

**Advocates for Children's *Project Achieve*:  
A Model Project Providing Education Advocacy for Children in the  
Child Welfare System**

**Advocates for Children of New York, Inc.  
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## **EXECUTIVE SUMMARY**

There are over 20,000 children in foster care in New York City, and those of school age are among the most at-risk students in the city's public schools. These are children who have been exposed to a range of experiences both prior to and during placement in care, including neglect, abuse, separation from biological family members, parental drug use during pregnancy, and frequent changes in foster homes and schools. These experiences increase their chances of having developmental delays, weaker cognitive abilities, behavioral and emotional problems, and higher rates of absenteeism and tardiness-- any or all of which contribute to poor academic performance and retention. Moreover, it is a conservative estimate that at least 40% of children in foster care in New York City have special education needs.<sup>1</sup> Despite their desperate need for the boost provided by early intervention, pre-school programs, appropriate public school education, and other special services to which they are entitled, the educational needs of children in foster care often go unmet because of the rigorous documentation required and the substantial amount of parent participation and advocacy required.

AFC has created a model program, called *Project Achieve*, to ensure that children in or at-risk of placement in foster care receive access to appropriate educational services, something severely lacking prior to the project's implementation. Conceived as a model for bringing AFC's education expertise and advocacy directly to families and staff members at foster care and preventive services agencies, this innovative and collaborative program employs three key strategies:

1. Providing individual case assistance and advocacy to all clients of a child welfare agency who are identified as having unmet education-related needs;
2. Building the capacity of agency service staff, caseworkers and supervisors to help them identify and solve routine school-related issues;
3. Empowering and educating birth and foster parents and, where appropriate, young people, to navigate the New York City Department of Education (DOE), and other agencies providing educational services such as Early Intervention, and to be actively involved in educational planning and progress.

The *Project Achieve* model was first piloted at Louise Wise Services (LWS), a private preventive services and foster care agency in New York City, from the Fall of 2002 to the Spring of 2004. Our work at LWS demonstrated that the project is a viable, effective model, capable of replication at any child welfare agency. AFC is currently replicating the model project at two other foster care and preventive services agencies in New York City.

### **Program Design**

*Project Achieve* at LWS consisted of the following components:

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<sup>1</sup> This is almost three times higher than the general New York City public school population where approximately 14% of students receive special education services. New York City Department of Education, <http://www.nycenet.edu/Offices/Stats/default.htm> (last visited Feb. 17, 2005).

- *Project Achieve staff*: Education specialists from AFC staffed the project, including an attorney, a part-time parent information specialist, and a part-time AmeriCorps VISTA member.
- *Satellite Office*: LWS provided AFC staff members with office space, a telephone and access to a computer. AFC staff established regular office hours for two days a week at LWS.
- *Screening and Referral Mechanisms*: Formal mechanisms were developed to ensure that children's educational needs were screened for and properly identified, including an Early Intervention (EI) referral protocol, comprehensive screening tools by age group, and modification of forms for new admissions memos.
- *Workshops and Agency-Wide Technical Assistance*: *Project Achieve* supplied numerous workshops and trainings, as well as frequent technical assistance to caseworkers, supervisors, biological and foster parents, and students. Alerts and memos with up-to-date information on changes at the DOE were also provided in a timely manner.
- *Individual Case Assistance*: Project staff members spent the majority of their time working directly with students, their birth parents, foster parents, and caseworkers. *Project Achieve* provided three levels of assistance on individual cases: brief technical assistance, in-depth technical assistance, and direct representation of parents or students over the age of 18.

### **Findings and Program Outcomes**

Most of the school-related problems we were asked to address fell into the following major categories:

- Special education issues
- Children at-risk because of behavior problems and/or academic failure
- Issues causing educational disruption, such as problems with enrollment, access to school, transfers, and transportation
- Assisting adolescents in making informed educational choices and planning for transition out of foster care and into adulthood

Many students had multiple and sometimes recurring school-related problems, which were often interrelated. *Project Achieve* staff members worked extensively with the families whose children had more than two school-related issues.

