

MEETING THE EDUCATION REQUIREMENTS OF FOSTERING CONNECTIONS:



LEARNING FROM THE FIELD





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INTRODUCTION

The Fostering Connections to Success and Increasing Adoptions Act of 2008 created a new mandate for education enrollment and stability for children and youth in foster care.

It requires child welfare agencies to:

- Ensure children in foster care are enrolled in school;
- Consider education stability when identifying foster care placements; and
- Coordinate with local education agencies to ensure young people stay in their current school when placed in foster care or are immediately enrolled in a new school if it is not in their best interest to stay in their school of origin.

The basic protections afforded by these policy changes represent significant new obligations for child welfare agencies. They also provide an important opportunity to improve the historically poor education outcomes among children and youth in foster care.

Although the education mandates in Fostering Connections represent new obligations for child welfare agencies, leaders responding to the requirements need not reinvent the wheel. During the past 10 years, numerous efforts have been launched nationwide to improve education outcomes for young people in foster care. This brief aims to help agency leaders, policymakers, judges, and their partners understand and respond effectively to the education requirements of Fostering Connections by reflecting on lessons learned from a decade of initiatives to improve education outcomes for youth in and leaving foster care. It focuses on how policies and practices implemented in response to Fostering Connections can provide the foundation for collaborative education supports that lead more youth in foster care to complete high school and pursue and succeed in postsecondary education.

The brief is organized in alignment with lessons learned from innovative education projects around the nation. Namely, child welfare agencies, education agencies, and courts all have critical roles to play in supporting education achievement for youth in foster care. Moreover, success is a function of the strength of collaboration across these systems. Following an overview of the requirements of Fostering Connections, the brief includes a framework for effective cross-system coordination and highlights actions that leaders of the child welfare system, education system, and courts can take to promote education success for youth in care. The brief also provides examples of existing state and local efforts to improve the education continuity and stability of older youth in foster care.



UNDERSTANDING FOSTERING CONNECTIONS REQUIREMENTS

The education requirements in Fostering Connections are significant because they give child welfare agencies explicit mandates to **ensure children in out-of-home care are enrolled in school** and to coordinate with local education agencies to ensure these children **do not change schools** unless it is not in their best interest to stay in their school of origin; if it is in the children's best interest to change schools, local education agencies must ensure **immediate and appropriate enrollment** (see *Determining Best Interests and Ensuring Appropriate Enrollment: Considerations When Working with Youth in Care* on page 7). The act also allows state child welfare agencies to use Title IV-E maintenance dollars to support transportation to a school of origin.¹

The education requirements in Fostering Connections are not the only education mandates for state child welfare agencies. Child welfare agencies are required under Title IV-E of the Social Security Act and subsequent amendments to include education and health records in the case plan; regularly review and update education records; and supply education records to every foster care provider with whom the child is placed and to all young people who reach age 18 while in care.² In addition, during the child and family services review process, states are evaluated on whether children receive appropriate services to meet their education needs. Prior to Fostering Connections, however, state child welfare agencies were not explicitly held accountable for education stability and continuity. Education stability and continuity are two well-documented and quantifiable problems among children in foster care that stem from placement changes.

Besides the education requirements, Fostering Connections also contains youth-related provisions with relevance to education (see Table 1). States are now required to develop **transition plans** that address education goals 90 days prior to young people transitioning out of foster care. In addition, states can **extend foster care to age 21**, offering critical support to young people in the years when they are typically completing high school and moving on to postsecondary education.

¹ Previously, states could claim transportation to a school of origin as a Title IV-E administrative expense, which provides a 50 percent match. The IV-E maintenance matching rates are based on the Federal Medical Assistance Percentage (FMAP) rates which are higher than 50 percent for many states (ranging from a 50–83 percent federal share, depending on the state). For a list of state FMAP rates see <http://aspe.hhs.gov/health/fmap11.pdf>.

² Legal Center for Foster Care & Education, *Solving the Data Puzzle: A "How To" Guide on Collecting and Sharing Information to Improve Educational Outcomes for Children in Out-of-Home Care* (Washington, D.C.: Legal Center for Foster Care & Education, 2008).

Table 4. Supporting Education Success: What Child Welfare Leaders Can Do

<p>Promoting Education Enrollment</p>
<p>Requires states to ensure that children who have reached the minimum age for mandatory school attendance in their state, and who are receiving federal foster care maintenance payments, adoption assistance, or kinship guardianship assistance, are appropriately enrolled in school or have completed high school.</p>
<p>Promoting Education Stability and Continuity</p>
<p>Requires case plans to address education stability including: “assurances that the placement of the child in foster care takes into account the appropriateness of the current education setting and the proximity to the school in which the child is enrolled at the time of placement.”</p>
<p>Requires case plans to address education stability including “an assurance that the state [or local child welfare agency] has coordinated with appropriate local education agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement; if remaining in such school is not in the best interests of the child, assurances by the state agency and the local education agencies to provide immediate and appropriate enrollment in a new school, with all of the education records of the child provided to the school.”</p>
<p>Amends the definition of “foster care maintenance” to include costs associated with transporting children to their school of origin.</p>
<p>Supporting Successful Transitions to Adulthood</p>
<p>Requires states to develop a personalized transition plan for youth at least 90 days prior to their exit from care that includes education goals and plans.</p>
<p>Allows states to extend foster care to age 21 and continue to receive federal IV-E reimbursement.</p>
<p>Expands eligibility for education and training vouchers (ETV’s) and independent living services to young people leaving care at age 16 or older for kinship guardianship. (Young people adopted at age 16 or older were eligible prior to passage of Fostering Connections.)</p>

Determining Best Interests and Ensuring Appropriate Enrollment: Considerations When Working with Youth in Care

The education continuity and stability provisions in Fostering Connections require children and young people to remain in their school of origin at the time of placement unless it is not in their *best interest* to do so; if a school change is in their best interest, children and young people must be **immediately and appropriately enrolled** in the new school. Following are considerations when determining best interests and ensuring appropriate enrollment for youth in care:

