

Extending Educational Advocacy: A New Opportunity for CASA Volunteers

By Barbara Zeidman, CASA Volunteer

On July 1, 2017, an amendment to Colorado law regulating the foster care system became effective. The Fostering Connections Act and ESSA require that when a child or youth in foster care changes foster care placements, he or she remains in the school of origin with necessary transportation provided or, if this is not in his or her best interest, that the child or youth is immediately and appropriately enrolled in a new school even without normally required records. 42 U.S.C. § 675(1)(G); 20 U.S.C. § 6311(g)(1)(E) and § 6312(c)(5)(B). ESSA further requires each local educational agency to collaborate with the local child welfare agency to “develop and implement clear written procedures governing how transportation to maintain children in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded for the duration of the time in foster care. 20 U.S.C. § 6312(c)(5)(B). Implementation has two primary components: 1) a process to determine whether it is in a child or youth’s best interest to remain in their school of origin, and 2) written agreements between county departments of human and social services and their local educational agencies addressing communication and school transportation.

The practical implications of this change are that children must be placed in foster homes either near to the school where they were enrolled at the time of removal, or the county must provide transportation to the school and must make serious efforts, including paying for the transportation and providing it, to keep the children in that school placement. In the alternative, if this is not practical for a number of reasons, there must be a formal meeting and a finding that a change of school is necessary. This required meeting and finding must be made even if children are placed in kinship care or if there are

no alternatives to the foster placement that would keep the children in the same school areas.

The BID Process

The meeting and finding necessary to change a child's school placement is called BID—Best Interest Determination. In Adams and Broomfield Counties, it is the responsibility of the Case Worker to notify the designated Educational Liaison (CWEL) of the need to change a child's school placement, and the CWEL then convenes the meeting. Both the school district the child is currently enrolled in and the receiving school district must participate, as well as the Case Worker—GALs, CASAs, parents, even the child or youth can also be included, at the discretion of the CWEL. This meeting can be held either in person or telephonically, and must result in a written finding that is incorporated in the case file and provided to the court. The BID process provides an excellent opportunity for CASAs to actively advocate for their children, and to provide critical information to assist the entire team in making a determination about the child's best interests. Because CASAs are often the best sources of information about how children are doing in school and generally have had the most contact with school systems, it is a natural extension for CASAs to assume a large role in this process.

The following recommendations are based on my personal experience in participating in the BID process and in advocating for a change of schools for the children in my case.

Preparation:

1. If the team determines that the current school placement is not feasible, the first step is to determine which school and school district is the better placement. Both the Colorado Department of Education website and the GoodSchools website have geographical locators to determine which school's catchment area is appropriate for the foster home, and which school district governs that school. Visit the website for the school and obtain basic information, especially identifying the name and contact information for the person responsible for enrollment processing.

2. Call the enrollment coordinator to gather information. If the website does not give you this information, call the school secretary. An in-person visit is the next best step to help determine both the local process for enrollment and to get critical information not generally available on the website. These are some pertinent questions to ask:
 1. Does this school have many transfers in and out during the school year? (Will your child be singled out by coming in during the year?)
 2. What is the average classroom size in the grade(s) your children will be enrolling? Can you see a classroom for these grades? (Does it look like the classroom that the kids are currently in? How are desks arranged? How “different” will this feel for your children?)
 3. What does a normal classroom day look like? Is there a schedule you can see that shows how much time is typically spent on various subjects like reading, math, science? Is there a regular library visit time? When is lunch? When is recess and/or P.E.?
 4. What special programs does this school offer—band, music, catch-up classes or enrichment classes?
 5. What special services does this school offer—is there a counselor, a school psychologist, a school social worker—available? How does a child get a referral for special support services?
 6. If your child has an IEP, a 504, or any other learning supports, can this school accommodate these needs? Who administers these programs?
 7. What is the enrollment process for free or reduced lunch?
 8. What is the basic curriculum—is this school part of the CORE program or what is the alternative?
 9. If your child(ren) is in a grade that participates in BEST testing or other achievement testing, when/what is the test used in this school?
 10. Does this school have before and after school care provided on site? Is there room for you child(ren) if necessary? If not available on site, what community resources are available (Who picks up and transports to another facility?)

