2011
Fostering Connections *and* Educational Stability

Report and Recommendations for Implementation

Produced by: THE MAINE CHILDREN'S ALLIANCE
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Adoptive and Foster Families of Maine (AFFM)

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Group Home Directors Association

Parent Partners

Maine Administrators of Services For Children with Disabilities (MADSEC)

Maine Superintendents of Schools

Maine School Principals

The Therapeutic Network Team (TNT)

Youth Leadership Advisory Team (YLAT)

INTRODUCTION

While all children go through transitions that may be challenging, children and youth who have been removed from their homes by the State are most at risk as they face subsequent transitions, such as change in their educational placement. The data and research available through this study and others make the case that Maine policymakers must act to ensure the successful transition of these young people to adulthood and the world of higher education and employment.

This report and its recommendations represent a strong collaboration with key stakeholders in the education of young people in the State's custody, including: first and foremost, the young people who are the focus of this work and their families; educators; service providers; foster parents; caseworkers; and senior management staff in the Departments of Health and Human Services and Education. Our team here at the Maine Children's Alliance was privileged to have the opportunity to bring forward the thoughts of our collaborators to produce this report, which can serve as a powerful tool for increasing the educational stability of young people in DHHS's custody.

Guided by the intent of "Fostering Connections" and Maine's new education law regarding educational stability, we believe that this report will promote new thinking—here in Maine as well as on a national level—on making choices that are truly in a child's best interest.

G. Dean Crocker
President/CEO, Maine Children's Alliance

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BACKGROUND

In 2010, the Maine Children's Alliance (MCA) was awarded a grant by the Annie E. Casey Foundation to study Maine's implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 ("Fostering Connections"). In March of that year, the Maine Legislature passed LD 1532, "An Act to Align Education Laws with Certain Federal Laws," and it was signed into law by the governor. Consistent with the language in the federal Fostering Connections Act, the state law allows Maine Department of Health and Human Services (DHHS) to decide on the educational placement of a child who is in state custody based on the "best interest" of the child.

Placement in state custody often creates physical, mental and emotional strain for a child of any age, from infant to older youth. From the prenatal period through the first five years of life, a child's brain undergoes its most rapid development. Early experiences determine the strength or weakness of the brain's architecture, and actually contribute to adult health in later years.[i] To develop strong brain architecture, babies and toddlers require dependable interaction with nurturing adults and safe environments to explore. Abuse and neglect, which are forms of toxic stress, can damage that architecture. But programs in a variety of settings—the home, early care and education, kinship care, foster care and other environments—can protect children from the effects of toxic stress by providing stable relationships with responsive caregivers.

For those youth who experience multiple placements once in state custody, stress continues after each move. Young people who switch schools as a result of placement are likely to experience academic and social disruptions. These disruptions can have a negative impact on academic achievement and reduce the likelihood of high school completion.[ii] On the other hand, some students benefit from having a new academic environment. Under LD1532, children will now be able to remain in the "home school" (the school they attended at the time of placement or re-placement) if that is determined to be in their best interest, even if they are moved out of that school district.

The best interest of the child should be assessed on a case-by-case basis—with input from the student, educators and appropriate family members and caregivers—to determine the best school setting for the individual student. Many factors may go into the decision-making process. For example, for a child taken into state custody, consideration may be given to the distance between the home school and the "residing school" (the school in the placement location). Another factor is whether safety is a concern in the home school. These concerns should also be considered if a child moves from one foster home to another.

While general agreement exists between Maine's DHHS and Department of Education (MDOE) about the goals of this policy, more information is necessary in order to develop practice that is consistent with the intent of "Fostering Connections" and Maine's new education law regarding educational stability.

The goal of this project is to improve the educational stability of children in the custody of DHHS. To that end, MCA studied the early stages of implementation of the state and federal laws and identified positive advancements and barriers to success. This report includes short- and long-term recommendations on best implementation practices to the stakeholders, including DHHS's Division of Child Welfare, MDOE, school personnel and other agencies.

METHODOLOGY

This study was conducted using a variety of methods: focus groups, case reviews, one-on-one meetings, stakeholder surveys, research and data analysis.

FOCUS GROUPS — MCA staff conducted focus groups to gather information regarding the strengths and barriers of the new law with:

- Program Administrators (PA), supervisors and caseworkers from the eight DHHS Office of Child and Family Services (OCFS) districts, the Maine Administrators of Services for Children with Disabilities (MADSEC), a group comprised of Special Education Directors
- The Therapeutic Network Team (TNT), a committee comprised of representatives of the licensed child-placing agencies contracted by DHHS[iii]
- Parent Partners, parents who have been involved in the child welfare system who work alongside DHHS-District One to help support other birth parents and families to understand and navigate the child welfare system.

CASE REVIEWS — MCA's Assistant Ombudsman and two child welfare consultants reviewed 34 cases of youth entering foster care prior to the new law being enacted. This sample was derived from the 407 new school-aged cases added between September 1, 2008, and December 31, 2009. The cases were reviewed specifically for information regarding educational placement and school-related issues that were included in case narratives.

INFORMATIONAL MEETINGS — MCA staff met and corresponded with representatives from MDOE, Keeping Maine's Children Connected (KMCC), Casey Family Services, Group Home Directors Association, and Adoptive and Foster Families of Maine.

STAKEHOLDER SURVEYS — A total of three surveys were administered. In order to gather information from Maine school districts, two surveys were administered using Constant Contact, an online survey tool. The surveys were administered in May 2011. One survey was designed for Maine school principals and the other for Maine superintendents of schools. Of the 475 principals surveyed, 81 (17%) responded; of the 115 superintendents surveyed, 18 (15.7%) responded. Youth who are now in state custody or who were recently in state custody were also surveyed. They were asked to provide information about their educational experiences while in state custody. Thirty-seven youth answered the survey. The survey gathered information about educational placements while in care, including the number of schools attended and the extent to which their input was a factor in the decision-making process.

SUMMARY OF FINDINGS

Focus Groups & Informational Meetings

Discussions suggest that in most cases maintaining the child's educational placement at the time he/she came into state custody has not been problematic. Overall, the change in legislation is seen as positive; there is a clear increase in team efforts to try to keep children in their home school. But, because fewer children are being taken into custody, some OCFS Districts and schools have not had much experience working under the new legislation. And, when two DHHS districts overlap within a school district, there can be different approaches or practices in districts that impact the schools.

Communication of Change in Legislation

The OCFS districts received a consistent message about the legislative change from Central Office, yet there was a wide discrepancy as to how each district informed their staff. Therefore, districts had varying levels of understanding of the changes. The TNT members said they received timely notification regarding the change in legislation. MADSEC members said that the change in legislation went out to DHHS caseworkers before being communicated to schools, which created problems at the beginning of the school year.