Education Decision-Making Rights. Start with clarity regarding who has the authority to make education decisions on behalf of the youth in foster care. Birth parents typically have education decision-making rights, even if a young person has been removed from the home. State law, regulation, or court order can restrict the rights of parents and give education decision-making authority to caseworkers, foster parents, or other involved adults. If the youth are age 18 or older, they have the right to make education decisions for themselves. Even if a young person is not 18 years of age, **decisions about what school is in his or her best interest to attend should always begin with exploration of the young person's preferences.**

Best Interest Factors. Consider these factors when deciding which school to attend:

- Anticipated length of stay in placement;
- Safety of the school environment at the school of origin and in the local attendance area school;
- Distance and time it will take to commute to the school of origin;
- Strength of ties to the school of origin in terms of relationships with peers, staff, and teachers; whether siblings attend school; and involvement in academic or extra-curricular programs;
- Strength of the academic program and the ability to meet any needs for special instruction at the school of origin and the local attendance area school;
- Availability of academic and extra-curricular programs of interest at the local attendance area school; and
- Ability to transfer credits, earn full credit, and continue to progress to the next grade or graduate with a transfer to a local attendance area school.

Appropriate Enrollment. If a decision is made that it is in the best interest of the young person to transfer to a local attendance area school, then the child welfare agency and local education agency must coordinate to ensure immediate and appropriate enrollment. **Appropriate enrollment presumably goes beyond simply providing the necessary documentation to enroll a student** and includes:

- ensuring young people are enrolled in appropriate courses, given their academic history;
- ensuring that any needs for special academic supports or evaluation are addressed promptly; and
- ensuring young people are enrolled in and can participate fully in extra-curricular activities of interest.

For a checklist to guide decisions on school selection, see Legal Center for Foster Care & Education and National Center for Homeless Education, *School Selection for Students in Out-of-Home Care* (Washington, D.C.: Legal Center for Foster Care & Education and National Center for Homeless Education, fall 2009). http://center.serve.org/nche/downloads/briefs/school_sel_in_care.pdf



A FRAMEWORK FOR CROSS-AGENCY COORDINATION TO SUPPORT EDUCATION SUCCESS: ROLES AND ACTIONS FOR STATE AGENCIES

The Fostering Connections Act primarily creates new mandates and accountability for the child welfare system, though the elementary and secondary (K–12) education system and the courts must help in meeting the requirements of Fostering Connections (see Table 2 for the roles these systems can play in supporting education stability and continuity). K–12 education and the courts, as well as the higher education system, must also play an expanded role if states are to move beyond education stability to implementing broader supports for education success.

Table 2 lays out the respective roles of the child welfare, court, and K–12 education systems, but fulfilling these roles is possible only through effective mechanisms for coordination among them. States and localities that have made strides in supporting education success have done so through actions aimed at promoting coordination in four areas: policy and procedures; cross-system planning and staffing; practice supports; and data supports (see figure on page 11).

Taking action in these four areas can enable leaders to overcome challenges and implement collaborative efforts to promote education continuity, stability, and success.

Cross-System Planning and Staffing: Cross-system planning and staffing provides vehicles through which leaders and staff from different agencies can create relationships and develop a shared vision, priorities, and strategies for supporting education success and then monitor and adjust

those efforts over time. These vehicles include interagency planning groups, at both the state and local levels, such as task forces or ongoing advisory groups developed to design and monitor interagency efforts to address education for youth in foster care. Creating mechanisms to facilitate ongoing communication among frontline staff regarding the education needs of children and youth also is important. Localities have approached this by collocating child welfare and education staff, designating specific staff to act as experts and advocates on the education needs of youth in care, explicitly including education issues in court review processes, and including education staff in team approaches to permanency and transition planning.

Policies and Procedures: Policies and procedures can create mandates for addressing education issues, establish accountability mechanisms to ensure agencies act in response to those mandates, allocate resources needed to fulfill mandates, and clarify the roles, responsibilities, and authority of different agencies.

Fostering Connections established an important new federal policy mandate for child welfare agencies in the arena of education enrollment, continuity, and stability. It also requires child welfare agencies to work in partnership with local education agencies on education continuity. Another federal policy with relevance to state efforts on Fostering Connections is the McKinney-Vento Act, which provides protections for education stability for homeless children. “Children awaiting foster care placement” are among the populations included in

