

SERVICE AND TREATMENT CONSIDERATIONS (for children)

Educational Considerations

The court plays a unique role in helping to improve educational outcomes for children and youth who are in the child welfare system. Judicial leadership can provide sustained systems change in the community. In the courtroom, judges provide oversight to ensure that the educational needs of individual children are met. (Resource: *Asking the Right Questions II: Judicial Checklists to Meet the Educational Needs of Children and Youth in Foster Care*, National Council of Juvenile and Family Court Judges, 2008.)

Early intervention considerations for young children.

- Address whether or not the child is receiving child care or pre-k services through a provider that is able to meet the child's social and emotional needs, including the use of a developmentally appropriate curriculum designed to enhance the age-appropriate progress of children.
- Children ages 0-3 should receive developmental screenings that emphasize social and emotional development. If delays or deficits are determined, ensure that the appropriate referrals are made.
 - In Florida, the Early Steps program, under Part C of the Individuals with Disabilities Education Act and included in Children's Medical Services, offers free developmental screenings, evaluations, and treatment statewide. Federal law requires the screening to occur within 45 days from the date the referral is issued and entitles children to needed services (physical, occupational and speech therapy, counseling, nursing services, and transportation) provided through insurance, Medicaid, or otherwise at no cost to the family.
- If the infant or toddler is receiving services from Early Steps, are all of the services being provided as authorized on the Individualized Family Support Plan (IFSP)? If not, has a referral been made to Early Steps as required by the Youth Abuse and Prevention Treatment Act (CAPTA)?
- Children ages 3-5 can receive services from the Florida Diagnostic and Learning Resources System under Part B of the IDEA. This program offers free diagnostic and instructional supports mostly for school age children.

Quality Counts is a 5-star rating system that reviews early learning programs according to clearly defined standards. It is offered by a number of Early Learning Coalitions throughout the state, and more programs are created annually. The program is available to any licensed and license-exempt center and family child care home. Providers that participate in Quality Counts receive supports and incentives to reach their goals.

The Gold Seal Quality Care program acknowledges child care facilities and family child care homes that are accredited by nationally recognized agencies and whose standards reflect quality in the level of care and supervision provided to the children. In addition, the legislature established provisions for Gold Seal providers participating in the subsidized child care program (school readiness and early learning) to receive a higher reimbursement per child.

- Voluntary Prekindergarten (VPK) is a legislatively mandated program designed to prepare every four-year-old in Florida for kindergarten and build the foundation for their educational success. The VPK program is free for all four-year-olds born on or before September 1 who reside in Florida. Children can participate in either the regular school year or summer session.

General considerations for school age children.

Child and family involvement.

- Has there been a staffing (with the community-based care agency, the guardian ad litem, the caregivers, the biological parents, and the child) to determine the child's educational needs and wishes? If so, how are the needs and the child's wishes being addressed?
- Does the current placement support the child's educational needs and goals?
- At shelter, have the parents agreed to permit the case workers and other necessary persons to have access to the child's educational records? If not, has the court entered an order granting the department permission to obtain the child's educational and medical records? F.S. 39.402(11).

School of origin.

- States are required to make sure foster children attend school and remain in the same school when appropriate. If remaining in the same school is not in the best interest of the child, the legislation helps provide school-related transportation costs, and the child's case plan must include assurances by the department and the local education agencies that the child has been provided immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school. 42 U.S.C.A. 675(1)(G)(ii). Judges can actively inquire about educational stability and progress during hearings.
- The child's case plan must include an assurance by the department that the child remains enrolled in the school in which the child was enrolled at placement unless moving is in the child's best interest.
- Once a child is sheltered or moved to a new placement, a determination needs to occur as to whether or not it is in the best interest of the child to remain in the child's school of origin. Who is responsible for making that determination?
- How many school changes have occurred since the child entered the child welfare system? What are the barriers to providing continuity in school placements?
- If the child is to remain in the school of origin, has transportation been resolved?
- Is there clear documentation of who has legal authority to sign school documents? If so, have all responsible parties been provided with that documentation?
- Surrogate parents issues: if a child has a disability, the court must determine whether the child's parents are able to continue acting as the child's educational decision-maker. If not, then the court must appoint a surrogate. § 39.0016(3).

Individualized Education Program (IEP).