School Placement Logistics

TRANSPORTATION ISSUES: The requirement that the child welfare agency pay for transportation from a placement outside the home school district presents a challenge, but has not proven to be a barrier. Smaller communities tend to have stronger, more personal relationships between DHHS staff and school staff, allowing for easier collaboration than in larger, more populated areas. Smaller schools can sometimes be more creative in how to make educational stability a priority for a child taken into custody, such as having a staff member living close to the placement site drive a child to the home school. Transportation can be an issue for special education students taken into state custody, but logistics, not money, are often the issue, as DHHS will ultimately pay for the transportation costs. But, when the consideration is being made for children with behavioral issues, some students require supervision during transportation to and from school. Therefore, Special Education Directors may factor in the length of the commute for a child with special needs when determining best interest.

TRANSITION ISSUES: There are certain times during the school year requiring particular attention to placement stability. When children are in foster homes, and transitioning to a new placement in April or May, it is critical to help foster families maintain and support the child through to the end of the school year. In addition, support for the birth families post-reunification is crucial. For children receiving special education services, it is particularly important for families to have transitional services to best understand how to work with the school for academic planning.

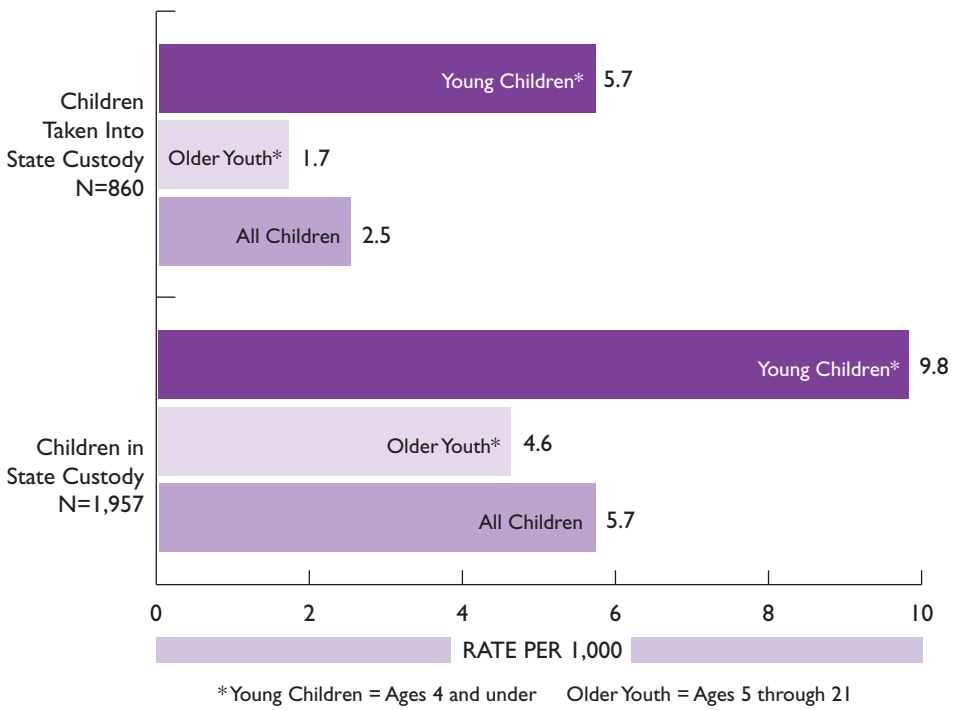
Younger Children (ages 4 and under)

To date, older youth have been the primary focus of Fostering Connections and Maine's child welfare system. In fact, Maine has been a leader in identifying and addressing educational stability issues for these youth, and taking action to improve their success. However, the percent of younger children (not yet in the K-12 system) in state custody has increased, in part due to the success in reducing the number of children who are in long-term state custody. Now Maine's youngest children are the most significant group of children in state custody.

In 2010, there were 1,957 youth ages 0 through 21 in DHHS state care or custody: 682 (35%) were young children (ages 4 and under), while 1,275 (65%) were older youth ages 5 through 21. While DHHS caseworkers are serving a greater number of older youth, the rate of young children in state custody, or taken into state custody, is actually higher than the rate for older youth.

As can be seen in the graph below, the rate of young children taken into custody in 2010 was 5.7 per 1,000 children ages 4 and under. The rate of older youth taken into state custody in 2010 was less, at 1.7 per 1,000 youth ages 5-21. The rate was more than three times higher for young children. In addition, the rate of young children in state custody was more than twice as high as the rate of older youth: 9.8 per 1,000 young children versus 4.6 per 1,000 older youth. More young children in Maine are being affected by the experience of being removed from their home and placed in DHHS custody than older youth.

Rate of Maine Children in DHHS Custody



Source: DHHS, Office of Child & Family Services Information Systems Team & 2010 Census Figures

Because early experiences contribute to the development of a child's brain and ultimately affect future physical and mental health, very young children need stability in all aspects of their lives.[iv] Ensuring that children in state custody have stability and continuity of care in childcare settings is essential.

It is also critical that vulnerable younger children in state care are enrolled in programs that meet very specific quality standards. DHHS has a quality rating system that can help caseworkers identify the most appropriate early care and education setting when a child has moved to a new community: Quality for ME (www.maine.gov/dhhs/ocfs/ec/occhs/qualityforme.htm).

Ensuring that caseworkers are familiar with the early care and education resource and referral network, as well as the local Head Start agencies is essential. Head Start programs are mandated to provide priority enrollment for children in state custody cases.

Young children in state custody are not being adequately screened for developmental delays and behavioral issues. Child protective caseworkers are required to refer all children from birth to 5 years old to Child Development Services for screening. While this is a helpful practice, it only identifies those children meeting special education criteria in the 3 to 5 age group. Furthermore, many of the screened children at serious risk do not have diagnosable conditions and, therefore, are not eligible for additional CDS services.

The screening programs that do exist are not integrated. This situation leaves caseworkers to decipher a complex and often dysfunctional screening system. One helpful aspect is the increased availability of Rapid Pediatric Response assessments for children coming into custody but, since fewer children are now coming into state custody, this will not be a resource for the majority of children in protective caseloads. Improvements to the overall screening system would help caseworkers identify children at risk earlier and more effectively. These improvements could include eliminating obstacles to screening or building more community involvement into the screening process. One project with potential to integrate screening and assessment in the community is Early Periodic Screening and Diagnostic Treatment (EPSDT). The flexibility of federal regulations for Medicaid's EPSDT program allows Maine to craft creative improvements to the screening system.