#### ***Impact on Students***

*Project Achieve* handled a total of 134 requests for assistance over the course of the project. Staff responded to 21 of these requests with brief technical assistance for the LWS staff member. *Project Achieve* staff responded to the rest of these requests (113) with in-depth technical assistance to parents and/or LWS staff (38 cases or 28% of referrals) or direct representation to the student's family (75 cases or 56% of referrals). *Project Achieve* staff members worked with 30% of the 330 children and young people in the care of LWS on an in-depth basis either by providing legal representation or by providing ongoing technical assistance to their LWS caseworkers. Forty-two percent (56) of the 134 cases and requests for technical assistance

involved more than one education issue. Thus, *Project Achieve* worked on 222 discrete educational issues or problems. ***Project Achieve* was successful in resolving school-related problems for 89% of the students referred for assistance.** The project is still working with one student and the outcome for this student is yet to be determined.

Issues which involved special education services were, by far, the most common and required the longest amount of time to resolve.

- Out of the 222 problems, 65% (144) involved a special education, preschool special education, or early intervention issue.
- Of the special education issues, 78% (113 of 144) were problems with navigating or obtaining services through the school-aged (ages 5-21) special education system.

Our experience at LWS indicates that children and young people in and at risk-of placement in foster care who have special needs are underserved in terms of educational services, and without intervention, these children will continue to be underserved.

- Of our successfully resolved cases, 89% involved special education. In the vast majority of cases, *Project Achieve* obtained more intensive and appropriate services or a different placement.

### ***Impact on Families***

Anecdotal evidence suggests that *Project Achieve*'s assistance with regard to educational issues enhanced family stability, expedited family reunifications and speeded adoptions. In addition, the project's in-depth casework, support, and advocacy gave birth and foster parents the knowledge and tools to become more active participants in their children's lives. With this information, birth parents are better prepared to help their children upon their return home.

- Of the ten students whose families received preventive services and legal representation from *Project Achieve* staff on educational issues, none were placed in foster care.
- Sixteen of our cases proceeded to trial or final discharge, progressed in the adoption process or resulted in the closing of the preventive services case following *Project Achieve*'s intervention. We believe that in a number of these cases, the discharge process was expedited in part by *Project Achieve*'s success at securing appropriate educational placements and services which increased the stability of the child's foster care placement by decreasing the number of stressors on the child, foster parent, and caseworker.

### ***Impact on LWS***

*Project Achieve*'s impact on LWS staff members and the agency as a whole was positive and lasting. Requests for assistance decreased over the course of the project following the resolution of emergencies and trainings for LWS staff. *Project Achieve* had an impact on the capacity of LWS staff to identify a range of educational issues, but in particular, special education issues.

- Many of the emergency cases, chiefly those which involved students who were classified as emotionally disturbed or learning disabled, were referred to *Project Achieve* in the first 6 months. The number of such cases declined significantly over the course of the project, and thus the project could focus on long term educational planning and less on emergencies.
- In contrast, referrals concerning students who had suspected disabilities but who had not been evaluated and those students classified as mentally retarded increased over the course of the project, suggesting that caseworkers were more able to identify cases where the school-related problems were not dealt with on an emergency basis.

### ***Impact Beyond LWS***

In an effort to share the lessons learned from *Project Achieve* at LWS, AFC and the New York City Administration for Children’s Services (ACS) provided in-depth workshops and on-going technical assistance to staff at 40 ACS divisions and foster care and preventive agencies. These workshops provided child welfare professionals throughout the city with substantive training in navigating the public school system and assistance with revising and developing agency-wide protocols for addressing educational issues. AFC and ACS also developed educational materials and form letters to assist agency staff in advocating for students to receive access to appropriate educational placements. Thus, through trainings and technical assistance, *Project Achieve* had a system-wide impact beyond its impact on LWS families and staff.

### **Recommendations**

1. Replication of programs based on the *Project Achieve* model at other foster care agencies and preventive programs in New York City as well as nationwide. Such programs should include the essential components of *Project Achieve*:
  - Pairing of an outside education advocacy agency with a foster care agency or preventive program
  - Capacity-building focused on developing and revising existing agency policies and protocols to better identify and address the educational needs of children in foster care or at-risk of placement in foster care
  - Training of agency staff members, foster and biological parents, and older students
  - Focusing on biological and pre-adoptive foster parent empowerment
  - On-site office from which the education advocate provides assistance and accepts referrals
2. Dissemination and use of the training curricula, model screening tools, form letters, educational materials, and other model protocols and systems developed through *Project Achieve* (see e.g. Appendix B and Appendix D).