Table 2. Education Stability and Continuity: A Shared Responsibility

	Child Welfare Role	Court Role	K–12 Education Role
School Enrollment and Attendance	<ul style="list-style-type: none"> ■ Collect and enter timely information on school enrollment and attendance in child welfare data system. ■ Regularly check on, alert the school to, and address problems with enrollment or attendance. 	<ul style="list-style-type: none"> ■ Ask specifically about school enrollment and attendance in court reviews. 	<ul style="list-style-type: none"> ■ Provide timely information on enrollment and attendance to child welfare system. ■ Work with caseworkers and caregivers to address problems with enrollment or attendance.
Education Stability and Continuity	<ul style="list-style-type: none"> ■ Seek placements in the communities from which large numbers of children in care come. ■ Assess the appropriateness of the education setting based on the child’s best interest and consider proximity as a part of the placement process. ■ Clarify who has education decision-making rights. ■ Inform decision-making rights holder of their right to make a decision regarding the school to attend and inform the school district of who has education decision-making rights. ■ Support the decision-making rights holder in determining best interest with input from young person and school personnel. ■ Provide caregivers the health records needed to enroll students. ■ Work with the education system to ensure children who must change schools can do so in the absence of all needed paperwork. ■ Monitor and facilitate the school enrollment process. ■ Communicate with the school to ensure the timely transfer of school records. ■ Work with the local education agency to arrange for transportation to the school of origin for young people staying in their school of origin. 	<ul style="list-style-type: none"> ■ Clarify who has education decision-making rights and check on whether decisionmaker is effectively fulfilling this role. ■ Appoint an education decisionmaker if the parent(s)/others holding those rights cannot serve appropriately as the education decisionmaker. ■ Ask specifically about the appropriateness of the education setting and proximity to placement in hearings. ■ Resolve disputes regarding the school placement decision that is in the best interest of the young person. ■ Address challenges to timely enrollment posed by confidentiality barriers. 	<ul style="list-style-type: none"> ■ Partner with child welfare agencies to recruit foster parents in local school districts. ■ Provide input on decisions regarding the school placement decision that is in the best interest of the child. ■ Partner with child welfare agencies to arrange for transportation to the school of origin. ■ Transfer records and credits in a timely way to the new school and share needed education records and data with child welfare agency staff. ■ Develop policies and procedures for the immediate enrollment of children in foster care in school in the absence of all required paperwork.
Transition Planning	<ul style="list-style-type: none"> ■ Engage the young person and key individuals in his or her life in transition planning process that includes attention to education goals, progress, and plans. Coordinate with transition planning from other systems with which the young person is involved, including juvenile justice, special education, and vocational rehabilitation. 	<ul style="list-style-type: none"> ■ Review transition plan in court with an emphasis on whether it addresses the goals, priorities, and concerns of the young person and whether it reflects coordination among the multiple systems with which the young person is involved, including juvenile justice, special education, and vocational rehabilitation. 	<ul style="list-style-type: none"> ■ Participate in the development of the education component of transition plans. ■ For young people in special education, ensure individualized education program (IEP) transition planning information is shared for and coordinated with child welfare transition planning.

Promoting Cross-System Coordination to Support Education Success



Table 3. Coordination Issues to Address in State Legislation

State Legislation Can . . .	Examples
Establish an explicit mandate for state and local education agencies and child welfare agencies to work together to ensure education enrollment, continuity, and stability.	Florida HB 723 (2004) requires interagency agreements between education and child welfare at the state and county levels.
Provide McKinney-Vento-type protections to foster youth, enabling immediate enrollment in school, even if appropriate documentation is not available.	California AB 490 (2004) allows children in foster care to remain in their school of origin and, if there is a transfer, requires immediate enrollment in the new school, whether or not appropriate documentation is available.
Define who in foster care is considered to be “awaiting foster care placement” under McKinney-Vento.	Delaware HB 279 (2005) defines all children in foster care as included in the definition of “awaiting foster care placement.”
Clarify who will pay for transportation to a school of origin, particularly in cases where both McKinney-Vento and Fostering Connections apply.	Oregon 3075 (2005) allows children in foster care to remain in the school of origin if determined by the court to be in their best interest and requires the child welfare agency to pay for transportation.
Allocate resources that state agencies need to pay for transportation.	Connecticut SB 31 (2010) creates presumption that children in out-of-home care will remain in the school of origin unless it is not in their best interest, and requires the child welfare agency to pay for transportation. State appropriated \$2.9 million to DCF to pay for the state portion of transportation costs.
Create policies that require timely transfer of school records.	Maryland SB 426 (2005) requires education records to be transferred within five school days for all children and youth in agency care who transfer to a new school.

the McKinney-Vento Act, which ensures their right to remain in one school and receive transportation, even if a temporary living situation is in another district, and their right to enroll in school and begin fully participating, even if required documents are not available.³

State legislation and/or state and local agency administrative policies and procedures are necessary to further delineate roles and responsibilities for ensuring education enrollment, stability, and continuity. Some states had passed legislation prior to the passage of Fostering Connections addressing

education stability and continuity for youth in foster care and others have passed legislation in response to the law (see Table 3 for key issues to address through state legislation and examples of state policies). See, also, *Transportation: A Key Issue to Address through State Policy* on page 13.

Practice Supports: An overarching strategy to improve education outcomes is to nurture a practice culture that prioritizes attention to the unique education needs and barriers of youth in foster care and action to support academic success. Changing prevailing practices among judges, caseworkers,

³ Legal Center for Foster Care & Education, *How Fostering Connections and McKinney-Vento Can Support School Success for All Children in Out-of-Home Care* (Washington, D.C.: Legal Center for Foster Care & Education, 2010).

Transportation: A Key Issue to Address through State Policy

The cost of transportation to a school of origin can impede efforts to coordinate in support of education stability for youth in foster care. Fostering Connections allows child welfare agencies to claim Title IV-E maintenance dollars for transportation to a school of origin. However, because Title IV-E is a matching program, child welfare agencies have to spend additional state dollars to claim the federal matching funds. In addition, Title IV-E dollars can only support transportation costs for IV-E eligible children and youth, however the education stability provisions apply to all children and youth in care. McKinney-Vento requires the local education agency for a school of origin to pay for the transportation for homeless children and youth to remain in their school of origin but, in most states, this protection does not apply to all children and youth in foster care. A lack of clarity about who pays for transportation in cases where children and youth are eligible under both laws and lack of budgeted resources to support transportation costs can create conflict over which system should take responsibility.

State policy that is explicit about which system will pay for transportation to a school of origin for children in foster care under what circumstances and allocates resources for that purpose will set the stage for effective coordination in response to Fostering Connections. Local child welfare agencies and local education agencies should work together to develop cost-effective transportation approaches and states should devise and formalize coordinated approaches to paying for transportation that maximize the use of federal resources including McKinney Vento dollars and Title IV-E maintenance and/or administrative funds.⁴

⁴ Determining whether Title IV-E maintenance or administrative funds are a better source of funding for transportation to a school of origin will depend on the state's FMAP rate and state IV-E claiming policies and processes. States with an FMAP rate close to 50 percent may find it less administratively burdensome to claim transportation as an administrative expense.

counselors, teachers, and others requires technical assistance, training, and tools that can raise awareness among the different systems' stakeholders on the importance of addressing education issues and support their capacity to do so effectively.

