

## Written Testimony; Educational Stability for Children in Foster Care

### Public Hearing by the PA House Children and Youth Committee

**Monday, Oct. 6 at 10:30 a.m. at the Capitol in Harrisburg**

This is written testimony based on the experiences of John Kowalski, Education Liaison, and Jane Miller, Board Certified Education Advocate, both employed at Luzerne County Children and Youth Services. Due to the introduction of the Bulletin #3130 which was issued 9/17/10, we have become active in education issues for children involved with our agency.

Our work has been instrumental in preventing placements of some children due to truancy. When a school district files for court action, the intent is to make the child dependent, with or without placement. Truancy is not always the fault of the family. Sometimes special circumstances arise that result in truancy such as: a child may need a 504 Service Plan to accommodate a disability that impacts one of life's major functions, a child may need an Individual Education Program (IEP) to address a disability where the child needs specialized instruction and accommodations, or the child may need a change of educational placement. Some of the other interventions related to truancy that we have assisted with are: helping schools to understand the rights of homeless students (McKinney-Vento Homeless Assistance Act), utilizing the Truancy Elimination Plan Meeting to develop an appropriate TEP cooperatively with involved stakeholders through a school-family conference, and training Court Appointed Special Advocates (CASA) about educational rights.

For some children involved in the child welfare system, placement stability, whether in foster care, kinship care or in home, can be in jeopardy. By addressing behavioral issues in school, truancy, transportation or other problems with the school district, disruptions in placements can be prevented.

In other situations, there have been improved educational outcomes for children. In all cases, a better educational outcome will result in a better life outcome. Education is one of the well-being factors considered by the United States Department of Health and Human Services during the Child and Family Service Review process. Assuring that the educational needs of all children involved with the child welfare system are met is an essential part of the casework process (Bulletin #3130).

Other school related issues addressed by John and Jane on an ongoing basis are:

- Enrollment – We have developed and made available to workers an enrollment letter and a form to be filled out for students in foster care.
- Consultations to workers on case specific enrollment problems.
- Partnering with Jeff Zimmerman, the Region 7 Coordinator for Children Experiencing Homelessness (Luzerne Intermediate Unit # 18), to ensure prompt enrollment and access to appropriate accommodations for students who qualify as homeless students.
- Training on the right-to-education laws and other school related issues to Children and Youth workers, Court Appointed Special Advocates, agency attorneys, Guardian ad Litums, parents and or Education Decision Makers.
- John and Jane are both trained and certified SAP (Student Assistance Program) members of the Greater Nanticoke School District and attend SAP meetings to address a variety of issues of children who are struggling in school.
- Consultation with agency workers regarding appropriateness of current educational placement when needed.
- Testifying in court when requested.
- John, who was diagnosed with Juvenile Diabetes early in life, provides instruction and education on diabetic issues to students with diabetes while pursuing an appropriate 504 Service Plan for them.
- Continue to attend trainings, seminars, and webinars to keep current in all school related areas.
- Have suggested training for foster parents and kinship parents.
- All court appointed Education Decision Makers of students involved in special education, need to be trained (Rules of Juvenile Court Procedure, Chapter 11, Part B, 1147 (C) (2e) In the comments, it is stated, “In all cases, however, an educational decision maker appointed by the court should be familiar with a child’s educational rights or is to agree to be trained regarding these issues”.
- Work on transportation to be made available for students who have had to leave their home school district due to moving to a foster home. Title IV-E funds need to be more readily accessible.

We have found in our involvement through many IEP meetings, 504 service plan meetings, truancy hearings, assistance in requesting evaluations, enrollment and other school related issues, that school personnel can be not only resistant but also intimidating to the families, students, and agency workers. It is our experience that school staff is not always aware of the Pennsylvania Department of Education’s interpretation of school code that is presented in the Basic Education circulars. It is also our experience that schools do always adhere to IDEA, FERPA, The ADA and the Rehabilitation Act. It has become obvious that Education Decision Makers should have a knowledgeable partner to assist them in acquiring the needed solutions to these issues.

It is our opinion that the Education Screen that was introduced in 2010 and then discontinued should be revived. The training that went along with the screen would enable more Children and Youth staff to assist families with problems that arise with the schools.

We highly recommend that the Commonwealth of Pennsylvania institute a mandatory training program concerning all education law, across the state for Judges, Court appointed Masters, Children and Youth attorneys and Guardian ad Litums. The new Pennsylvania Supreme Court laws of 2011 placed a greater emphasis on education issues without providing the needed training.

It is of paramount importance that the Pennsylvania Child Welfare System recognizes that primary and secondary education for our children will define the long-term outcome of the quality of life for these children. It is our hope that the legislature will address these concerns.

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