor the transfer of academic records, to meet the children's teachers at the time of enrollment, and to include the children's report cards in their case plans.³⁰

Post-Secondary Educational Opportunities

During the past several years, states and the federal government have increased the amount of financial assistance available to foster youth for post-secondary education and training. Thirty-three states now have laws or policies that provide state-funded scholarships or tuition waivers to foster youth who are making the transition to independence.³¹ In January 2002, Congress authorized \$60 million per year in discretionary funding for educational and training vouchers for foster youth. The Educational and Training Voucher Program within the John H. Chafee Foster Care Independence Program was funded at \$42 million in FY 2003. It allows states to provide up to \$5,000 per year to eligible youth for tuition at accredited public or private colleges, universities or vocational training institutions.³²

Although new resources are available for post-secondary education, youth who are leaving foster care continue to face significant barriers. Caseworkers and foster parents do not typically encourage or assist youth in foster care to plan for a college education. These youth need help to select a college, apply for admission and obtain financial aid. They face the daunting challenges of housing, transportation and other basic needs. They often need mentoring, counseling and an ongoing supportive relationship with a committed adult. Child welfare agencies and foster parents could make better use of existing resources, including the federally funded TRIO programs, to help foster children prepare for these challenges. The TRIO programs are educational opportunity outreach programs that are designed to motivate and support students from disadvantaged backgrounds.³³

In 1996, California enacted the Higher Education Outreach and Assistance Act for Emancipated Foster Youth.³⁴ The act expresses legislative intent that California State University and the state community colleges provide outreach and assistance to foster youth to encourage their enrollment, assist such youth with housing issues, provide technical assistance to campuses and track retention rates of foster youth. It also expands representation on the appropriate California state university advisory councils to include at least one emancipated foster youth who is a current or former student at the university.³⁵

Conclusion

Many of the barriers to success in school faced by children in foster care can be overcome by better coordination among the many agencies that are involved in these children's lives. Although most of this coordination must take place at the local level, state legislators can play a key role in promoting collaboration among state and local child welfare and education agencies, courts, foster care providers and others to improve educational outcomes for children in care. Even without the investment of new funds, state legislation can be a catalyst for change in practice and can raise the profile of this neglected but critical issue.

Appendix

Sharing of Information between Schools and Child Welfare Agencies

Depending upon their interpretation, federal and state confidentiality laws can be a barrier to the sharing of records and information between schools and child welfare agencies. The federal Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Education Act (IDEA) and regulations thereunder place stringent limits on the authority of schools to release student records to third parties.³⁶ Such records may be released to a “parent,” which is defined in FERPA regulations to include a “natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.”³⁷ This definition can be interpreted to include a foster parent or a child welfare agency with legal custody of a child. School records also may be released with a parent’s consent or in compliance with a court order or subpoena.

Although schools are limited in their authority to release student records, child welfare agencies are required by Title IV-E of the Social Security Act to include health and education records in the case plans of children in foster care, to the extent such records are available and accessible.³⁸ That statute also requires that foster care providers be given a child’s health and education records at the time of placement.³⁹

Child welfare agencies also are bound by strict confidentiality rules that restrict disclosure of information about children in foster care. Under Title IV-E of the Social Security Act, agencies may disclose such information only for certain enumerated purposes, including purposes directly connected with administration of the state plan for foster care and adoption assistance.⁴⁰ Such administration includes development of a case plan for each child in foster care to “address the needs of the child while in foster care.”⁴¹ To the extent that meeting a child’s educational needs requires the disclosure to a school of certain information in the possession of the child welfare agency, then such disclosure would appear to be authorized by Title IV-E.

Jurisdictions have taken a variety of approaches to facilitate record sharing.

- In San Diego County, for example, a court order authorizes the sharing of records among a variety of people and entities involved in the education of foster children. These include the county office of education, school districts, the county health and human services agency, the county probation department and foster care providers. An interagency agreement governs, among other things, maintenance and use of the shared information.
- California’s AB 490, enacted in 2003, requires release of student records to any county child welfare or probation department for the purpose of preparing a health and education summary as part of the case plan for a child in foster care and for educational case management purposes. The law authorizes school districts, county offices of education, and county child welfare and probation agencies to enter into agreements for the confidential electronic exchange of information.⁴²

Notes

¹ See, e.g., studies cited in the following reports: Claire van Wingarden, John Emerson and Dennis Ichikawa, *Education Issue Brief: Improving Special Education for Children with Disabilities in Foster Care* (Seattle: Casey Family Programs, 2002); Mason Burley and Mina Halpern, *Educational Attainment of Foster Youth: Achievement and Graduation Outcomes for Children in State Care* (Olympia, Wash.: Washington State Institute for Public Policy, 2001); Pamela Choice, et al., *Education for Foster Children: Removing Barriers to Academic Success* (Berkeley, Calif.: Bay Area Social Services Consortium, 2001); and Elizabeth Yu, Pamela Day and Millicent Williams, *Improving Educational Outcomes for Youth in Care: A National Collaboration* (Washington, D.C.: Child Welfare League of America, 2002).