To lay the groundwork for coordination, cross-system training that helps stakeholders from each system understand the policies, procedures, and priorities of the other systems is important. Representatives from the child welfare and court systems can train teachers, counselors, and school administrative staff on the practices and procedures of the child welfare and court systems in relation

to education. Likewise, representatives from the education system can train child welfare and court staff on education practices and procedures and how to effectively work with the education system. Staff and management of all systems also need to hear directly from young people about their education experience and what supports and services are most needed to contribute to their success. Besides cross-system training, each system can integrate training on how to effectively support education outcomes into new hire and ongoing staff training. In addition, each system can create and/or amend practice tools, such as case management and judicial checklists, to include education goals.

Data Supports: Finally, creating the needed forms, processes, and systems to share records and data is critical to ensuring education continuity and stability. This includes processes to ensure the child welfare agency's timely sharing of health records with the school system or processes to allow for timely enrollment without those records if they are not available. It also includes processes to ensure the timely transfer of school records in the case of a school transfer and timely sharing of school records and ongoing information about school enrollment, attendance, and performance with the child welfare agency. The foundation for effective data supports are state and local policies that clarify confidentiality

issues and identify education decisionmakers or surrogates in the case of children receiving special education services. Once basic confidentiality barriers are addressed, then the courts, child welfare agencies, and education agencies can establish the forms, processes, and data systems to share information that will help them support education success while respecting confidentiality laws and young people's right to privacy (see Addressing Confidentiality Barriers below).

The ideal data support is to create a shared-data interface that makes real-time education, child welfare, and court data available in one place. Data

Addressing Confidentiality Barriers⁵

Laws regarding confidentiality often are a barrier—or, at least are a perceived barrier—to the timely sharing of records across systems that can lead to delays in school enrollment and breakdowns in communication on the education needs and supports a child is receiving. Getting stakeholders to understand the requirements of relevant laws and use state and local policy mechanisms and judicial processes to facilitate the sharing of needed information is critical.

Family Education Rights and Privacy Act: FERPA gives parents (or young people ages 18 and older) the right to access and review their child's education records and requires education institutions to receive parental consent (or the consent of young people ages 18 and older) to release education records to third parties. The first step child welfare agencies can take to access education records is to obtain consent from parents or from young people ages 18 and older. **Developing a parental consent form and asking for parent consent to share education records as a point of procedure when children and youth are placed in foster care can help ensure more systematic sharing of records between the education and child welfare systems.**

Absent parental consent, FERPA regulations allow for alternative mechanisms for accessing records. **Most commonly, child welfare agencies access records under the FERPA exception that allows the sharing of records when needed to comply with a subpoena or court order.** If the child welfare agency accesses records through a court order, the agency cannot share those records with others; however, a court order can list the multiple individuals who need access to records to support education success for a child, such as the child welfare agency, the care provider, the child's attorney, and/or the court appointed special advocate. (For an example of a locality using a court order for record sharing, See Developing Education Supports in Partnership with School Districts in Fresno, on page 16)

⁵ Adapted from Kathleen McNaught, *Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care* (Chicago, Ill.: ABA Center on Children and the Law, 2005).

systems can be set up with protections so representatives of each of the systems only has access to the data relevant and necessary to their work and confidentiality is respected. Absent the resources or the level of collaboration necessary to build this type of system, jurisdictions often begin with leaders from the systems coming together to identify the data that needs to be shared and addressing any confidentiality barriers to data sharing. Then they create forms and processes that enable manual data sharing. For example, a child welfare agency might provide quarterly data to a school district on the young people in care in the district and the district might provide a report with key academic

information that is then entered into the child welfare information system.

For more information on developing shared-data systems, see Legal Center for Foster Care and Education, *Solving the Data Puzzle: A “How To” Guide on Collecting and Sharing Information to Improve Educational Outcomes for Children in Out-of-Home Care* (Washington, D.C.: Legal Center for Foster Care & Education, 2008). Available at <http://www.abanet.org/child/education/publications/dataexchange.html>.

In addition, FERPA regulations define parent as “a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.” Because the child welfare agency acts as “guardian” for children and youth in care, a school can—but does not have to—define the child welfare agency as the parent and provide education records in the absence of a court order. Likewise, according to U.S. Department of Education guidance clarifying the regulations, foster parents can be considered individuals “acting as a parent in the absence of a parent or a guardian” so they, too, can have access to education records under the law. **FERPA does not prohibit sharing education records with the child welfare agency, but the education agency has to be willing to recognize the child welfare agency as a “parent” of the child under the law.**

Finally, **FERPA does not prohibit sharing education records with relevant education institutions.** Consequently, the law should not act as a barrier to the timely transfer of records from one school to another school.

Child Abuse Prevention and Treatment Act: CAPTA requires states to have laws that protect the confidentiality of all child welfare records and lists the following as appropriate parties with whom to share records: the subject of the report of abuse or neglect; government entities that have a need for the information to carry out their responsibilities to protect children from abuse or neglect; a grand jury or court; and other entities or people specified by state law. **Generally, states authorize the sharing of relevant information from the child welfare record with the school system through state statute.**

Examples of State and Local Coordination Efforts to Support Education Success

Creating an Interagency Response to Fostering Connections in Connecticut

The commissioners of the department of education (DOE) and the department of children and families (DCF) in Connecticut created an **interagency task force to address the implementation of the education stability provisions in Fostering Connections**. The task force included representatives from DOE and DCF as well as representatives from local school districts, statewide advocacy organizations, statewide provider associations, and the judicial branch. The task force's work built on an existing state legislative advocacy effort, which was spearheaded by youth in and aging out of foster care and focused on ensuring education stability for youth in care.