## INTRODUCTION

There are over 20,000 children in foster care in New York City,<sup>2</sup> and those of school age are among the most at-risk students in the city's public schools. These children are entitled to educational services under federal, state, and local laws and regulations, but without targeted intervention and advocacy aimed at securing appropriate services for children in the child welfare system, their educational needs will continue to go unmet. Advocates for Children of New York (AFC) has developed a model program that provides essential education advocacy to children in or at-risk of placement in foster care and trains parents, foster parents and foster care agency staff to properly identify and address the educational needs of the children in their care. Our results in the first 18 months of this project are so compelling that we have decided to document our work so that this model may be replicated in more sites around New York City and nationwide.

### **The Educational Needs of Children in Foster Care**

Children in foster care have been exposed to a range of experiences both prior to and during placement in care, including parental drug use during pregnancy, neglect, abuse, separation from biological family members, and frequent changes in foster homes and schools.<sup>3</sup> These experiences increase their chances of having developmental delays, weaker cognitive abilities, behavioral and emotional problems, and higher rates of absenteeism and tardiness — any or all of which contribute to poor academic performance and retention. Research has clearly documented a link between foster care placement and low academic performance.<sup>4</sup> When compared to non-foster care youth, foster children are more likely to have discipline problems,<sup>5</sup> more likely to miss substantial amounts of school,<sup>6</sup> more than twice as likely to drop out of high school,<sup>7</sup> and more likely to need special education services.<sup>8</sup>

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<sup>2</sup> Administration for Children's Services ("ACS"), Monthly Update 2 (Oct. 2004), *available at* [http://www.nyc.gov/html/acs/pdf/monthly\\_update.pdf](http://www.nyc.gov/html/acs/pdf/monthly_update.pdf) (last visited Jan. 21, 2005).

<sup>3</sup> Claire Van Wingerden, John Emerson & Dennis Ichikawa, Casey Family Programs, "Education Issue Brief: Improving Special Education for Children with Disabilities in Foster Care" 2 (June 2002). A recent study of young people exiting foster care in the Midwest found that 80% of students in foster care had changed schools at least once due to changes in foster care placement, and 34% reported changing schools five or more times. Mark E. Courtney, Sherri Terao, & Noel Bost, Chapin Hall Center for Children, "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Conditions of Youth Preparing to Leave State Care" 42 (2004).

<sup>4</sup> Mark E. Courtney et al., Chapin Hall Center for Children, "Issue Brief #102: The Educational Status of Foster Children" (Dec. 2004); Van Wingerden, Emerson & Ichikawa, *supra* note 2, at 2.

<sup>5</sup> Marni Finkelstein, Mark Wamsley & Doreen Miranda, Vera Institute of Justice, "What Keeps Children in Foster Care from Succeeding in School?" 1 (July 2002). In a study of three Midwest states, 67% of young people leaving foster care had been suspended from school and almost 17% had been expelled. Courtney, Terao & Bost, *supra* note 2, at 42.

<sup>6</sup> One study found that 18% of young people in foster care had missed at least a month of school due to changes in their foster care placements. Courtney, Terao & Bost, *supra* note 2, at 42.

<sup>7</sup> Casey Family Programs, "Assessing the Effects of Foster Care: Early Results from the Casey National Alumni Study" 46 (Oct. 2003). A recent Chicago study found that 50% or more of students in foster care dropped out of high school. Cheryl Smithgall et al., Chapin Hall Center for Children, "Educational Experiences of Children in Out-Of-Home Care" 27 (2004).

<sup>8</sup> Casey Family Programs, *supra* note 6, at 46; Smithgall et al., *supra* note 6, at 58-62; Courtney et al., *supra* note 3, at 3-4.

While foster children in general are at very high risk for academic failure, foster children with disabilities are even more so. Studies suggest that between 30% to 50% of children in foster care nationwide receive special education services.<sup>9</sup> From AFC's work and data from the New York City Administration for Children's Services (ACS), it is a conservative estimate that at least 40% of children in foster care in New York City have special education needs.<sup>10</sup> In our experience in working with one foster care agency, at least 30% of students had documented special education needs, and due to under-identification we believe the actual rate for that agency was somewhere between 40% and 50%.

