

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 10-9079

ORDER ESTABLISHING EDUCATION COMMITTEE OF PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

1. On any day in Texas, over 25,000 children are in the legal conservatorship of the state. A majority of these children are between ages 5 and 18, thus legally required to be enrolled in school.
2. Courts play a critical role in reviewing the circumstances of a child placed in the conservatorship of the state. In fact, the Texas Family Code requires a court to determine what plans and services are needed to meet the child's special needs or circumstances.ⁱ
3. The Texas Legislature has enacted legislation to emphasize the importance of graduating from high school and attending college. During the 2009 session, the Texas Legislature passed Senate Bill 2248, which amended the Texas Education Code to require the Texas Education Agency to assist the transition of students in foster care from one school to another.ⁱⁱ Additionally, the Texas Legislature has enacted legislation allowing former foster youth who age out of foster care to attend state universities through tuition fee waivers.ⁱⁱⁱ
4. The Permanent Judicial Commission for Children, Youth and Families was created, in part, to promote judicial leadership at a high level to effectuate system improvement. At the Third National Judicial Leadership Summit on the Protection of Children, held in Austin during October 2009, the Texas attendees recognized the need to improve educational outcomes for children in the state's foster care system. The Texas Summit Action Plan developed at the summit included the goals of improving education outcomes through greater collaboration and by keeping children closer to their homes.
5. The American Bar Association Legal Center for Foster Care and Education identified challenges facing children in foster care nationally, including the following:
 - Quality of education is important for the future success of all children;

- According to studies, children in foster care struggle academically, with higher drop-out rates, lower graduation rates, and lower scores on statewide tests than the general population;
- Children in foster care are highly mobile; and,
- Mobility is affecting the education outcomes for children in foster care.

6. The National Working Group on Foster Care and Education, a group of influential national organizations, was formed to ensure successful educational outcomes for children and youth in foster care across the country.^{iv} The working group identified four objectives with the potential for improving educational opportunities and outcomes for children in foster care:

- Improved educational stability for children and youth in foster care;
- Seamless educational transitions for children and youth when school changes do occur;
- High quality educational experiences, expectations, and aspirations for young people in foster care; and,
- Greater national attention to the disparate educational outcomes for young people in foster care, particularly youth of color.

7. Although there are many organizations and individuals throughout the state who share a commitment to improving our child-welfare system, the Children's Commission is in a position to coordinate a comprehensive effort aimed at improving education outcomes for children in foster care. The Texas Summit Action Plan goals will be reached by identifying state level education partners and establishing a high-level committee to look at educational needs and outcomes. The committee will work collaboratively to recommend solutions to enhance court practices to ensure educational needs are met and improve educational outcomes.

The Court HEREBY ORDERS that:

1. An education committee be established to develop initiatives designed to improve courts and court practice regarding educational outcomes of children and youth in the child protection system.
2. The membership of the Education Committee shall reflect the diverse ethnic, gender, legal, and geographic communities in Texas and shall include:
 - The Honorable Patricia Macias, 388th District Court, El Paso;
 - The Honorable Cheryl Shannon, 305th District Court, Dallas;
 - Judge Rob Hofmann, Child Protection Court of the Hill Country, Mason;

- Anne Heiligenstein, Commissioner, the Texas Department of Family and Protective Services, Austin;
- Robert Scott, Commissioner of Education, Texas Education Agency, Austin;
- James B. Crow, Executive Director, the Texas Association of School Boards, Austin;
- Johnny L. Veselka, Executive Director, the Texas Association of School Administrators, Austin;
- Chair, State Bar of Texas School Law Section;
- A parent's attorney to be identified by the Chair of the Education Committee;
- Lori Duke, Clinical Professor, Children's Rights Clinic, University of Texas School of Law, Austin;
- A former foster youth to be identified by the Chair of the Education Committee;
- Carolyn Rodriguez, Director, Texas Strategic Consulting, Casey Family Programs; and,
- Joe Gagen, Chief Executive Officer of Texas CASA, Austin.

3. The Education Committee of the Permanent Judicial Commission for Children, Youth and Families shall:

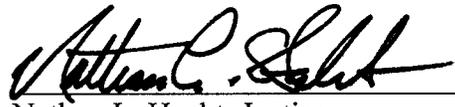
- Identify and assess challenges to educational success of children and youth in the Texas foster care system;
- Identify and recommend judicial practices to help achieve better educational outcomes for children and youth in foster care;
- Seek to improve collaboration, communication, and court practice through partnerships with the Department of Family and Protective Services, the Texas education system, and stakeholders in the education and child-protection community;
- Identify training needs regarding educational outcomes for the judiciary and for attorneys who represent DFPS, children, and parents in child protection cases;
- Seek to develop a collaborative model that will continue systemic improvement of educational outcomes;
- Make recommendations regarding the exchange and sharing of education-related data; and,
- Provide the following to the Children's Commission:
 - 1) Preliminary report regarding the first meeting of the committee and the committee's structural organization and goals by no later than December 31, 2010;
 - 2) Interim report by no later than August 31, 2011 regarding the progress of the committee; and,

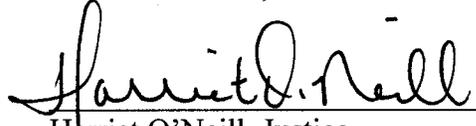
3) Final report by no later than March 31, 2012 regarding the progress of the committee and specific recommendations for further progress.

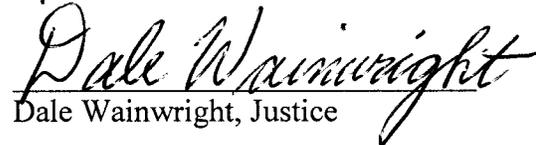
4. The committee will be chaired by the Honorable Patricia Macias, 388th District Court, El Paso, a member of the Permanent Judicial Commission for Children, Youth and Families.

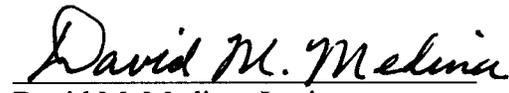
BY THE COURT, IN CHAMBERS, this 20 day of May, 2010.


Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice

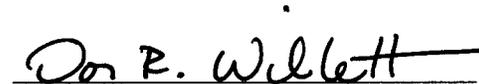

Harriet O'Neill, Justice

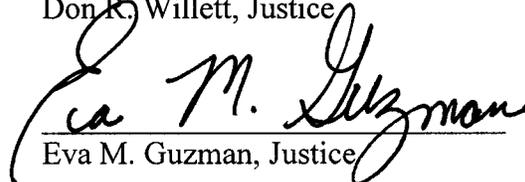

Dale Wainwright, Justice


David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice

ⁱ See Texas Family Code Sections 263.306 and 263.503.

ⁱⁱ Enrolled version of Senate Bill 2248 at <http://www.capitol.state.tx.us/tlodocs/81R/billtext/pdf/SB02248F.pdf>.

ⁱⁱⁱ See Texas Education Code Sections 54.211 and 54.2111.

^{iv} The working group partners included: American Bar Association Center on Children and the Law, American Public Human Services Association, National Association of Public Child Welfare Administrators, Annie E. Casey Foundation, Association of Administrators of the Interstate Compact on Adoption and Medical Assistance, Casey Family Programs, Children's Defense Fund, Child Welfare League of America, Education Law Center (Pennsylvania), Juvenile Law Center, National CASA Association, National Child Welfare Resource Center on Legal and Judicial Issues, National Council of Juvenile and Family Court Judges, National Foster Care Coalition, National Foster Parent Association, and the Stuart Foundation.