Recommendations from the task force included legislative, policy, and practice changes to address school stability, including:

- Applying the education stability and continuity recommendations to children ages 3 to 5 who have been identified as children with disabilities under the Individuals with Disabilities Education Act;
- Clarifying factors that should be considered as part of the school placement decision process;
- Establishing dispute resolution procedures in the event of disagreement about the school placement decision;
- Establishing procedures for timely notification and enrollment in the event of school transfer, including requiring each school district to have a point person who is “well-versed in the Fostering Connections Act and state statute requirements, and recommending statewide training for school districts, attorneys, the department of children and families (DCF), guardians ad litem, and surrogate parents on the Fostering Connections education stability requirements”; and

- Requiring the departments of education and children and families to work together to arrange for transportation to a school of origin and requiring DCF to reimburse school districts for the additional costs of transportation.

These recommendations have been the basis of state agency policy directives as well as state legislation (SB 31) that makes the cost of transportation to a school of origin explicitly the responsibility of DCF. For more information, contact Alexandra Dufresne, Senior Policy Fellow, Connecticut Voices for Children, 203-498-4240, adufresne@ctkidslink.org.

Sharing Data Across Systems in San Diego County in California

The San Diego County Office of Education, Foster Youth and Homeless Education Services Program created and maintains a **web-based shared data system** that enables child welfare services, schools, juvenile court, probation, child welfare provider agencies, CASA's and minor's attorneys to access health, education, and placement data. Authorized users can access selected information, such as school records, immunization records, medication information, educational representative contact information, and assessment scores. Having all of the records needed for school enrollment in one place expedites school transfer and enrollment processes, and facilitates the provision of more effective and coordinated education supports in compliance with the mandates of AB 490. For more information contact Rodney Gast, Systems Tech II, rodney@sdcoe.net (858) 503-2622 or Michelle Lustig, MSW, Ed.D, Coordinator, mlustig@sdcoe.net 858-503-2628, San Diego County Office of Education, Foster Youth and Homeless Education Services.

SUPPORTING EDUCATION SUCCESS: WHAT CHILD WELFARE LEADERS CAN DO

The focus on education issues in child welfare accountability measures and policy is a relatively new phenomenon, and barriers to child welfare staff effectively addressing education issues remain in many states and localities. These barriers include the culture of agency practice, which has not historically emphasized education progress, as well as the high needs and resource constraints in both the child welfare and education systems. Case managers have to prioritize crisis management and establish a basic level of safety and stability for young people on their caseload. As a result, they may not have a lot of time to dedicate to education advocacy. In addition, the families of young people coming into foster care and placement resources are often located in overburdened school systems that are difficult to navigate, particularly if the young people have special education needs.

Making headway against these barriers requires child welfare leaders to institutionalize attention to education issues in ongoing case management and agency caregiving. This entails developing clear policies and procedures for case managers and caregivers that require attention to appropriate education enrollment, education continuity, stability, and progress in the initial placement process and throughout the life of the case. Policies and procedures will not result in changed practice, however, unless practice supports are implemented to address the pressures on child welfare staff and build their capacity to address education issues. Necessary practice supports include training on education issues and resources. They also include

easy-to-use tools that provide guidance on procedures and include contact information for education staff and resources.

Many child welfare agencies have also designated staff at the state or local level to act as experts in education issues. These staff can help train case managers and caregivers and assist them in advocating on education issues in difficult cases. In addition, collocating child welfare staff in schools or on higher education campuses can facilitate relationships and communication with education personnel to make education advocacy much easier.

Data supports that address gaps in data and barriers to sharing education records and academic progress information also are essential to making progress on education enrollment, stability, and continuity. Partnerships with the education and court systems are important to developing shared data systems for education records, health records, and relevant child welfare data. Absent the collaboration and resources to develop such a system, however, child welfare leaders can begin by ensuring that their information system has the necessary fields for key education data, that processes exist for gathering key data from the education system, and that case managers are completing the relevant data fields.

As child welfare leaders improve the collection of education data, they can approach leaders of the education system with information on the number of children and youth in care in specific schools and districts, on how many children in care have

Table 4. Supporting Education Success: What Child Welfare Leaders Can Do

Cross-System Planning and Staffing	Policies and Procedures	Practice Supports	Data Supports
<ul style="list-style-type: none"> ■ Establish and/or participate in interagency planning efforts at the state and local levels. ■ Designate child welfare staff to act as education liaisons and advocates at state or local level. ■ Collocate child welfare staff in schools and/or postsecondary institutions. 	<ul style="list-style-type: none"> ■ Develop an interagency agreement that describes how child welfare agencies and education agencies will work together to support education enrollment, continuity, and stability, including how they will pay for transportation to a school of origin. ■ Develop policies and procedures for determining each child's education decisionmaker. ■ Develop policies and procedures for determining the best interest of the child for purposes of assessing whether a child should be enrolled in another school. ■ Create clear procedures for caseworkers to follow for school enrollment and school transfers. ■ Create clear procedures for arranging for and paying for transportation. 	<ul style="list-style-type: none"> ■ Integrate training on education requirements, policies, procedures, and supports in caseworker and caregiver initial and ongoing training. ■ Provide training to youth in care on their education rights, postsecondary education options, and resources available to help them pursue postsecondary education. ■ Adjust case management forms and protocols so they include attention to education stability, enrollment, and outcomes in ongoing case planning as well as transition planning. ■ Adjust family teaming protocols and forms to include education issues and education experts. ■ Develop tools to support case managers and caregivers in addressing education issues. Potential tools include resource guides that provide information on education policies and procedures and contact information for key contacts in the education system. 	<ul style="list-style-type: none"> ■ Ensure state and tribal statewide automated child welfare information system includes appropriate fields for collecting education data. ■ Develop appropriate processes for gathering education data from local education agencies. ■ Inform schools of who is in foster care and provide timely notice of anticipated changes in placements that may affect the child's school placement. ■ Provide encouragement and resources to caseworkers and/or data entry personnel to ensure education data fields are completed with up-to-date information. ■ Work with the courts and education system to develop shared-data systems that automate data sharing.

individualized education programs (IEP's), and on academic progress. Beginning with good data can help engage school leaders as well as target efforts to schools and districts with the largest numbers of young people in care. Specific actions to support

education success for youth in foster care are included in Table 4. See, also, A Breakthrough Series Collaborative Addressing Education Issues for Children in Out-of-Home Care on page 20.