Foster children with disabilities frequently go without the services they need in order to learn because obtaining appropriate services often requires rigorous documentation and a substantial amount of parent participation and advocacy. In the foster care system, parents and foster parents often have limited information about their children's needs or how they are faring academically. Parents, to whom the majority of foster children return and who maintain legal authority to make decisions about educational placement even when the children are in foster care,<sup>11</sup> are often unprepared to address their special education needs and are often illegally excluded from the special education process. Caseworkers and foster parents have similar problems navigating the special education system. Furthermore, since life in foster care is often characterized by frequent and recurring crises, caseworkers and parents dealing with multiple emergencies may not prioritize a child's educational needs. Yet, these children desperately need the boost provided by early intervention, pre-school programs, appropriate public school education, and other special services to which they are entitled. Without the services they need to learn, children with special needs in foster care may fail to make academic progress for years and no one may notice until students begin to give up, cut class and drop out.

Young people leaving foster care are already at high risk of homelessness, substance abuse, health and mental health problems, and involvement in the juvenile or criminal justice systems,<sup>12</sup> and "[t]he most promising mechanism to mitigate such risks is likely to be a good education."<sup>13</sup> Thus, access to an appropriate school placement and greater educational stability can make the difference between a child's path to jail, a psychiatric hospital or welfare, or a successful and self-sufficient adulthood.

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<sup>9</sup> Some studies estimate that the number is between 30% and 40%. Van Wingerden, Emerson & Ichikawa, *supra* note 2, at 1; Sandra Stukes Chipungu & Tricia B. Bent-Goodley, "Meeting the Challenges of Contemporary Foster Care," *The Future of Children*, Winter 2004, at 75, 85. Two recent studies show that the figure may be closer to 50%. Smithgall et al., *supra* note 6, at 58 (45% of students in sixth through eighth grade in foster care in Chicago had been classified as in need of special education services); Courtney, Terao & Bost, *supra* note 2, at 39-40 (47% of students in foster care surveyed in three Midwest states had at one time been placed in special education classes).

<sup>10</sup> According to ACS, between 20-23% of children in care from 1995 to 1999 were in segregated special education settings. New York City Administration for Children's Services, "Progress on ACS Reform Initiatives: Status Report 3" 60-61 (Mar. 2001). This figure does not take into account the number of children receiving special education services while in general education classrooms. In our experience, many caseworkers do not accurately identify children who receive special services or accommodations in general education classrooms as students receiving special education services.

<sup>11</sup> Recent changes to the Individuals with Disabilities Education Act may affect this provision.

<sup>12</sup> Casey Family Programs, *supra* note 6, at 46.

<sup>13</sup> *Id.*

## The New York City Public School System

Children in foster care have urgent educational needs, but accessing these services in New York City means navigating a complex bureaucracy and overcoming substantial barriers to an appropriate education. There are nearly 1.1 million children in the New York City school system who attend approximately 1,330 schools and programs.<sup>14</sup> Minority students make up 85% of school enrollment,<sup>15</sup> and 72% of New York City students qualify for free or reduced priced lunch.<sup>16</sup> Students who are English Language Learners (ELLs) comprise 13.3% of New York City's students,<sup>17</sup> compared to 6.3% statewide.<sup>18</sup> In addition, there are approximately 149,000 school-aged students receiving special education services in New York City,<sup>19</sup> and an additional 24,000 preschool students receiving special education services.<sup>20</sup> Therefore, approximately 16% of students in the New York City public schools from preschool through 12<sup>th</sup> grade receive special education services,<sup>21</sup> compared to the nationwide rate of 8.6%.<sup>22</sup> These characteristics – location in a large urban area with high poverty, a majority minority student population, large numbers of students with disabilities and students who are English Language Learners – are correlated with low-graduation rates,<sup>23</sup> and, not surprisingly, New York City's graduation rate is low, around 38%.<sup>24</sup> The city's practice of pushing out low performing students may also contribute to this low rate.<sup>25</sup> Given the struggles that students in foster care face in school, and the high rates of students in foster care who are classified as needing special education services, these trends do not point to positive educational outcomes for many children in foster care in New York City, the vast majority of whom attend New York City public schools.

As an added complication, New York City's Department of Education (DOE) is the largest school district in the nation, and with its size comes a complex administrative structure. As a result of a recent large-scale re-organization, New York City's former 32 community school

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<sup>14</sup> New York City Department of Education, <http://www.nycenet.edu/Offices/Stats/default.htm> (last visited Jan. 21, 2005).