² For more information about the CFSRs, visit the comprehensive Web site maintained by the U.S. Department of Health and Human Services at <http://www.acf.dhhs.gov/programs/cb/cwrp/index.htm>.

³ See Children's Bureau, *Child Welfare Policy Manual*, sec. 5.1, question 8. ("We do not think it appropriate to hold the State accountable for educational outcomes that must be addressed primarily through the State's educational agencies. Rather, we will review those responsibilities that the State child welfare agency legitimately has in this area: considering and addressing educational needs for children in case planning; obtaining and considering educational records for children in its care; and, where appropriate, advocating for children's educational needs with the education authorities in the State.")

⁴ FY 2001 reviews did not differentiate between in-home and foster care cases, and thus are excluded from this finding.

⁵ Children's Bureau, "Results of the 2001 and 2002 Child and Family Service Reviews" (Washington, D.C.: DHHS, 2003).

⁶ Tom Parrish, *Policies, Procedures, and Practices Affecting the Education of Children Residing in Group Homes: Phase One Report* (Sacramento: American Institutes for Research, 2002); and Tom Parrish, et al., *Education of Foster Group Home Children, Whose Responsibility Is It?* (Sacramento: American Institutes for Research, 2001).

⁷ San Diego County Office of Education, Foster Youth Services Program, *Capturing the Planning and Implementation Process for SDFYS* (San Diego: SDCOE, 2001).

⁸ California Department of Education, *Report to the Governor and Legislature: Foster Youth Services Programs* (Sacramento: CDOE, 2000).

⁹ Connecticut Department of Children and Families, *Policy Manual* (Hartford, Conn.: DCF), Policy No. 38-16-3. The Massachusetts Department of Social Services also uses educational consultants to coordinate services for children in foster care.

¹⁰ North Carolina Division of Social Services, *Best Practices: Mecklenburg County Department of Social Services, Youth and Family Services*, www.dhhs.state.nc.us/dss/cty_cnr/

best_june2001.htm.

¹¹ 2003 Cal. Stats., Chap. 862, AB 490.

¹² Marcia Mittnacht, Massachusetts Department of Education, personal communication with author, July 18, 2003.

¹³ Thomas T. Kochanek, *Promoting Favorable School Experiences for DSS Involved Children: The Effects of Three Alternative Approaches* (unpublished report, 2002); and Nancy Connolly, *Improving Educational Outcomes for Youth in Foster Care: Literature and Best Practice Review* (Portland, Maine: Edmund Muskie School of Public Service, 2003).

¹⁴ Mason Burley and Mina Halpern, *Educational Attainment of Foster Youth: Achievement and Graduation Outcomes for Children in State Care* (Olympia, Wash.: Washington State Institute for Public Policy, 2001).

¹⁵ 2002 Wash. Laws, S.B. 6709, Chap. 326.

¹⁶ Department of Social and Health Services, *Report to the Legislature: Coordinated Services and Educational Planning for Children in Out-of-Home Care* (Olympia, Wash.: DSHS, 2002).

¹⁷ 2003 Wash. Laws, H.B. 1058, Chap. 112.

¹⁸ 2001 N.H. Laws, Chap. 294, codified at N.H. Rev. Stat. Ann. §193:28.

¹⁹ 2003 Cal. Stats., Chap. 862, AB 490.

²⁰ 34 CFR §300.20(b).

²¹ See, e.g., Ariz. Rev. Stat. Ann. §16-761, sub. 7; Cal. Education Code §56055; N.H. Rev. Stat. Ann. §186-C:14-a.

²² 34 CFR §300.515.

²³ See, e.g., Cal. Government Code, §7579.5.

²⁴ See commentary of Office of Special Education Programs on IDEA regulations at 64 *Federal Register* 12616 (March 12, 1999).

²⁵ See, e.g., Ohio Rev. Code Ann. §5103.0310(M).

²⁶ 2003 Cal. Stats., Chap. 862, AB 490.

²⁷ 2002 Cal. Stats., A.B. 886, Chap. 180, codified at Cal. Welfare and Institutions Code §361.

²⁸ 2003 Cal. Stats., Chap. 862, AB 490.

²⁹ 2003 Texas Laws, HB1050.

³⁰ 2003 Md. Laws, Chap. 217, SB 178.

³¹ Christine Eilertson, *Independent Living for Foster Youth* (Denver, Colo.: National Conference of State Legislatures, 2002).

³² 42 U.S.C. §677(i).

³³ More information about the TRIO programs can be found at <http://www.ed.gov/about/offices/list/ope/trio/index.html>.

³⁴ Cal. Education Code, §§89340-89347.

³⁵ Cal. Education Code, §89344.

³⁶ See federal regulations at 34 CFR §§ 99.30 et seq.

³⁷ 34 CFR §99.3.

³⁸ 42 U.S.C. §675(1)(C).

³⁹ 42 U.S.C. §675(5)(D).

⁴⁰ 42 U.S.C. §671(a)(8).

⁴¹ 42 U.S.C. §675(1)(B).

⁴² 2003 Cal. Stats., Chap. 862, AB 490.