Examples of Child Welfare Efforts to Support Education Success

Targeting State Child Welfare Resources to Support Education Success in Michigan

The department of human services (DHS) in Michigan has piloted and is bringing to scale key education supports for young people in foster care. Michigan is a site of the Jim Casey Youth Opportunities Initiative (JCYOI), a national initiative working in partnership with communities to help young people leaving foster care become successful, productive adults by helping improve the systems that support them. As part of their JCYOI work, Michigan's leaders hired an education planner and advocate in one region of the state. The education planner was very successful in promoting education success for youth in care. This prompted leaders from DHS who were negotiating the terms of a settlement to a class action law suit to recommend including education planners as a way to address education problems. In accordance with the terms of the settlement agreement, **DHS is hiring 14 education planners who will work in 28 counties in the state.** Education planners are responsible for developing education plans and advocating for the education needs of youth ages 14 and older, researching best practices and providing training and technical assistance to child welfare and education staff, and identifying and developing the special education supports needed by young people ages 14 and older in foster care.

In addition to the education planners, DHS is working in partnership with leaders from Western Michigan University (WMU) to offer supports to young people formerly in foster care who are pursuing postsecondary education. **DHS has collocated a child welfare social worker on the WMU campus to offer targeted supports to youth attending the university.** The case manager is one support in a comprehensive set of services provided through the Seita scholars program,

including financial assistance, academic planning and support, and social and emotional support to help young people successfully complete postsecondary education. WMU has held two annual conferences to provide information, advice, and encouragement to other two and four year colleges to assist them in implementing programs for foster youth on their campus.

For more information, contact Kate Hanley, director, adoption and permanency services, Michigan Department of Human Services, 517-335-4151, hanleyk@michigan.gov.

Developing Education Supports in Partnership with School Districts in Fresno

The child welfare agency in Fresno, California, a California Connected by 25 site, has piloted innovative education supports in collaboration with targeted school districts. Specifically, the agency has:

- **Collocated independent living program staff on school campuses** so they can more effectively address education issues for youth in care;
- **Provided training to education staff** on relevant laws and procedures for young people in out-of-home care;
- **Created an online resource that has all of the required forms and documentation** needed for school enrollment and transfer that child welfare and education staff can use; and
- **Established a court order and clear processes for school districts to provide education records and data** to the child welfare agency.

For more information, contact Howard Himes, deputy director of child welfare, Fresno County Department of Social Services, 559-253-9520, hhimes@co.fresno.ca.us.

A Breakthrough Series Collaborative Addressing Education Issues for Children in Out-of-Home Care

Casey Family Programs, a member of the Foster Care Work Group (FCWG), is a national foundation focused on providing, improving, and preventing the need for foster care. Education success for children and youth in out-of-home care has been a strong focus of the foundation, which in 2006 supported a Breakthrough Series Collaborative (BSC) focused on improving education continuity and school stability. The BSC brought together nine public child welfare agencies and their associated school systems to design and test practice changes that would improve education continuity and school stability for children and youth in out-of-home care.

For two years and with ongoing convening and technical assistance support through the BSC, leaders from the nine participating jurisdictions developed and tested ideas for improving education outcomes on a small scale, captured lessons learned, and worked to bring successful ideas to scale. The BSC led to the development of practical strategies and tools to foster coordination between the education and child welfare systems and improve education continuity and stability. Consider these examples.

- The **Vermont team created a directory of school system resources and personnel** to help social workers within the department for children and families identify the education staff and resources needed to help them meet children's education stability and continuity needs.
- The **District of Columbia developed a caregiver guide to increase foster parent involvement in children's education**. The child welfare agency disseminated the guide to all foster parents and integrated sections of the guide into the agency's foster parent pre-service and in-service training.
- **Virginia Beach created a "notebook exchange" to promote ongoing discussion and information sharing between birth parents and foster parents** on education issues facing youth in foster care. It included items such as progress reports, test papers, and school drawings.
- **The Pomona team in California engaged facilitators to ensure education issues were addressed during team decisionmaking**. The facilitators encouraged participants to keep students in their school of origin and, if a transfer was necessary, the necessary forms were shared during team decisionmaking.

For more information and tools, see Casey Family Programs, *Breakthrough Series Collaborative: Improving Education Continuity and School Stability for Children in Out-of-Home Care* (Seattle, Wash.: Casey Family Programs, December 2009).

SUPPORTING EDUCATION SUCCESS FOR YOUTH IN FOSTER CARE: WHAT EDUCATION LEADERS CAN DO

Research has documented the extremely poor education outcomes experienced by young people in and transitioning out of foster care. By working in partnership with the child welfare and court systems, education leaders can address barriers and identify resources that can support education success for this extremely vulnerable sub-population of students. For example, developing partnerships with the child welfare agency and court system can help schools to clarify who holds education decision making rights, and identify individuals in a student's life who can act as effective education advocates. School leaders seeking to promote education success for those in foster care will often need to begin by establishing basic data supports with the child welfare agency. A starting point is to ask the child welfare agency for information on which children are in foster care and, in each case, to ask for clarification on who the education decisionmaker is and who the school should be communicating with about education progress.

Besides data supports, school leaders may find it helpful to designate certain education staff to act as experts and liaisons with the child welfare and court systems. McKinney-Vento liaisons at the state and local education agency levels are existing positions that may make sense to designate as a liaison for children and youth in foster care, given the overlap in the McKinney-Vento population and children in foster care and these liaisons' experience in addressing school stability, continuity, and enrollment issues.