To ensure educational stability for younger children, caseworkers should receive a range of support. This should include: more thorough training, such as education about early childhood development and the impact of toxic stress on the brain; mentors who can give them on-site training, an invaluable step to learning directly how to manage a case; and, more resources—from funding to collaboration with the community—that can provide caseworkers with what they need in order to help meet the unique needs of younger children, whether in state custody or not.

Responsible use of public dollars across the spectrum of child-serving agencies must include priorities that guide families who are in the child protective system or at risk of entering that system to participate in evidence-based, high-quality early childhood programs.

Special Education

In a majority of cases, special education students taken into state care and custody have seamless transitions between the home school and residing school. There is collaboration between DHHS caseworkers and school personnel as they decide what is in the best interest of the child. However, more difficult scenarios have occurred when special education students were brought to a residing school by a caseworker with no collaboration between the school and DHHS. In one example, the caseworker did not alert the school district about three new students enrolling that day, two of which had Individual Educational Plans (IEPs). No educational information about the students was shared with the school prior to enrollment; no collaboration occurred between the school and DHHS to determine best interest or educational needs. The process, in this case, was perceived by the school district as a directive rather than a collaborative process.

Caseworker respondents report that when children are not in special education, but have behavioral issues or a negative reputation, schools may resist continuing to support them. For example, the school may want the child to go to a new educational setting because of the youth's behavioral history in the current school.

The issue of surrogate parents and their role in determining the child's best interest was discussed. A surrogate parent is appointed when the natural parents or guardians cannot be located or the student is in state custody. The surrogate parent has all of the rights of the natural parents for educational matters, i.e. permission for evaluation of placement, release of information, and request for educational hearing. It is apparent that in many cases surrogate parents and caseworkers work well together to achieve the best educational outcomes for children/youth in care. Surrogate parents seem well versed in their roles. However, in some instances DHHS caseworkers seem to not understand the role of the surrogate in terms of signing IEPs, attending family team meetings, etc. In addition, school personnel don't always understand the role of the surrogate.

Finally, for younger children taken into state custody, the accessibility of quality child care is an issue. For example, in one case, a child was receiving special education programming through Child Development Services (CDS) at the time of removal. Due to the distance of the foster family from the CDS site, the child transitioned to a pre-school program closer to the foster parents. This new school did not provide the level of services needed for this child. Birth parents note that this circumstance happens commonly among the more rural, low-income areas of Maine where quality pre-school slots are limited.

Children Placed in Multiple Settings

When children/youth are placed into state custody for the first time, they sustain losses of not only their family and community, but also pets, belongings, connections to family traditions and a host of other important aspects of their former lives. Fortunately, this new legislation will help support these same children in maintaining their school placements and friends as well. However, for children/youth in the foster care system who have multiple moves (placements) within the system, this legislation may be an even greater asset, as these youth are often the ones who sustain ongoing traumatic changes, and continually suffer disruptions to their academic world. Each school move, for any child, can result in an average of six months loss of academic stability, and can affect their graduation dates, and even in the long run, their motivation to graduate at all.

CHILDREN PLACED UNDER SAFETY PLANS

DEFINITION:

When DHHS conducts an investigation of a complaint about abuse or neglect and determines that a child is in jeopardy and child safety requires immediate action to protect the child(ren), a "safety plan" may be developed with the parent(s). The DHHS caseworker, together with the parent(s), assesses safe options for placement of the child. The parent may be encouraged to place his/her child/children with relatives—often referred to as "kinship placement." This decision becomes part of a formal safety plan to which the parent signifies agreement by signing the plan. These children remain in the parent's custody. The children placed under safety plans are not in state custody and are not covered by state law governing the education of state wards.

Foster placement changes may be necessary for a variety of reasons, including: disruptions in the foster family's situation; the need for a higher level of care; and safety issues related to other children in the foster home. Our survey of youth in DHHS custody confirms that multiple placement changes are a reality for most of the youth surveyed and that these multiple placements have caused significant gaps in their academic and personal development.

Educational stability must be a primary factor in determining best interest as the child's/youth's team plans the move. The youth survey responses indicate that educational stability is very important to them *(see quotes on page 12)*. When educational placement changes, other critical factors in the child's/youth's life change as well, including social relationships.

Safety Plans For Children Not In State Custody

As a result of reform in child welfare practices in Maine, significantly fewer children are coming into state custody. Families with specific, identified risk factors may opt to engage in safety planning. This affords children/youth the opportunity to live with family members or other appropriate caregivers while their parents make the necessary changes to eliminate risk. The state does not assume custody of these children. Furthermore, this arrangement is considered voluntary for the parent(s) and has provided stronger, more supportive relationships between Maine's children and families at risk and the Department of Health and Human Services.

Placement via a safety plan has many strengths. Perhaps most important is the recognition of strong cultural values in Maine and across the country, where our communities generally hold the value that a family is responsible for the safety of its children. Research has documented that there are benefits to placing children with relatives ("kinship care").[v]

Discussions held as part of this project revealed an unexpected educational placement barrier for children who are placed subject to safety plans and for whom there is no court order. In particular, the kinship families who do not have guardianship of the children in their care tend to suffer the most problems with registering the children for school and ensuring appropriate transfer of records and educational needs. For example, when the child or children go to live with relatives in a neighboring school district, that district may refuse admission. For children not in state custody, such as those placed under safety plans, the district in which the parent who has legal custody resides will be considered the district responsible for the child's education. While the superintendent in the district in which the relative resides may elect to consider the child a "resident pupil" for educational reasons, he/she is not required to do so.

Superintendents often refuse to accept the child(ren) as resident pupils. While the relative may appeal to the Commissioner of the Department of Education to direct the superintendent to accept the child, there is no requirement that the Commissioner do so. It is most likely the relative will not even know of the right to petition the Commissioner.

Another area of confusion involves "state agency clients" which describes children whose placement requires a state agency. It is not always known that state education law says that when a state agency is involved with the placement of a child, school districts can begin billing immediately for state reimbursement.

Reflecting the developing emphasis on safety through kinship placement, clearer expectations for DHHS support for kinship families must be spelled out in policy. The lessons being learned through Maine's Pilot Kids and Kin Project must be integrated into practice. Additionally as Maine works to improve public policy through a variety of efforts like the Children's Growth Council, the needs of children in kinship placement must become an integrated part of our thinking.

