

LEARNING CURVES

The Texas Blueprint— *A Model for Improving School Experiences for Children in Foster Care* by Claire Chiamulera

“Everyone can agree that good education is a key to success in life. Unlocking the doors that shut foster children out of educational opportunity is surely worthy of our best efforts.”

—Justice Harriet O’Neill, Supreme Court of Texas, May 2010

“The Texas Blueprint outlines a plan of how we can work together in our communities and schools to achieve better outcomes for the underserved foster-care population....The Supreme Court of Texas and the Children’s Commission want to send a resounding message to our foster youth that we care and believe they can achieve their fullest potential.”

—Hon. Eva M. Guzman, Supreme Court of Texas and Chair, Children’s Commission, May 2012

Supreme Court of Texas leaders heard the call to improve education outcomes for the approximately 30,000 children and youth in the state’s foster care system. They formed an education committee of the Permanent Judicial Commission for Children, Youth and Families in 2010 to identify improvement areas. This led to a plan—the “Texas Blueprint”—that outlined over 100 recommendations to improve school experiences for children in care.

The Texas Blueprint, the result of a two-year effort by the education committee, with support from the Legal Center for Foster Care and Education at the ABA Center on Children and the Law (ABA Legal Center) and Casey Family Programs, charted an

ambitious course.

The Texas Blueprint was modeled on the Blueprint for Change, a framework developed by the ABA Legal Center. Working with over 100 high-level court, education, and child welfare leaders in Texas, the education committee identified seven areas for improvement:

- judicial practices,
- data and information sharing,
- multidisciplinary training,
- school readiness,
- school stability and transitions,
- school experience,
- supports and advocacy, and
- postsecondary education.

The Texas Blueprint was released

in May 2012. An implementation task force was then created to prioritize and implement the recommendations

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across these seven areas. The task force formed three workgroups focused on data and information sharing, school stability, and training and resource development.

The first phase of Texas Blueprint implementation ended in December 2014. According to the Texas Blueprint Implementation Task Force Final Report, released February 2015, 82% of the 130 recommendations are complete or significantly underway. The progress is impressive and shows

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the state's ownership of the issue and commitment of various systems to change and work together. In a state as big and diverse as Texas, marshaling the people and resources to help students in foster care achieve better school outcomes is a monumental task. The education committee and the implementation task force created a collaborative, multi-system framework to help encourage better educational outcomes for students in foster care in Texas.

Road to Reform

The implementation task force set about making these changes happen using a broad approach in several areas: legislation, training, new informational tools, improved data collection and exchange, and commitment of court and agency resources. While system reform will look different in every state, the Texas work offers ideas for other states working to improve educational outcomes for children and youth in foster care.

Legislation

Since the release of the Texas Blueprint, two legislative sessions, in 2013 and 2015, led to the passage of a number of bills which address educa-

tional needs of students in foster care:

- The Texas Education Agency was required to include a code in its data system identifying children in foster care. The change allows better tracking of students in foster care and data collection related to their school experiences and outcomes. Texas joins California as two of the first states with this requirement.
- Courts must consider educational needs and goals for children in foster care at permanency and place-

ment review hearings.

- Children's attorneys and guardians ad litem must know their clients' school needs and goals so they can advocate in court.
- New requirements clarify roles of the child's "education decision maker" (person authorized to make education decisions on behalf of a child in foster care) and require child welfare agencies and schools to identify and involve education decision makers in school decisions.
- Common school-related barriers for children in foster care were addressed through new requirements that:
 - streamline transfer of education records when students' schools change,
 - accommodate school absences due to a student's court involvement, and
 - provide supports to promote high school graduation.
- Expanded roles of recently created school-based foster care liaisons to include open-enrollment charter schools and require identification of the liaison to the state education

agency.