11. What is the enrollment process to transfer your child to this school?

Comparison

Once you have information about the new school, compare what you know about your children's current placement and the new placement. What will they gain? What will they lose? How can we compensate for any losses? What are the extenuating factors that require a transfer, even if there are losses? According to my conversations with the Adams County CWEL, the most common reason for seeking a change of schools is geographic—the school of origin is too far away from the new foster placement, and the problems associated with transportation cannot be reasonably solved. Document this—how long is the drive, what time would the kids have to leave home to arrive at school on time, how does this compare with the proposed placement. Ask the Case Worker to make a clear statement that no other suitable foster placements were available in the current school placement area or within a more reasonable commute, as this must be a finding in the BID report.

The CWEL also stated that the second reason for a change of placement is because there are clear educational advantages to a different placement. If this is the reason the team is seeking a change, document this: the proposed placement offers a clear advantage educationally (enrichment classes, special needs classes, an on-site reading specialist, a school psychologist) for needs not currently met. If the reasons relate to discipline or adjustments issues, document how the proposed placement would solve or help address these problems: removal from gang influences, an opportunity to get a fresh start with a new teacher, better ESL programming in different languages and other kids with similar backgrounds. If there are discipline problems, lay them on the table so the transfer school has a reasonable expectation and can make any objections or alternative proposals as part of the determination. Most districts cannot refuse to accept transfers but can propose

alternative placements to the one you are seeking, so be prepared to defend your decision.

Make the Argument

Now that you can establish factually that there is a compelling reason for the change of schools, outline your case. Be honest about what will be lost (friendships, participation in a special activity like band or music, good academic progress in the current setting) but make the case for how these losses will be compensated by what could be gained by the transfer. Keep your argument short—pick out the four best reasons why the new school is better or at least comparable to the old school, and defend that choice. Provide backup materials to the BID participants if appropriate—I provided curriculum outlines demonstrating that academically the two schools were similar but the transfer school offered superior support services; the afterschool care was superior at the transfer school; the major loss (beginning band) was compensated for by a robust music program and the opportunity to begin again in band the following year; and the tremendous burden that the prolonged drive time to the old school placed on the children. I was also able to cite the children’s academic standing to the receiving school district, assuring that district it was not taking on a huge problem requiring resources and support not easily available. The fact that I had visited the old and new schools and could speak with confidence about the academics and needs of these children was very persuasive.

Follow Through

The CWEL conducting the meeting should give a verbal indication about the decision, and is required to file a written report within five days. Know what the next steps are so you can advise the team: how does the foster parent enroll the child? What records are needed (the ESSA law states that children can be enrolled without records if necessary), who has them and can the CASA help facilitate the process by obtaining copies and taking them to the school? Does the new school have a new student orientation process? Can you help arrange a tour or meeting

between the new teacher, the foster parent and the child? Can the CASA provide a card from the old school to the new school with contact information, including phone and email addresses, of the office staff and the old teachers should there be any questions?

Once a date for transfer is set, check with the foster parent. Does the child have a backpack or does he/she need one? Is there a supply list? CASA can help fill this need. Contact your Senior Program Coordinator to get supplies and backpacks if necessary, and make sure the children have what they need as soon as possible. Also, check on some trailing details. Are there leftover library books that need to be returned to the old school? Athletic equipment that was checked out but not returned? Help your child say goodbye to the old classmates and the old teacher if appropriate. Finally, help build enthusiasm and confidence with your children by sharing pictures of the new school, talking positively with them about the new opportunities, and generally be a cheerleader for change. Check with them often about how things are going and whether there are unmet needs you can help fill—in short, continue to be their CASA.

Resources

The attached spreadsheets have the contact information for CWELs in each school district. The Adams County CWEL, Tracy Neely, is an outstanding resource for CASAs preparing for a BID meeting and can also provide assistance. Consult your SPC, and the CASA Educational Advocate Coordinator, Matt Cale, for help and support.