Fostering Connections Case Reviews

The Office of Children and Family Services (OCFS) opened 407 cases for school-aged children between September 1, 2008, and December 31, 2009. From these cases, a stratified, random sample of 34 was selected for review in this study. The focus of the review was on the educational stability of the student and best practices of OCFS regarding caseworker-school interaction prior to the implementation of the state and federal educational stability legislation, giving DHHS responsibility for initial placement.

The majority of reviewed cases (73%) showed evidence that OCFS caseworkers had direct contact with the child's home school. In addition, the caseworkers seemed to work with all parties involved regarding the best interest of the child. The child's desires, preferences, and social and academic connections were considered in the majority of cases. In these cases, foster families were involved in the placement discussions. While it appears that the majority of children were initially able to remain in the home school district prior to removal, further review indicated, through no fault of the children, a number of them were moved to the residing school district within a matter of months.

Seventeen cases involved children receiving special education. Of these cases, eleven cases showed evidence that an IEP had been reviewed/developed during the school relocation efforts. In some instances, it was not clear from the case file if an IEP had been reviewed or not, although it was clear that the child was in special education.

The Citizen Review Panel[vi] has agreed to do a follow-up study in 2012, guided by Dr. Win Turner, who will share this information with MCA. This review will provide meaningful information on the effects of the new state and federal legislation.

Highlights from the case reviews:

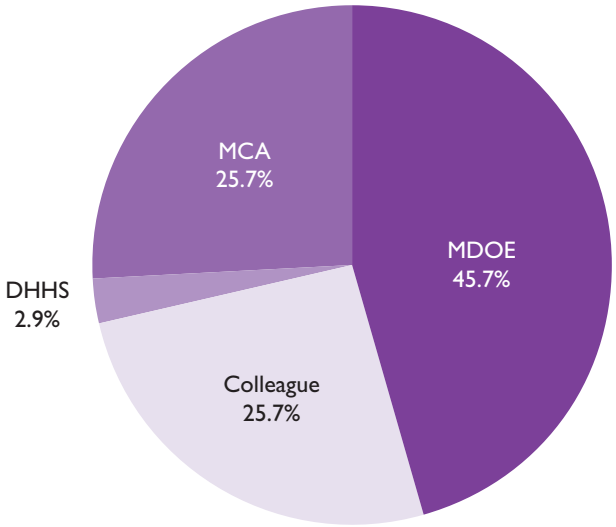
- Children who were placed a great distance from their home school tended to change schools.
- Children placed in either therapeutic or group care settings had more school transitions than other children placed in state custody. This is not unlike the findings from the focus groups.
- Kinship placements often involved switching schools, but placement with an extended family member was indicated to be in the best interest of the child.

Stakeholder Surveys

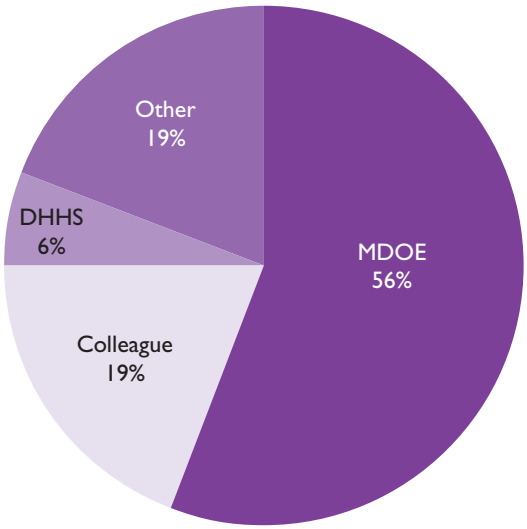
Superintendents and Principals

Two online surveys were administered to gather information from school principals and superintendents about the changes in state and federal law. Of the 475 principals surveyed, 81 (17%) responded; of the 115 superintendents surveyed, 18 (15.7%) responded.

How Principals Learned of New Law



How Superintendents Learned of New Law



HOW TO IMPROVE FIRST EDUCATIONAL PLACEMENT FOR CHILD ENTERING STATE CUSTODY

Quotes from superintendents

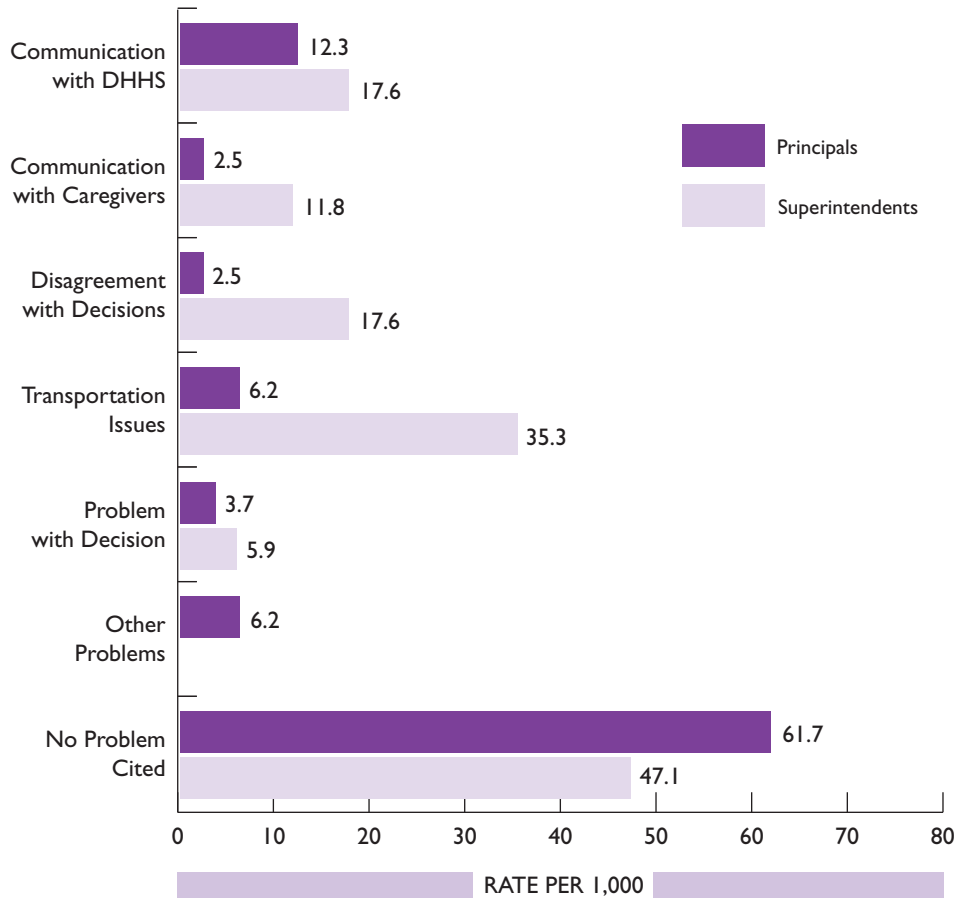
"Early communication, early release of records for placement. Keep children enrolled in the original [home] school district to reduce impact on the child, or allow transportation to return them there."