- A child in foster care has a right to remain in the same school regardless of whether the child enrolled in the school before or after entering foster care and the child is entitled to remain in that school through the highest grade offered even if the child exits foster care while enrolled.
- Texas' education agency, higher education coordinating board, and public institutions of higher education are each required to designate a liaison to support the success of students in and formerly in foster care.
- Texas higher education and child welfare agencies must collaborate to allow for improved data collection and information sharing.

Training

To create awareness of the Texas Blueprint's recommendations statewide, an Education Summit—co-hosted by the Texas Supreme Court, the Texas Department of Family and Protective Services, and the Texas Education Agency—brought over 200 court, child welfare, and education professionals together in February 2013. In addition to spreading awareness of the educational challenges facing children in foster care, the Education Summit strengthened state and local collaboration around educating students in care.

The summit was the beginning of a statewide focus on training. It led to multidisciplinary training on many education issues, from general overviews of school issues for students in care to more complex guidance on attorney advocacy strategies, roles of education decision makers, and judicial efforts to improve education outcomes, among others. These trainings targeted attorneys, judges, children's advocates, educators, child welfare staff, school liaisons, service providers, surrogate parents, and other stakeholders who work with children in care and whose buy-in and support would help realize the Texas Blueprint's goals.

Information Tools

Giving frontline professionals the tools to guide them through the child welfare and education systems and ensure accurate and consistent information across disciplines took shape through products geared to various stakeholders. Examples include:

Judges

- **Education Chapter in the Texas Child Protection Law Bench Book** (http://benchbook.texas-childrenscommission.gov/library_item/gov.texaschildrenscommission.benchbook/139)—A chapter in the Texas Child Protection Bench Book explains common school challenges for children in care in Texas and highlights federal and state legislation to improve school outcomes for children in care. It also gives judges a list of resources to guide their oversight of education-related issues in child welfare cases.
- **Judge's Education Checklist** (<http://texaschildrenscommission.gov/media/17149/Education%20Judicial%20Checklist.pdf>)—A one-page checklist guides judges through seven education issues for discussion during court hearings: school readiness, school stability, education decision makers, school enrollment, school placement/school success, postsecondary education, and special education.

Educators

- **Foster Care and Student Success Resource Guide** (<http://tea.texas.gov/FosterCareStudentSuccess/>)—A comprehensive guide explains how school staff can help children in care succeed in school. The guide shows the state education agency's commitment to ensuring school staff understand the unique experiences of children in care, the need to work with courts and child welfare agencies around education, and the steps they can take to promote positive school experiences for children in care.

Implementing the Texas Blueprint: Keys to Success

- ✓ Collaboration across court, education, and child welfare systems
- ✓ Leadership invested in issues and work
- ✓ Task force and committed staff to guide and keep momentum, through the leadership of the Children's Commission
- ✓ Workgroups to divide and conquer, with task force oversight
- ✓ Quarterly in-person meetings to inform decision makers, resolve roadblocks, and share accomplishments

Child welfare professionals

- **Education resources**—The Texas Department of Family Protective Services added an education page on its intranet for caseworkers and staff. It also prepared newsletters (<http://education.texaschildrenscommission.gov/resources.aspx>) outlining caregivers' roles in getting children in their care ready for school with special attention to addressing school records transfer and enrollment for children in care who change schools.

Advocates

- **Education Advocacy Toolkit** (<http://texascasa.org/learning-center/resources/educational-advocacy-toolkit/>)—Texas Court Appointed Special Advocates created the Educational Advocacy Toolkit, the first in a series of toolkits aimed at preparing advocates for the unique challenges facing children and youth in foster care. The toolkit provides guidance and tips on identifying and advocating for a child's educational needs.

Data Collection/Exchange

A cornerstone to Texas's education efforts is a new approach to collecting and sharing data between the state education and child welfare agencies. A much higher level of detail about educational outcomes of students in care is being gathered. This allows for richer baseline data and a better picture of how students fare educationally compared to their peers.