- Has the community-based care agency obtained and filed a copy of the IEP, if appropriate, from the last school attended?

- Is the IEP effectively meeting the needs of the child?
- Are the goals appropriate for the child's age and developmental status?
- Do any changes need to be made to the IEP? If so, who is responsible for meeting with the school and addressing these changes? Who assesses the overall continued necessity of the IEP?
- Are regularly assigned meetings taking place?
- Do the services in the child's case plan align with the services in the IEP? If not, does the case plan need to be changed in any way?

Academic performance.

- What are some identifiable areas in which the child is excelling at school?
- Is there a health concern that is impacting the child's development or academic performance? If so, what needs to be done to address this health concern?
- Has the child received developmentally appropriate sexual health education that included instruction in interpersonal relationships and communication skills, reproductive health, prevention of sexually transmitted diseases, contraception, abstinence, and prevention of physical and sexual abuse?
- What is the current developmental level or academic grade of the child? Is this the appropriate level for the age of the child? If not, what service referrals are being made to address this issue?
- If an educational need is identified, who is responsible for ensuring that the need is being met, and what is the timeline for implementation?
- Does the community-based care provider have copies of the youth's past and current report cards? If so, have these documents been filed with the court?
- Has the child been given an opportunity to speak with a school counselor and or academic advisor regarding educational goals?
- How are the child's educational needs being met now, and what are the plans for the future? Are the child's educational needs clearly documented within the case plan?
- Are there any potential barriers relating to the child's academic success that can be addressed by the court, the community-based care agency, and the caregiver?
- How many absences has the youth had during the school year? If the youth has had excessive absences, how is the issue being addressed? Who is notified by the school if the youth is absent (i.e., care giver, case worker)?

School disciplinary issues.

- Has the child received any in school suspensions? If so, can the case worker provide the details?
- Has the child received any out of school suspensions? If so, how many, and how long was each suspension? Can the case worker provide the details?
- Do these disciplinary referrals appear to be related to the trauma the child experienced that resulted in out-of-home care? If so, has the case worker or anyone else on the child's behalf intervened with the school system?
- Has the child received a notice of intent to expel the child from school or to place the child in an alternative educational setting?

- Should the child have an attorney appointed to represent him or her in the school discipline actions?

Extracurricular activities.

- Is the child involved in extracurricular activities? If not, has the child been given the option to participate? If yes, which activities is the youth involved in?
- Are efforts being made to allow the child to continue participation in the extracurricular activities (e.g., payment for the activities, equipment, transportation, consent or waiver)?

Considerations for older youth.

- Has an assessment of the youth's academic progress been completed to determine if the youth is on track to complete high school in the allotted time frame? If not, has the youth's lack of academic progress been addressed?
- If the youth does not desire a traditional educational track, have alternative methods such as a General Equivalency Diploma (GED) been discussed?
- Have provisions been made for the youth's education, training, or career goals after the completion of high school?
- Who is assisting the youth in applying for post-secondary schooling or vocational training?
- Has the youth been advised of educational options as well as scholarships available specifically for youth in foster care?
- Has the youth been advised of whom to contact for assistance with financial aid paperwork, Free Application for Federal Student Aid (FAFSA), scholarships, grants, and assistance with enrollment in college or other vocational programs?
- Has the youth been provided with the necessary documentation (birth certificate, photo identification, social security card, legal paper work documenting his/her foster care status, etc.)
- Does the youth have an Independent Living Plan (ILP)? If yes, did the youth participate in the development and the identification of the educational goals as outlined in the plan?
- Does this plan include vocational or post-secondary educational goals and preparation for the youth?
- If the youth has an IEP, does it address transition issues? If yes, what does this transition plan entail?
- Has a transitional IEP been conducted? The school system must start the transitional IEP by the age of 16. Inquire if the surrogate parent, case worker, and/or independent living coordinator has participated with the youth in the development of the transitional IEP.
- Did the youth participate in developing the transition plan? Has the transition plan incorporated the goals and objectives of the ILP?
- Are the barriers and obstacles to obtaining the goals outlined in the transition plan being addressed?
- Does the youth require an amended case plan to address additional services that are necessary to remedy or ameliorate any barriers or obstacles to obtaining the goals outlined in the transition plan?
- Has the youth received adequate education in financial literacy? If yes, was this obtained through the school system or through Independent Living Services?