"Providing as much advanced notice as possible to the SAU [School Administrative Unit] who will be educating the child. This will allow for us to better meet the needs of the student. This is very important in the situations when the children need special services."

More than a quarter (25.7%) of the principals and 18.8% of the superintendents stated that they learned of the change in law from MCA's letter of invitation to take the online survey. Most survey respondents heard of the change through MDOE.

The majority of survey respondents were neutral about the change in law. Principals reported more than superintendents that the change was positive: 36.3% vs. 18.8%.

Concerns About New Law



While many respondents reported that no problems were created by the new law, more than a third of superintendents thought that transportation issues were a problem. The most frequent problem cited by principals was a lack of communication with DHHS (12.3%).

BREAK IN ATTENDANCE FOR CHILDREN COMING INTO STATE CUSTODY

Quotes from principals

"The attendance break is due to the time required to transfer records and register the student, particularly if an IEP meeting is required. The break is generally a day or two, if it happens at all."

"There might have been breaks in attendance, but I don't feel it is related to the new law. It would be because of external issues (i.e. rides, family concerns, etc.)."

STRAIGHT FROM THE CHILD'S MOUTH

Quotes from youth surveys

"I feel people thought they knew what was best for me and felt that my opinion was not needed."

"My school life was the best part of my life."

"Less disruptions when I was younger would have allowed me to focus on school."

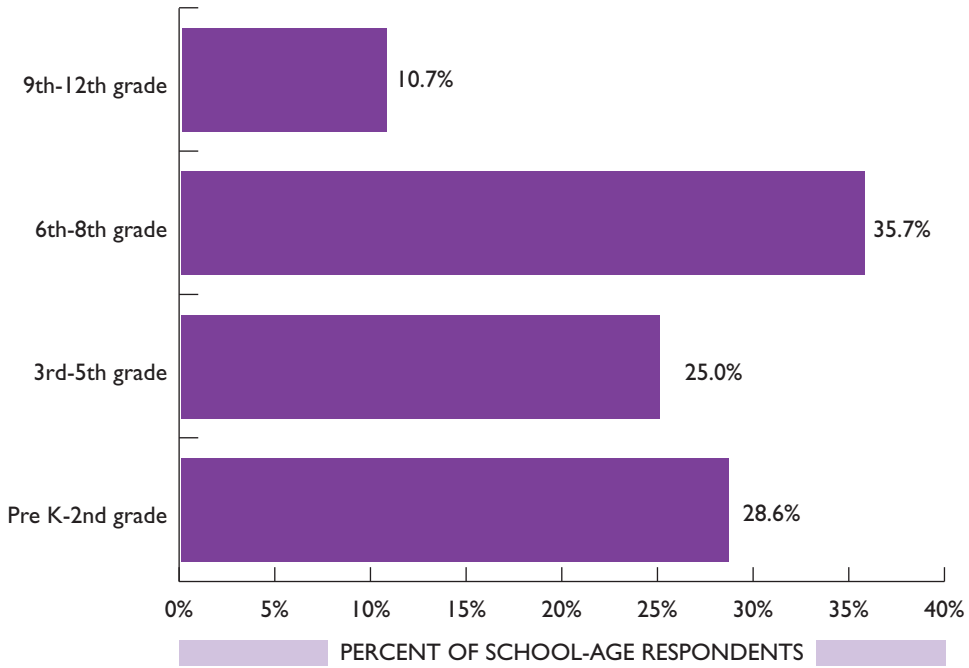
Youth in State Custody

On June 22, 2011, youth attending the Annual Teen Conference in Orono, Maine, were asked to complete a survey regarding their educational experiences while in state custody.

Thirty-seven youth completed the educational stability survey. The mean age of survey respondents when they entered state custody was 8.7 years. According to DHHS, the average age of youth placed in state custody in 2010 was 6.8 years. Therefore, the survey respondents were older than the average of children entering custody today.

Twenty-eight youth (70.3%) entered custody when they were school aged, while 9 youth had not entered school. As can be seen in the table below, of the 28 youth who entered state custody when they were in school, almost 54% were in pre-school/elementary school. Just over 10% were in high school.

Grade When First Entered State Custody

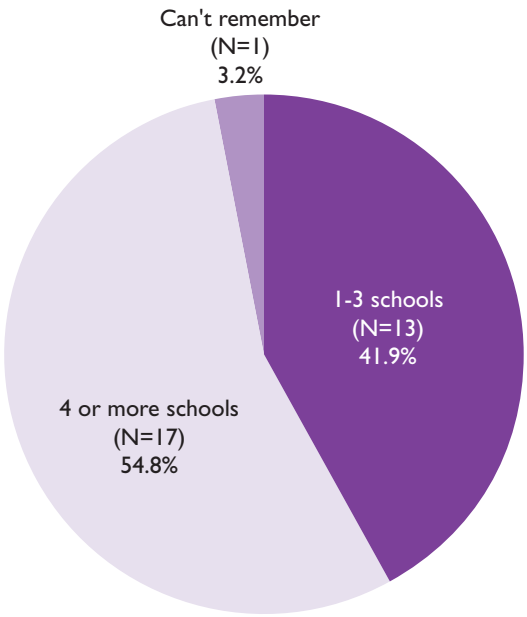


Of the 36 youth who answered the question about highest grade completed to date, 5 (13.9%) were in 8th grade or below; 26 (72.2%) were in high school; 5 (13.9%) graduated high school and/or were in college. None of those surveyed had dropped out of school.

Survey respondent's average age was 16.9 years. Youth were asked on a scale of 1 to 7, with 1 being "absolutely awful," 4 being "not so bad" and 7 being "absolutely wonderful," how they felt about being in state custody. The mean response was 4.6, which means that most found it to be slightly better than "not so bad."

Only 5 respondents indicated that they were asked their opinion regarding what school(s) they would attend while in state custody.

How many different schools did you attend because your home placement changed?



More than half of respondents attended 4 or more schools because their home placement changed while in state custody. One youth reported switching 27 times, while another reported changing schools 16 times. More than a third of survey respondents had a stay in residential treatment, a therapeutic setting that provides needed behavioral and emotional supports.