Examples of the kinds of detail

now being collected are:

- Numbers of children in care by grade
- Gender and ethnicity of students in care
- How many students in care receive special education and their primary disabilities
- Reasons why students in care leave school compared to their peers
- Percentage of students in care who follow the recommended graduation program
- Disciplinary outcomes of children in care (suspensions, expulsions, truancy)
- Breakdown of school moves by living arrangement (foster home, kinship placement, group home, residential treatment center, birth parents)

Information gathered from this data can inform schools and child welfare agencies about how to distribute resources and target interventions. Moving forward, the data also offers a baseline to measure progress.

Agency Resources

The people working behind the scenes to implement the recommendations in the Texas Blueprint are key to its success. Several agencies dedicated staff to work on implementation. For example:

- The Children's Commission hired a full-time attorney to work on improving school outcomes for

Resources

Texas Children's Commission

<http://texaschildrenscommission.gov/>

The Children's Commission education website includes links to the Texas Blueprint and the Implementation Task Force Final Report, a report highlighting the progress over the first two years implementing the Texas Blueprint recommendations.

Georgetown Conference on Improving Outcomes of Students in Foster Care

<http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/>

On May 27, 2015, Georgetown's Center on Poverty hosted a national conference on Improving the Outcomes of Students in Foster Care with partners National Center for Youth Law, the ABA Legal Center for Foster Care and Education, and the Children's Defense Fund. View a video of the conference featuring Rob Hofmann, Judge of the 452nd Judicial District Court of Texas and Chair of the Task Force. Judge Hofmann spoke about implementing the Texas Blueprint.

Legal Center for Foster Care and Education

<http://www.fostercareandeducation.org/>

The ABA Legal Center is a national organization working to improve school outcomes for children in foster care nationwide. The ABA Legal Center produced the Blueprint for Change, outlining eight reform areas to improve education for children in care. The Blueprint serves as a framework for states, such as Texas, to guide education reforms. The ABA Legal Center provides technical assistance and training to states and localities on these reforms, and shares resources on a variety of topics related to education and children and care.

students in foster care and implement the Texas Blueprint. The Assistant Director of the Children's Commission continues to dedicate significant time to education issues.

- The Texas Education Agency created a Foster Care Education and Policy Coordinator position to raise awareness among educators of the needs and challenges of students in care.
- The Department of Family Protective Services has 12 regional education specialists to support the education needs of children throughout the state and a division administrator for permanency, senior policy attorney, research and analytics team lead, and state education specialist each contribute

significant time to Texas Blueprint implementation initiatives.

- In addition, approximately 50 stakeholders throughout the state participated regularly in Texas Blueprint implementation during the past two years.
Agencies also changed policies and practices and incorporated better information and guidance for key audiences. For example:

The state child welfare agency:

- Changed a court report template used by caseworkers to require more detail about the education status of children in care;
- Added a new requirement to its policy and contracts with foster caregivers to promote faster school

record transfers when students change schools;

- Revised its education policy; and
- Created a new form to share information about the child's education decision maker and surrogate parent with courts and school staff.

The state education agency:

- Changed its student attendance policy to allow excused absences for students in care for court-ordered activities in child welfare cases;
- Added a lesson about students in foster care in the state online college and career readiness support center; and
- Included information on students in care in its data standards, student attendance handbook, agency correspondence, and its website.

Texas CASA:

- Held webinars and developed an education advocacy toolkit for CASA volunteers to prepare them to interact with schools and advocate for clients.

Next Steps

The first phase of the task force's work represents the less heralded "middle" of the project that leads to positive outcomes over time. As the effort moves to phase two of implementation, which includes creating a standing Foster Care and Education Committee of the Children's Commission, the infrastructure, personnel, relationships, and hard work during phase one offer a solid foundation for future work. Baseline data gathered through a highly sophisticated data collection system is already resulting in better tracking of students in foster care and their experiences. This data will help professionals across courts, child welfare, and education understand and better meet the needs of students in care.