<sup>15</sup> University of the State of New York / State Education Department, "New York: The State of Learning" 150 (July 2004), *available at* [http://www.emsc.nysed.gov/irts/655report/2004/Volume1/combined\\_report.pdf](http://www.emsc.nysed.gov/irts/655report/2004/Volume1/combined_report.pdf) (last visited Feb. 17, 2005).

<sup>16</sup> Gary Orfield et al., The Civil Rights Project at Harvard University & Advocates for Children, "Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis" 57 (2004).

<sup>17</sup> New York City Department of Education, <http://nycenet.edu/Administration/Offices/Stats/> (last visited Feb. 17, 2005).

<sup>18</sup> University of the State of New York / State Education Department, *supra* note 15, at 40.

<sup>19</sup> New York City Department of Education, <http://nycenet.edu/Administration/Offices/Stats/> (last visited Feb. 18, 2005).

<sup>20</sup> New York State Office of Vocational and Educational Services for Individuals with Disabilities, "2002-2003 New York State Annual Performance Report" Appendix 13e, *available at* <http://www.vesid.nysed.gov/sedcar/apr0203data/home.html> (last visited Feb. 18, 2005).

<sup>21</sup> New York City Mayor's Office of Operations, "Mayor's Management Report 2005" 14-15, *available at* [http://www.nyc.gov/html/ops/downloads/pdf/\\_mmr/doe.pdf](http://www.nyc.gov/html/ops/downloads/pdf/_mmr/doe.pdf) (last visited Feb. 18, 2005).

<sup>22</sup> U.S. Department of Education, Office of Special Education Programs, Part B Annual Report Tables, Table AA10 (2003), *available at* [http://www.ideadata.org/tables27th/ar\\_aa10.htm](http://www.ideadata.org/tables27th/ar_aa10.htm) (last visited Feb. 18, 2005).

<sup>23</sup> Gary Orfield et al., The Civil Rights Project at Harvard University & Advocates for Children, "Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis" (2004).

<sup>24</sup> *Id.* at 57.

<sup>25</sup> *Id.* at 59-60; Tamar Lewin & Jennifer Medina, "To Cut Failure Rate, Schools Shed Students," *The New York Times*, July 31, 2003, at A1.

districts have been consolidated into ten administrative regions, each housing a Learning Support Center and a Regional Committee on Special Education. Regional Learning Support Centers, headed by Regional Superintendents, handle most general education matters, such as general education placement, enrollment, transfers, and instructional supervision. Regional Committees on Special Education (CSEs), are responsible for special education matters within the region. In addition to the Regional offices, there are six Regional Operation Centers that handle non-instructional and non-placement matters, such as school budgets, food, custodial and transportation services. Transportation is also administered by the Office of Pupil Transportation. There are additional administrative personnel at the community school district level and the school level that oversee specific matters relating to general and special education. Above the Regional level, much of the top New York City public school administrative staff is located in a central office in Manhattan. Thus, the city's public school system has multiple levels of management, and several offices with overlapping functions, spread over a relatively large geographical area. Many parents of students in the New York City public schools have substantial difficulty navigating this bureaucracy, and to the families and caseworkers working with students in the child welfare system who must navigate multiple social service bureaucracies and who have little specialized knowledge of the public school system, the city's public school bureaucracy can seem all but impenetrable.

This is particularly true when navigating the special education system in New York City. Special education is governed by complex federal, state and local legal requirements, and these mandates are not being properly implemented in New York City. Therefore, students in foster care in need of special education services often do not receive appropriate services. To obtain these services, parents and caseworkers must understand students' entitlements under the law, the scope of services available, parents' due process rights, and how to navigate the special education system. Because of the difficulty in obtaining appropriate special education services for students in foster care in New York City, cases involving special education will be a main focus of this report. The following section provides a brief overview of special education in New York City and provides a context for many of this report's findings.

## **Overview of Special Education in New York City**

The Individuals with Disabilities Education Act (IDEA) is a federal law that entitles students with disabilities to a free appropriate public education and provides for Early Intervention services. This section offers a brief summary of some aspects of New York City's special education system.<sup>26</sup> The IDEA mandates that school districts properly evaluate all students suspected of having disabilities, classify students who have disabilities with an appropriate disabling condition<sup>27</sup> and provide them with educational services tailored to their individual educational needs. Children with disabilities who qualify for services under the IDEA must receive any special education services and accommodations they need to enable them to make educational progress. Furthermore, they must be educated in a setting that allows them the maximum amount of contact with their non-disabled peers as possible (the least restrictive environment).