Ten of the respondents (27%) had been held back a grade level and 23 youth (62.2%) reported experiencing a loss of peer connections. During adolescence, a time when peer relationships are central to well-being, the loss of peer connections can be devastating to social/emotional development. Missing events such as school trips, prom, graduation, and other activities further alienates these youth who have already experienced loss in terms of a family.

SCHOOL DISRUPTIONS:	#	% of respondents
Residential treatment stay	14	37.8%
Held back a grade level	10	27.0%
Hospitalization	9	24.3%
Homelessness	4	10.8%
Other Reasons	4	10.8%

Loss of peer connections	23	62.2%
Missed a school trip	10	27.0%
Missed extra-curricular activities/events	10	27.0%
Unable to play sports	9	24.3%
Unable to receive awards or recognition for academic achievement (e.g. class valedictorian, National Honor Society induction, etc.)	5	13.5%
Other	4	10.8%

AREAS OF CONCERN AND RECOMMENDATIONS

As a result of the focus groups, meetings, case reviews and surveys conducted by MCA, a number of concerns were raised and educational barriers identified. We summarize these issues and barriers here, grouped under the general areas of concern. We also offer recommendations for improvement.

COMMUNICATION: Concerns

- There is often inadequate educational information in the DHHS case records (i.e. no IEP information, no report cards, etc.). Therefore, there is no concrete ability for DHHS caseworkers to track educational performance and provide appropriate advocacy for the children/youth in DHHS care. The missing information may be due to a number of variables, including difficulty obtaining records from the home school, or inadequate collaboration with foster parents who may have the needed information.
- The DHHS central office has given district offices a consistent message about the state and federal legislative changes, but there is a wide discrepancy among district offices in how staff was informed about the changes and how much information they were given. As a result, caseworkers have different levels of understanding regarding the changes, depending on their location. Many caseworkers do not know that the state and federal laws cover children who move from one state custody placement to another.
- Some schools are still not aware of the Fostering Connections legislation.
- Treatment Agencies/Resource Parents have not been educated about the change in legislation.
- DHHS caseworkers often do not know who the school liaisons are for each school district or what the liaison's role is.

COMMUNICATION: Recommendations

- Case Planning Family Team Meetings are a good opportunity to have discussions about educational placements. The educational team and caseworkers should be meeting to discuss the best interest of the student before decisions are made regarding educational placement. Discussions need to include specific, accurate information about the child's/youth's academic needs and behavioral considerations. While DHHS makes the ultimate educational placement decision, the process must be in collaboration with the school.
- Case records should include a summary of who participated in the decision-making regarding the student's best interest, and the reasoning behind the decision to keep the student in the current district or to change to a new school district.
- Case records should include educational information such as IEP Meetings and Written Notices, report cards and all school placements. Since DHHS is responsible for ensuring that the best interest of children is served, data is needed to support those decisions.
- DOE needs to provide schools with clear and timely written information about the policy changes.
- OCFS staff and school personnel need to clearly understand the effects of multiple school moves, for all children. They all need to be informed that the state and federal legislation covers a child's first transition into state custody and any subsequent moves that children/youth sustain while supported by the child welfare system.

- For children involved with child welfare due to safety planning, there should be communication with the child's/youth's caregiver about the educational placement process and the completion of information releases.
- DHHS, DOE and MCA should collaborate on a process to inform the interested public as new policy and practice is developed in response to these recommendations.
- Keeping Maine's Children Connected (KMCC) regional meetings should continue quarterly with the schools/DHHS/homeless liaisons.
- KMCC should make quarterly updates to their website list of school liaisons.
- Adoptive and Foster Families of Maine (AFFM) should add information about the Fostering Connections/Educational Stability legislation in their newsletter and on their website.

SCHOOL PLACEMENT: Concerns

- DHHS Districts and school districts discuss keeping the child in the home school, but transportation arrangements often become an issue if the child is placed in a home outside of the District.
- When it is in a child's best interest to change schools, sometimes there are internal policy barriers to enrollment that cause a delay in the child's education. These barriers include Pupil Evaluation Team (PET) meetings and the practice of having to give the child a tour before enrolling him/her in a school.
- Despite the statutory requirement, some school districts have a difficult time determining what grade level the child/youth is actually in when they have moved from district to district. The difficulty stems from the determination of the transfer of credits from district to district. This can cause additional educational requirements for many students and a delay in their graduation date.
- In some instances, the expectation that foster parents will transport children to school can present a challenge.
- The OCFS school transfer policy has not been updated with the change in legislation. This policy was not consistently followed pre-legislation and does not appear to be consistently followed post-legislation. (i.e. Family Team Meetings to discuss educational needs when children/youth come into care; use of Caseworker Checklist)
- Data regarding educational performance is not consistently available for children in state custody.

SCHOOL PLACEMENT: Recommendations

- The home school needs to ensure a timely transfer of student records to the residing school.
- Caseworkers should be apprised of Keeping Maine's Children Connected and its website *(see Resources)*. The website lists the liaison for each school district. Liaisons can help expedite records transfer between schools, and serve as a conduit to ensure that both schools are communicating so there can be a smooth transition for the child.
- DOE should assess the process used to determine educational credit and issue guidelines as necessary to establish a consistent statewide process in keeping with statutory intent.
- DHHS and DOE should review the Memo of Understanding for necessary updates to support changes arising from acceptance of these recommendations. Child welfare's data system should include reporting requirements that capture educational information for all children in state custody.

YOUNGER CHILDREN: Concerns

- Younger children in state custody lack stability and continuity of care in child care and pre-school settings.
- Younger children in state custody are not being adequately screened for developmental delays and behavioral issues.
- The screening system is often complex or dysfunctional, leaving caseworkers unable to navigate the system.

YOUNGER CHILDREN: Recommendations

- Ensure that younger children are enrolled in child care programs that meet very specific quality standards. Quality for ME should be used to guide caseworkers in determining the most appropriate child care settings for this vulnerable population. If the child is thriving in a quality child care placement, every effort should be made to continue the child in that setting.
- Caseworkers should receive more training in early childhood development and receive mentorship and direct experience in case management.
- The system for screening younger children must be improved to eliminate obstacles to screening and build more community involvement in the process. Screening under EPSDT is one good strategy.
- More resources, including funding and collaboration from stakeholders and the community, would help caseworkers guide families with younger children in the child protective system.