In addition to designated staff, school leaders can integrate training on education and decision-making issues unique to children and youth in foster care as part of the initial and ongoing training of school administrators, teachers, and staff. Specific actions to support education success for children and youth in foster care are listed in Table 5 on page 22. See, also, Broader Education Reforms: An Opportunity to Support Improved Education Outcomes for Youth in Foster Care on page 23.

Examples of Education System Efforts to Support Education Success

Dedicating Education Resources to Youth in Out-of-Home Care in Hillsborough County

Hillsborough County Connected by 25 (Cby25) in Florida is a Foster Care Work Group (FCWG) co-investment site supported by the Eckerd Family Foundation and other FCWG members. In collaboration with the Hillsborough County School District, Cby25 established a **high school guidance**

counselor focused on youth in foster care throughout the district. The guidance counselor, a school district employee who is collocated at the Cby25 office, is charged with **developing education plans** (as required by law for all children and youth in foster care) and **monitoring education progress for all foster children attending high school in the district.**

Table 5. Supporting Education Success for Youth in Foster Care: What Education Leaders Can Do

Cross-System Planning and Staffing	Policies and Procedures	Practice Supports	Data Supports
<ul style="list-style-type: none"> ■ Establish and/or participate in interagency planning efforts at the state and local levels. ■ Designate education staff to act as experts on education issues affecting young people in foster care and as liaisons for the child welfare and court systems at the state and local levels. ■ Provide opportunities for the child welfare agency to collocate child welfare staff in schools and/or in postsecondary institutions. 	<ul style="list-style-type: none"> ■ Develop an interagency agreement between the state education agency and state child welfare agency that describes how the two will work together to support education success. ■ Create clear procedures for guidance counselors, teachers, and administrators to follow for determining school enrollment, supporting decisions regarding best interests of the child in education placement, and effecting school transfers. ■ Create clear procedures for arranging for and paying for transportation to a school of origin. 	<ul style="list-style-type: none"> ■ Integrate training on the education needs of foster youth and policies on education enrollment, continuity, and stability into initial and in-service teacher and counselor training. ■ Include training on transition planning within the child welfare system and on the importance of coordinating individualized education program transition planning with child welfare transition planning. ■ Provide training to youth in care on their education rights, postsecondary education options, and resources available to help them pursue postsecondary education. 	<ul style="list-style-type: none"> ■ Develop appropriate processes for receiving data and information from the child welfare agency on who is in care and when placement changes occur. ■ Develop appropriate processes for sharing education records and data with the child welfare agency. ■ Work with the courts and education system to develop shared-data systems so data sharing is automated.

Cby25 also operates a general educational development (**GED**) program for youth in and transitioning out of care, with private foundation support, and in partnership with the school district adult education unit. The program, located at the Cby25 site, provides individualized and flexible GED instruction to a small number of foster youth. Most recently, CBY25 has received approval from the school district to offer a high school credit recovery option leading to a high school diploma.

For more information, contact Diane Zambito, executive director, Hillsborough Cby25 Initiative, 813-310-2204 or diane@cby25.org.

Designating Education Liaisons in California

State legislation in California requires local education agencies and community colleges to establish liaisons for children and youth in and aging out of foster care. At the K–12 education level, AB 490, passed in 2004, requires local education agencies to designate a staff person as a **foster care education liaison to ensure proper placement, transfer, and enrollment in school for foster youth**.

Passed in 1996, AB 2463 requires all community colleges in the state system to designate a **financial aid liaison to support students in accessing financial resources and student academic services**. Designated liaisons receive training and

Broader Education Reforms: An Opportunity to Support Improved Education Outcomes for Youth in Foster Care

Beyond the many innovative efforts to support education continuity, stability, and success for youth in foster care, private funders, policymakers, and educators are addressing the high dropout rates among high school students and supporting students in obtaining their high school diplomas. New efforts aimed at supporting multiple pathways to graduation emphasize using data to identify who is on track to graduate, who is at risk for falling off-track, and who is off-track; interventions can then be targeted to vulnerable groups. Although these efforts are directed to broader populations than just young people in foster care, they offer important vehicles for supporting education success for youth in foster care.

Among the pathways to graduation are virtual learning opportunities, which are expanding rapidly and can be an effective way for older youth in foster care to recover credits and develop basic math and reading skills. In addition, because so many foster care youth enter large low-performing neighborhood schools, online learning can be an important technology to access higher-level courses (e.g., Advanced Placement and community college courses) that may not be offered in local schools.

States and localities also are working to expand the supply of high-quality alternative schools that can better engage students who have disengaged from traditional high school settings. Youth in foster care, who tend to fall behind and complete high school at an older age due, in part, to multiple placements and school changes, may find alternative settings more attractive and appropriate to their life circumstances. Alternative schools are frequently structured to accommodate the independence and work schedules of older youth.

For more information, see Youth Transition Funders Group, Multiple Pathways to Graduation Work Group, *Closing the Graduation Gap: A Superintendent's Guide For Planning Multiple Pathways to Graduation* (Chicago, Ill.: Youth Transition Funders Group, October 2008). Available at <http://www.ytfg.org/documents/ClosingtheGraduationGapFinal13October2008.pdf>.

are connected to a network of other liaisons and child welfare organizations and experts through the Foster Youth Success Initiative. While the community colleges do not receive additional funding to support the work of the liaisons, the initiative provides a foundation for the education success of foster youth by helping to ensure financial aid personnel are aware of the resources available specifically for former foster youth (e.g., education

and training vouchers) and can help foster youth apply for and package those sources appropriately with other federal, state, and private sources of support.