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<sup>26</sup> See Appendix A for a more detailed overview of the IDEA and the special education system.

<sup>27</sup> Examples of some of the most common classifications are learning disabled, emotionally disturbed, and speech impaired.

To fulfill its obligation under the IDEA, the DOE offers a range of services called the continuum of special education services. The continuum allows children with disabilities to receive educational services in general education schools and classes, special classes within regular schools, and special segregated schools. The DOE will also fund a child's placement in a specialized private school, a residential program, day treatment program or individual home instruction by a DOE special education teacher if there is no public program available to properly serve the child's needs. The public placements available in the DOE's continuum include: special education teacher support services in conjunction with regular or special class placements (a special education teacher in a small group or on an individualized basis), collaborative team teaching classes (a special education and general education teacher who teach a class comprised of regular and special education students), and instruction in small special education classes with ratios of fifteen or fewer students to one special education teacher. Some special education classes also have paraprofessionals in addition to special education teachers in the classroom to provide extra support to students; other classes are located in special segregated schools. Regardless of the type of placement within the continuum, children should be placed in groups according to the similarity of their cognitive, social, behavioral, academic, and management needs. The DOE must offer at least all of the services available under the federal statute and any other necessary services to meet a child's disability-related needs.<sup>28</sup> Unfortunately, the federal framework for service delivery, while mandated, is not being properly implemented in New York City, and children in foster care with disabilities often do not receive the services they need to succeed in school.

**A MODEL FOR EDUCATION ADVOCACY:**  
**ADVOCATES FOR CHILDREN'S PROJECT ACHIEVE**

Advocates for Children of New York, Inc. was founded in 1971 by parents of at-risk children in New York City who were not receiving appropriate educational services from the public schools. From its inception, AFC has worked in partnership with the City's most impoverished and vulnerable families to secure quality and equal public education for all children from birth to age 21. AFC is the only organization of its kind in New York City providing a full range of services, from parent education and technical assistance, legal services, public policy and impact litigation, geared toward improving access to educational services. AFC targets children who are at greatest risk for school-based discrimination and/or academic failure due to factors such as disability, poverty, ethnicity, immigration status/limited English proficiency, involvement in the child welfare or juvenile justice systems, homelessness and domestic violence.

Over the past several years, AFC has been focusing a targeted public policy effort on the needs of children in foster care. This effort culminated in the issuance of *Educational Neglect: The Delivery of Educational Services to Children in New York City's Foster Care System* (2000)<sup>29</sup>

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<sup>28</sup> New York City Board of Education, "Getting Started: Special Education as Part of a Unified Service Delivery System," available at <http://www.nycenet.edu/spss/sei/gs.pdf> (last visited Jan. 21, 2005).

<sup>29</sup> AFC's findings on this issue have been echoed by the Pennsylvania-based Educational Law Center, whose 2002 report, "Lost in the Shuffle," documented problems in that state that match the issues we found in New York City. See Patricia Powers & Janet F. Stotland, "Lost in the Shuffle Revisited: The Education Law Center's Report on the

which highlighted the major problems with the delivery of educational services to children in foster care in New York City. It concluded that the DOE and the New York State Education Department had failed to comply with relevant laws and regulations on a widespread basis, resulting in egregious denials of educational services. Additional data released by ACS and Office of Children and Family Services (OCFS) since this report confirm many of the issues identified. Major issues include:

- Significant delays in school enrollment for children who enter and leave foster care;
- Multiple school transfers during the time the children remain in care;
- An over-representation of foster children in special education; and
- Children not receiving appropriate educational services while in care.

AFC has begun a dialogue with ACS and the Department of Education to try to address these system-wide issues and has begun to make some progress over the last year. However, a broad systemic resolution of the problem may be years away. With funding from the Ira DeCamp Foundation,<sup>30</sup> we have created a model, first piloted at Louise Wise Services, a private foster care agency, which ensures that children in foster care or at-risk of placement in foster care receive access to appropriate educational services so they can succeed academically.