SPECIAL EDUCATION: Concerns

- Decisions regarding placement of students with special education needs are particularly challenging, with lack of team discussion regarding students' needs before entry into a new district and slow transfer of appropriate of records.
- Educational costs for children with special needs are higher, so schools may be resistant to keeping them in their district. Caseworkers across DHHS Districts shared this as a concern.
- Caseworker respondents report that when children are not in special education, but have behavioral issues and/or negative reputations, schools may resist continuation of support. A school may want the youth to go to a new school because of the youth's history in the current school.
- Both DHHS and school personnel cited confusion regarding the role of the surrogate parent and the role of the caseworker. This relates in particular to decision-making for academic needs, signing of the IEP, and supporting the best interest of the child in his or her educational setting. Records also tend to be kept by the surrogate parent (most often the foster parent) rather than in the DHHS case file.

SPECIAL EDUCATION: Recommendations

- Collaborative team meetings between DHHS and school personnel prior to the child entering a new school are recommended. This process will best support the concerns related to understanding the academic and/or behavioral needs of the child entering the new school, and ensure a plan for timely transfer of records from the home school.

- Clarification of the roles of the surrogate parent and DHHS caseworkers can ensure a collaborative process that supports the guardian's responsibility and the intent of the Individuals with Disabilities Education Act (IDEA) regarding surrogate parents.

SAFETY PLAN: Concerns

- When relatives attempt to register the child for education in a district outside the child's home district, school superintendents often refuse admission. While ultimately the Commissioner of the Department of Education may order the superintendent to accept the child, delays occur.
- When a child is refused admission to a new district, families often don't know their appeal rights.
- Some schools are confused about DHHS involvement when the child is placed in a new district through safety planning rather than through state custody.
- It is not clear that state education law regarding "state agency clients" is followed in reimbursement to school districts when a state agency places a child or is involved in the placement of a child.

SAFETY PLAN: Recommendations

- In 2012, DOE, DHHS and kinship stakeholders should work with the Legislature's Committee on Education and Cultural Affairs on LD 978, An Act to Amend the Probate Code Regarding Powers of Attorney, Education of Children and Guardianship. This is a bill that was held over from the First Regular Session of the 125th Legislature in 2011. They should ensure that the final language of the bill provides educational opportunities that are in the best interest of children placed through safety plans, and that their caregivers are afforded the right to appeal educational decisions regarding access.
- Although the state does not assume custody of children engaged in safety plans, the role of the caseworker is still of great importance. DHHS needs to develop clear policy regarding follow-through support to these families, as they ask them to voluntarily accept services. As to academic stability for these children, caseworkers can guide the family in the signing of appropriate releases, inform them of the process of school registration and their rights, and ensure that they understand what their role is in relation to ongoing educational needs for the child (i.e. attending IEP meetings for children in special education). DHHS districts should have a consistent approach in addressing the ongoing needs of the growing population of children under safety plans.
- Kinship families need structured support and guidance to meet the educational needs of the children in their care, whether regular or special education.
- Increase efforts that include shared training opportunities for caseworkers, CDS staff, child care employees and educators.

GENERAL RECOMMENDATIONS FOR SYSTEMS CHANGE

DOE and DHHS should agree on a policy and practice clarification for educators on the difference between the role of the surrogate parent and the role of the caseworker, as well as the need for both to work together to advocate and address the needs of the student's education. This applies to children (3- to 5-year-olds) receiving Child Development Services educational services as well.

The Office of Child and Families Services should consider adding training about the legislation and policy changes to their training of adoptive and foster families.

Each OCFS District must take responsibility for ensuring that their staff knows who their school liaison is within DHHS.

Given that this study was completed amidst the first year of this new legislation, implementation of the changes have been varied across the state. OCFS may want to pursue funding for a follow-up study for the school year 2012-2013, perhaps in conjunction with the Citizen Review Panel case review scheduled for 2012. A second study will allow OCFS to assess if training and communication across systems has improved the educational placement process for youth in state custody

Superintendents, principals and special education directors should receive training about the legislation and the process of determining best interest of the student as a collaborative effort with DHHS.

Roles of caseworkers should be clarified in voluntary cases vs. state custody cases.

State education law and practice should change as necessary to support child welfare practice that achieves better results for children while reducing public costs.

DHHS and the Maine Children's Alliance should collaboratively seek resources to create a webinar to present changes in state policy, practice or legislation resulting from the recommendations of this report. This can be utilized to train DHHS caseworkers, DOE and school personnel, staff at the Department of Corrections, and legal advocates on the legislation and determination of the best interest of students.

The Annie E. Casey Foundation, Casey Family Programs and Voices for America's Children should collaborate on national policy and practice recommendations to address relevant findings of this study on:

- Conflicts in federal child welfare law (Fostering Connections and CAPTA) and the federal Individuals with Disabilities Education Act (IDEA), which result in confusion about child welfare caseworker responsibility to ensure educational stability for state wards.
- Data collection to more accurately capture information about placements occurring outside the formal legal process covered in state and federal law.
- Revision of Fostering Connections to Success and Adoption and CAPTA to strengthen support for kin placements not involving state custody in which the state agency is involved in placement.

CONCLUSION

Our findings for this project suggest that keeping the child/youth in the same educational placement does not usually present insurmountable challenges. However, we did identify specific concerns about this process. Communication between Maine DHHS and DOE must improve to ensure that educational stability is considered when determining the best interest of the youth in state custody. Improvements should include clearer protocols and cross-departmental trainings so that all parties (caseworkers, school personnel, foster parents and kinship families) are working from the same understanding of the legislation. Best-practice strategies should be developed so that collaboration and timely information-sharing are a part of the decision-making process for children and youth in child welfare and education systems.

Children placed out of their home via safety planning are not covered under the federal and state legislation to ensure educational stability. While MCA has found that the benefits of a well-done "safety plan" can outweigh the challenges, there are concerns that must be addressed. The State of Maine has recognized the importance of keeping children connected to their natural family and community setting as they seek to remedy the issues that brought them into contact with child welfare services. In recent years, this has resulted in a drastic decrease in the number of children taken into state custody, and an increase in voluntary placements with family members.

Unfortunately, this promising practice is not recognized under state or federal law, nor under regulatory requirements. Because of this, procedural protections are not in place to ensure appropriate follow-up by DHHS or DOE on behalf of a child's best interest. Furthermore, neither the Adoption and Foster Care Analysis and Reporting System (AFCARS) nor National Child Abuse and Neglect Data System (NCANDS) reporting include information about placement of children with relatives when the child is not in state custody. Therefore, our state has no way of knowing the overall detriment to children placed through safety planning efforts. Clearly, as the number of children placed under safety plans grows and the number of children in state custody diminishes, it is imperative that we have reliable and valid data to inform the best way to meet the educational stability of all of Maine's children, not just the children in formal state care. More must be done for state and federal legislation for this growing population of children with safety plans who are not in state custody.

