



Iowa Children's Justice

January, 2010
Educational Best Interests

January Topic **Educational Best** **Interests**

Federal laws - *McKinney-Vento* and *Fostering Connections* – work together to give children in out-of-home care certain rights to remain stable in school despite changes in their living environment. In Iowa, children who are placed in foster care may now remain in their school of origin unless remaining in this school would not be in the child's best interest.

Fostering Connections requires the child welfare agency to have a plan for ensuring the educational stability of every child in care. When a child is placed in out-of-home care, child welfare agencies must first coordinate with local school districts to keep a child in his/her home school – unless doing so would be contrary to the child's best interest.

Both schools and child welfare agencies are expected to be active participants in educational 'best interest' determinations by sharing appropriate information and assisting with 'the practical aspects of enrollment and transportation as needed. Based on this information, judges will then make the decision regarding what school placement is in the child's best interest.

Guiding Principles for **Children in Foster Care**

Children in foster care should be enrolled in school and attend regularly

- Children in foster care benefit from relationships and routines that promote feelings of normalcy and acceptance.
- Continuity in education and continuity of significant relationship connections within the school are both important to a child's development.
- The child's need for continuity in school is an important factor that the court and child welfare professionals should consider in determining placement.

For children who must change schools, educational records are required by law to follow the child within 5 days of placement.

- An adult should be designated to gather records and share information when a child moves from school to school
- School records and updates should be maintained in a known, accessible and convenient fashion

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Guiding Principles, Con't.

Children with unique needs should be referred for general education support services

- For many children, support programs such as counseling, or reading assistance will address their educational needs
- Children with special needs are entitled to timely evaluation and placement in a setting appropriate to his/her individualized needs

If at all possible at least one parent should routinely participate in educational planning

- A child's chances of success in school are enhanced when a parent or other adult is involved in their school life.
- When parental rights have been terminated, or parents are unable to participate, another adult should be appointed to make educational decisions for the child.

Early childhood programs promote healthy development and school readiness

- Many children in foster care are eligible for early intervention programs and publically funded pre-kindergarten
- Early ACCESS screening is required of all young children in foster care.

Adolescents should be assisted in preparing for transition to adulthood

- Transition planning should begin immediately for children age 14 and over
- The adolescent's goals and ideas should lead the planning process

Why is this Important?

When Judges regularly ask about education from the bench expectations and standards are set which can have a significant impact on how social workers, educators and other service providers respond to young people in the future.

Both the New York State Permanent Judicial Commission on Justice for Children and NCJFCJ have published articles that contain a series of suggested education-related questions or checklists that Judges can use from the bench to assess educational stability and progress. The New York *publication "Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals"* suggests 10 straight forward educational questions that should be asked for every child:

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Ten Important Questions for Judges To Ask

1.	Is the child attending school?
2.	How is the child faring in school?
3.	How does this placement impact the child's school continuity and stability?
4.	Are school records in the child's case file?
5.	What are the medical, developmental and emotional needs that impact this child's educational performance?
6.	Does this child require general education support services?
7.	Does this child require special education evaluation or services?
8.	Who is this child's educational decision- maker?
9.	For pre-school age children: Is this child enrolled in Early ACCESS or another early childhood education program?
10.	For older youth : What is the transition plan that addresses this youth's educational and vocational needs and goals?

Why this is Important

In addition to the ten questions listed above - an in-depth educational checklist – has been developed by NCJFCJ with support from Casey Family Programs. The checklist provides an array of education related questions that may be adapted to individual situations and asked in a courtroom.

Early evaluation reports from judges field-testing the checklist report that using it from the bench has resulted in positive practice changes. 'When caseworkers, attorneys and GALs realized that questions with respect to the child's education were going to be regularly asked from the bench educational information began to be regularly included in their reports.' In some cases, it was reported that the checklist became an accountability mechanism for children and parents as it became clear that the court considered educational progress to be a priority and would ask about it at each hearing.

For more Information

For more information about the *Educational Checklist, McKinney-Vento* and/or *Fostering Connections* please refer to the following publications

- The Legal Center for Foster Children and Education at www.abanet.org/child/education/ the National Center for Homeless Education at www.serve.org/nche
- The Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges www.ncjfcj.org
- New York State Permanent Judicial Commission on Justice for Children for the publication: "Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals".
<http://www.courts.state.ny.us/ip/justiceforchildren/PDF/EducationalNeeds.pdf>

For more Information on Iowa Children's Justice

This e-letter may be forwarded to others you think might be interested. If you would like to add someone to our mailing list, please send their email address to jane.kieler@iowacourts.gov