*Project Achieve* was conceived as a model for tackling the barriers that foster children face in receiving appropriate educational services, and at its core is the concept of bringing AFC's education expertise and advocacy directly to families with children in the child welfare system and staff members at foster care and preventive services agencies. This innovative and collaborative program model employed three key strategies: (1) providing individual case assistance and advocacy to all clients of a child welfare agency who are identified as having unmet education-related needs; (2) building the capacity of agency service staff, caseworkers and supervisors to help them identify and solve routine school-related issues; and (3) empowering and educating birth and foster parents and, where appropriate, young people, to navigate the DOE and other agencies providing educational services such as Early Intervention and to be involved in educational planning and progress.

The *Project Achieve* model was first piloted at Louise Wise Services (LWS) from the Fall of 2002 to the Spring of 2004, and our work at LWS demonstrated that the project is a viable, effective model capable of replication at any foster care agency. LWS was a Harlem-based foster care agency with approximately 330 children in their foster care program and 120 families receiving services through their preventive program. Unfortunately, due to financial difficulties, LWS entered negotiations to merge with another child welfare agency in the Fall of 2003, and was finally forced to close its foster care and preventive services programs altogether at the end of February 2004. LWS was one of several child welfare agencies to close in New York City in

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Education of Children in Foster Care in Pennsylvania" (2002). Since then, recent studies found similar trends in Chicago and the Midwest. Courtney et al., *supra* note 3.

<sup>30</sup> We also received some additional funding from the Dammann Fund to work with pregnant and parenting teens in foster care, and funding from the Annie E. Casey Foundation to train other agencies and disseminate tools developed during our pilot program.

the last year and a half,<sup>31</sup> and this trend is expected to continue.<sup>32</sup> While *Project Achieve* was a clear success, we would have been able to accomplish much more if LWS had not suffered from financial difficulties that forced closure of the agency and the pilot project. AFC has since begun implementing the *Project Achieve* model at two other child welfare agencies based in Queens.

Our findings demonstrate that *Project Achieve*'s multi-pronged approach had a positive and lasting impact on students in and at-risk of placement in foster care, families and agency service staff. *Project Achieve* was able to successfully resolve school-related problems for 89% of the students referred to us for assistance. In addition, we found that *Project Achieve* enabled LWS staff to better identify and address educational issues, in particular special education issues. Furthermore, we found some evidence that our assistance contributed to birth parent involvement, permanency planning and, for families receiving preventive services, avoiding foster care placement.

### **Program Design**

*Project Achieve*'s pilot at Louise Wise Services (LWS) demonstrated the great strengths of a collaborative program model to address the educational needs of children in the child welfare system. AFC designed a program that was flexible enough to be responsive to the needs of the children while also taking into account the needs of agency staff to not be overburdened with paperwork and formal meetings. During the first year, AFC created the program's components and revised them using feedback from LWS staff. This input from LWS caused the program to place less emphasis on disseminating information through formal, rigid mechanisms (e.g. large group meetings, workshops and forms) and to move toward providing more informal and individualized assistance for LWS staff. AFC staff provided different levels of assistance on individual cases. This allowed an effective allocation of time and resources while also building the capacity of LWS staff members and biological parents to the maximum extent possible.

### **Satellite Office**

The key to the program's flexibility and efficacy was AFC's weekly on-site presence at the agency. AFC had three staff members working on *Project Achieve*, two of whom were half-time staff. Therefore, *Project Achieve* had the equivalent of two full-time employees. LWS provided AFC staff members with office space, a telephone and access to a computer, and AFC staff established regular office hours, for two days a week, at LWS. Outside of the regular on-site hours, AFC staff members working on *Project Achieve* remained available to LWS staff by phone, and regularly scheduled additional meetings with caseworkers, parents and students at LWS as needed. The on-site hours maximized accessibility to LWS agency staff and, therefore, *Project Achieve* staff were able to provide assistance on many levels. LWS staff often sat down

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<sup>31</sup> Leslie Kaufman, "City to Sever Two Contracts for Foster Care," *The New York Times*, Feb. 3, 2005, at B1; "Three Foster Care Agencies Close Within a Year," *New York Nonprofit Press*, Feb. 2004, at 19, available at [http://www.nynp.biz/current/archives/nynparchives/0204\\_February\\_2004\\_Edition.pdf](http://www.nynp.biz/current/archives/nynparchives/0204_February_2004_Edition.pdf).