Members of the statewide collaboration will work to implement the

remaining recommendations and keep momentum around those already completed or underway. It will also work to address recommended “next steps” drawn from its phase one efforts, including:

- **Broaden efforts to additional issues.** As implementation of the Texas Blueprint enters phase two, the work will continue in the priority areas identified in phase one. The task force also plans to expand its focus to areas that require deeper attention. These may include: higher education, school discipline, early childhood education, and special education.
- **Go local.** Implementation focused on the state-level during phase one. A goal in phase two is translating collaboration from the state-level to the local level, a challenge because of the size of Texas and its over 1,200 school districts. Linking the statewide effort to local collaborations and initiatives will be a goal for the work going forward.
- **Continue data and information sharing and analysis.** With quality data and increased sharing across agencies, the Data Workgroup now has more meaningful baseline data. As richer data continues to be collected, efforts can turn to analyzing data and translating it so courts, child welfare agencies, and schools can better meet needs of students in care.

Strong judicial leadership, cross-agency collaboration, and a commitment to working through challenges underlie the successful efforts to implement the Texas Blueprint.

Claire Chiamulera, legal editor at the ABA Center on Children and the Law, is *CLP's* editor.

SPOTLIGHT: IMMIGRATION

California’s Reunifying Immigrant Families Act: Placement with Undocumented Relatives *by the ABA Child Welfare and Immigration Project*

The nation’s first law addressing the reunification barriers faced by many immigrant families in the child welfare system is California’s Reuniting Immigrant Families Act (“SB 1064” or “the Act”), enacted September 30, 2012. This column highlights this law’s provisions. This summary shares information on the provision on placing children with undocumented relatives, and how child welfare agencies and courts must treat those individuals.

Placement of Children

The Act is clear that the immigration status alone of a parent or relative cannot be a barrier to placement of the child with that person, including:

- Release of the child to a parent, guardian, or responsible adult after the state takes temporary custody;¹
- Placement or custody with a non-custodial parent for a child removed in a dependency case;² and
- Placement in the care of a responsible relative for a child removed from the custody of his or her parents in a dependency case.³

Additionally, a child removed from the custody of his or her parents may be placed with a relative outside the United States if the court finds, upon clear and convincing evidence, that placement to be in the best interest of the child.⁴

Working with Undocumented Relatives

SB 1064 recognizes the great value to dependent children of maintaining children’s ties to their relatives, and includes provisions to facilitate the involvement of immigrant relatives.

- A relative’s request for the child to be placed with him or her is still due preferential consideration by the child welfare agency, regardless of the relative’s immigration status.
- The child welfare agency may use the relative’s foreign passport or consulate ID card as a valid form

of identification to initiate the criminal records check and fingerprint clearance check required for placement determinations.⁵

- The child welfare agency must give a relative caregiver information about the permanency options of guardianship and adoption, regardless of the caregiver’s immigration status. The information must be provided before legal guardianship is established or adoption is pursued, and must include the long-term benefits and consequences of each action.⁶

Other Custody Contexts

The Act’s prohibition against making caretaking determinations based solely on immigration status extends to state family and probate courts.

- In private custody cases, a person’s immigration status does not disqualify a person from receiving custody if the custody arrangement is otherwise in the child’s best interest.⁷
- A relative may be considered for guardianship of a child in probate court regardless of the relative’s immigration status.⁸

Endnotes

1. Cal. Welf. & Inst. §§ 309(a).
2. Cal. Welf. & Inst. § 361.2(e)(1).
3. Cal. Welf. & Inst. § 361.2(e)(2).
4. Cal. Welf. & Inst. § 361.2(f). This statutory amendment was added by AB 2209, Section 1, enacted July 17, 2012.
5. Cal. Welf. & Inst. §§ 309(d)(1), 361.4(b)(2).
6. Cal. Welf. & Inst. §§ 361.5(g)(2)(B), 366.25(b)(2)(B).
7. Cal. Fam. § 3040(b). 8 Cal. Prob. § 1510(a).
8. Cal. Prob. § 1510(a).