Many factors may go into the decision-making process when deciding what is in the best interest of a child in state custody. Assessments must be made on a case-by-case basis, with input from the student, educators and appropriate family members and caregivers, to determine the best placement for each child.

RESOURCES

ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF) INFORMATION GATEWAY
www.acf.hhs.gov/programs/cb/tta/cwig.htm

ADOPTIVE AND FOSTER FAMILIES OF MAINE, INC. (AFFM)
294 Center Street, Unit 1, Old Town, ME 04468; (207) 800-833-9786 or (207) 827-2331;
email: info@affm.net; www.affm.net

AMERICAN BAR ASSOCIATION
321 N. Clark St., Chicago, IL 60654-7598; email: service@americanbar.org;
www.americanbar.org/aba.html

ANNIE E. CASEY FOUNDATION/FOSTERING CONNECTIONS
701 St. Paul St., Baltimore, MD 21202; (410) 547-6600; email: webmail@aecf.org;
www.aecf.org/OurWork/ChildWelfarePermanence/~/media/Pubs/Other/V/VoiceSpring2009Volume10Issue2/voice2009spring.pdf

CASEY FAMILY SERVICES (MAIN OFFICE)
75 Washington Ave., Portland, ME 04101; (207) 772-4110 or (800) 559-1115;
email: maine@caseyfamilyservices.org; www.caseyfamilyservices.org

CENTER FOR COMMUNITY INCLUSION (MAIN OFFICE)
5717 Corbett Hall, Room 114, Orono, ME 04469; (207) 581-1084 or (800) 203-6957;
email: ccidsmail@umit.maine.edu; http://ccids.umaine.edu

DEPARTMENT OF HEALTH AND HUMAN SERVICES/OFFICE OF CHILD AND FAMILY SERVICES
Virginia S. Marriner, Director, Child Welfare Policy and Practice DHHS, OCFS;
email: virginia.s.marriner@maine.gov; 2 Anthony Ave., Augusta, ME 04333; (207) 624-7931; www.maine.gov

DISABILITY RIGHTS CENTER (DRC)
24 Stone St., P.O. Box 2007, Augusta, ME 04338-2007; (207) 626-2774 or (800) 452-1948;
www.maine.gov/dhhs/oes/resource/disab_rights.htm

FAMILIES AND CHILDREN TOGETHER (FACT)
304 Hancock St., Bangor, ME 04401; (207) 941-2347; email info@familiesandchildren.org;
www.familiesandchildren.org/

FOSTERING CONNECTIONS: FEDERAL LAW
HR 6893 "Fostering Connections To Success and Increasing Adoptions Act of 2008"
www.govtrack.us/congress/billtext.xpd?bill=h110-6893

FOSTERING CONNECTIONS: MAINE STATE LAW
LD 1532 "An Act To Align Education Laws with Certain Federal Laws"
www.mainelegislature.org/legis/bills/search_ps.asp

KEEPING MAINE'S CHILDREN CONNECTED (KMCC)
Susan Lieberman, Director, email: susan.lieberman@maine.gov; 23 State House Station, Augusta, ME 04333-0023; (207) 822-0172; www.maine.gov/education/speced/kmcc/index.htm

KIDS LEGAL
88 Federal St., P.O. Box 547, Portland, ME 04112; (207) 774-8246 TTY: 711 or (866) 624-7787; email: kla@ptla.org; www.kidslegal.org

MAINE BAR ASSOCIATION
P.O. Box 788, Augusta, ME 04332-0788; (207) 622-7523; email: info@mainebar.org;
www.mainebar.org/contact.asp

MAINE DEPARTMENT OF EDUCATION (MDOE)
Nancy Connolly, State Agency Client Coordinator, email: Nancy.connolly@maine.gov; 23 State House Station, Augusta ME 04333; (207) 624-6671; www.maine.gov/education

MAINE STATE HOUSING AUTHORITY
353 Water St., Augusta, ME 04330; (800) 452-4668 or (207) 626-4600; TTY (800) 452-4603;
look for web-based form at www.mainehousing.org

MAINE EQUAL JUSTICE PROJECT (MEJP)
126 Sewall St., Augusta, ME 04330; (207) 626-7058 or (866) 626-7059;
look for web-based form at www.mejp.org/canhelp/submission_form/index_html

MAINE PARENT FEDERATION, INC.
P.O. Box 2067, Augusta, ME 04338 or 484 Maine Ave. #1, Farmingdale, ME 04344; (800) 870-7746 (in-state only) or (207) 588-1933; email: parentconnect@mpf.org; www.mpf.org/contact.htm

NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL)
email: ncslnet-admin@ncsl.org; www.ncsl.org/

QUALITY FOR ME
www.maine.gov/dhhs/ocfs/ec/occhs/qualityforme.htm

VOLUNTEERS LAWYER PROJECT
P.O. Box 547, Portland, ME 04112; (800) 442-4293 or (207) 774-4348 (if in Portland);
email: staff@vlp.org; www.vlp.org/contact

ENDNOTES

i The Impact of Early Adversity on Children's Development. Harvard Center for the Developing Child. In Brief Series: http://developingchild.harvard.edu/resources/briefs/inbrief_series/

ii GAO, *K-12 EDUCATION Many Challenges Arise in Educating Students Who Change Schools Frequently,* GAO -11-40 (Washington, D.C.: Nov., 2010).

iii The Treatment Network Team (TNT) is a committee comprised of representatives of the licensed child placing agencies contracted by the Department which deliver services and support to children and youth in care who have therapeutic level of care needs, as well as to provide support to the children's birth families and resource families. These participants meet regularly with delegated Office of Child and Family Services staff for the purpose of regular exchange of information and feedback relating to the delivery of treatment foster care services. The meeting serves as both a communication vehicle as well as serves as a venue in which collaborative partnership between OCFS and the treatment foster care agencies in the development of performance standards which lead to improved safety, well-being and permanency outcomes for children in care.

iv Early Childhood Program Effectiveness. Harvard Center for the Developing Child. In Brief Series: http://developingchild.harvard.edu/resources/briefs/inbrief_series/

v Conway, T. and Hutson, R., *Is Kinship Care Good for Kids?* Washington, DC., Center for Law and Social Policy, March, 2007. www.clasp.org/admin/site/publications/files/0347.pdf

vi The Citizen Review Panel (CRP) is comprised of a group of volunteer citizens throughout Maine who are federally mandated under the Child Abuse Protection and Treatment Act (CAPTA) to provide an evaluation of Maine's child protective services system. Maine's Citizen Review Panel is made up of professional and private citizens who are responsible for determining whether the state and local agencies are effectively handling all child protective responsibilities.

BROUGHT TO YOU BY:

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