SUPPORTING EDUCATION SUCCESS: WHAT JUDICIAL LEADERS CAN DO

The court system can play a critical convening and accountability role by addressing breakdowns in communication and coordination between the child welfare and education systems and prioritizing education issues in court review processes. The court can play an important role in facilitating, encouraging, and/or requiring cross-system coordination at the state, local, and individual case levels. Courts can convene a state level interagency taskforce or commission to develop the outlines of state legislative and agency policies needed to ensure coordinated support of educational enrollment, stability, continuity and success for children and youth in foster care. States' federally funded Court Improvement Projects, which frequently are involved in building collaborative efforts between courts, the child welfare

agency, and community partners, may offer a vehicle for this type of statewide leadership role.⁶

Judicial attention to education issues in review processes can have a ripple effect, leading social workers, guardians ad litem, attorneys, young people, and caregivers to pay more attention to addressing education continuity, stability, and supports in preparation for and in response to court proceedings. Judges and other court staff can also play a critical role in addressing barriers to record and data sharing posed by confidentiality laws and/or a misunderstanding of those laws. Specific actions that judicial leaders can take to support education success among youth in foster care are included in Table 6 on page 26.

Examples of Court Efforts to Support Education Success

Establishing a Task Force in Santa Clara County to Facilitate Transfer and Enrollment

In Santa Clara County, California, a California Connected by 25 site, the **juvenile court convened the Juvenile Court Education Task Force to address challenges with records transfer and school enrollment for children and youth in out-of-home care**. State legislation (AB 490) requiring the timely transfer of records and enrollment of children and youth in out-of-home care created the impetus for the task force. A local intermediary organization, Silicon Valley Children's Fund (SVCF), recognized that the child welfare

and education systems were failing to meet the requirements of the law and encouraged the juvenile court to convene the task force. SVCF leaders facilitate the work of the task force, which includes leaders from the court, the social services agency, the child welfare agency, the local school districts, probation, the public defender's office, the district attorney's office, legal advocates, and community based agencies. **The task force has established forms, processes, and procedures for the timely transfer of student records and developed an electronic database that allows for computer-based access to records.**

⁶ For more information on the Court Improvement Program, including state contacts and resources, see: <http://www.abanet.org/child/rclji/courtimp.html>.

Table 6. Supporting Education Success: What Judicial Leaders Can Do

Cross-System Planning and Staffing	Policies and Procedures	Practice Supports	Data Supports
<p>Convene education and child welfare stakeholders at the state and local levels to address education issues among youth in foster care.</p> <p>Require that representatives needed to address education issues appear in court, particularly where there are conflicts or unresolved education issues.</p> <p>Designate court staff or trained volunteers to act as content experts and liaisons on education issues.</p>	<p>Develop state policies and court rules that address youth participation and engagement in court proceedings to ensure opportunities for their voices to be heard.</p> <p>Specific education issues should be addressed in review hearings, including:</p> <ul style="list-style-type: none"> ■ identification of education decisionmakers; ■ education enrollment; ■ child’s best interest with regard to school placement; ■ education stability and continuity; ■ education progress; and ■ individualized education program special education needs and the need for the findings of evaluations. <p>The transition plan that courts are required to review and approve for youth preparing to leave care should include education elements.</p>	<p>Incorporate training on education requirements and issues into training for judges, attorneys, guardians ad litem, and court appointed special advocates.</p> <p>Use existing tools to obtain information on the education status and needs of each child and youth, such as the education checklist of the National Council of Juvenile and Family Court Judges.</p> <p>Develop specific questions on education that respond to the unique education issues of children and youth who come before the court.</p>	<p>Provide guidance to child welfare and education agencies on confidentiality issues and establish procedures for cross-agency sharing of records and information.</p> <p>Provide court orders, where necessary, to release education records.</p>

For more information, contact Minh Ngo, YES 6–8 program manager, Silicon Valley Children’s Fund, 408-558-5430, minh.ngo@svcf.org.

Convening a Statewide Task Force to Address Supports for Older Youth in Iowa

In Iowa, the Children’s Justice Task Force, an interagency advisory group under the Court Improvement Project, was asked to consider the issue of extending foster care to age 21. Fostering Connections gives states the option to extend care to age 21 and receive Title IV-E reimbursement for administrative and maintenance costs. While the group’s focus was broader than education and included all supports available to young people ages

18 and older, education was one important focus of its work. **The group’s recommendations included extending care to age 21, which would offer important stability and support for those pursuing postsecondary education. The group also recommended creating two education and vocational planner positions in the state to identify and leverage needed resources and develop the partnerships necessary to support education success for young people ages 18 and older.**

For more information, contact Gail Barber, director, Iowa Children’s Justice Task Force, State Court Administration, 515-281-6209, gail.barber@iowacourts.gov.

CONCLUSION

Education continuity, stability, and success for children and youth in foster care are goals that can be achieved. The education requirements in the Fostering Connections Act respond to the poor education outcomes documented for children and youth in foster care by making education stability and continuity a requirement for child welfare agencies. A look across the nation at innovative efforts to support education success not only offers good models and tools for state and local child welfare leaders to use, it also offers hope that real progress is possible.

In jurisdictions that have focused on education success, relatively modest efforts have led to improvements in data sharing, records transfer, and education continuity. Furthermore, these efforts generally do not require significant new dollars. The willingness of individuals across the court, education, and child welfare systems to come together and focus attention on creating solutions to systemic barriers leads to progress. To the extent that Fostering Connections creates the impetus for cross-system partnerships, it affords a good opportunity for meeting the mandates for education enrollment, continuity, and stability and sets the stage for improved education outcomes for children and youth in foster care.

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About the Foster Care Work Group

The Foster Care Work Group (FCWG) is one of three work groups of Youth Transition Funders Group (YTFG), a collaboration of foundation leaders dedicated to improving the lives of the nation's most vulnerable young people. The mission of FCWG is to ensure that all youth transitioning from foster care have lifelong family, personal, and community connections and the opportunities and tools to achieve economic success and well being. FCWG members work to coordinate and leverage investments that: help to build the capacity of communities to effectively support young people transitioning from foster care; strengthen federal and state policies for youth leaving care; and raise public awareness of the needs of youth currently in or transitioning from foster care. Together, members of FCWG are building a national movement of funders, community leaders, young people, policymakers, practitioners and researchers with a shared focus on supporting successful futures for foster youth.

About The Finance Project

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