<sup>32</sup> See "Pivot Point: Managing the Transformation of Child Welfare in NYC," *Child Welfare Watch*, Winter 2004-2005; New York City Administration for Children's Services, "Protecting Children and Strengthening Families: A Plan to Realign New York City's Child Welfare System" 6-10 (Feb. 2005) available at [http://www.nyc.gov/html/acs/pdf/protecting\\_children.pdf](http://www.nyc.gov/html/acs/pdf/protecting_children.pdf).

with *Project Achieve* staff to talk through difficult cases, and stopped them in the hallways to ask straightforward questions about issues for their clients or how to access educational resources. This regular contact enabled *Project Achieve* staff members to become familiar with each LWS staff member's ability to address school-related issues and thus tailor assistance appropriately. For example, certain LWS caseworkers became very familiar with referrals to the Committee on Preschool Special Education and could work on these issues with minimal assistance, whereas other LWS caseworkers needed to be provided with a model referral letter and follow-up throughout the referral process. Our on-site presence also affected the agency in a less tangible way; *Project Achieve* staff became associated with children's educational needs, and as they performed routine walks through caseworkers' cubicles, checking in with LWS staff on ongoing cases, they served as visual reminders to caseworkers to think about and prioritize children's school-related needs. Thus, the mere presence of *Project Achieve* staff members at LWS was a simple and effective tool for creating a profound and meaningful shift in agency priorities.

While the presence of *Project Achieve* on-site at the agency was essential, maintaining a base of operations at AFC was also critical. For many biological parents, LWS was associated with the child welfare system and the involuntary removal of children from their home. Thus, the fact that AFC was a separate organization with a separate office encouraged many parents to work with AFC staff. In fact, many biological parents preferred to meet with AFC staff at AFC's main office, away from LWS. Furthermore, maintaining *Project Achieve* as an integral part of AFC allowed the staff to benefit from the wealth of knowledge and expertise that AFC has accumulated, enabling them to advocate more effectively for our clients and provide the most up-to-date and accurate information to LWS staff about changes in the New York City school system. *Project Achieve* staff members, in turn, shared their specialized expertise about the needs of children and families involved in the child welfare system with other AFC staff members, benefiting AFC as a whole.

### **Screening and Referral**

In addition to developing a satellite office at LWS, *Project Achieve* staff also developed other formal mechanisms to ensure that children's educational needs were screened for and properly identified. *Project Achieve* staff developed a formal screening tool that was separated into three sections: one for infants up to 3 years old, one for children between 3 and 5 years old, and one for children over 4 years old with additional questions for young adults over the age of 13 (see Appendix D). While the screening tool functioned as a good checklist for caseworkers, the form proved too burdensome for many caseworkers, and it was never fully formally implemented at LWS. Instead, the Intake Unit and Clinical Department at LWS used parts of the screening tool to informally screen children, and caseworkers frequently referred children whose educational problems were identified because of a routine service plan review or an emergency situation at school. Also, *Project Achieve* worked with LWS to add relevant school information to new admissions memos generated for children coming into the agency. The educational information on these memos was regularly provided to *Project Achieve* staff for review. Thus *Project Achieve* staff could alert LWS staff to potential school-related problems, such as children who would have a particularly difficult time enrolling in a new school, finding a specialized placement closer to the new foster home, or changing bus routes to accommodate the new foster

home. *Project Achieve* staff would then provide any assistance needed to smooth the student's transition into foster care with regard to education.

Five months into the pilot program, *Project Achieve* and LWS developed a mechanism for LWS to identify infants under three years old who were at-risk for developmental delay or other disability and refer them to the Early Intervention (EI) program without outside assistance.<sup>33</sup> This system was created in response to the likelihood that many infants in foster care are not receiving the EI services they need.<sup>34</sup> LWS' clinical and medical staff routinely performed baseline psychological evaluations and medical exams on newly admitted children, and, therefore, the new EI protocol required the clinical and medical departments to refer any child at risk of delay or disability to the LWS intake unit. The intake caseworker would then refer the child to the EI program and maintain a database to track these referrals before turning the case over to the foster care caseworker. When LWS lost its intake caseworker, the EI referral system was transferred to the clinical department. Thus, with *Project Achieve*'s assistance, LWS was able to develop the permanent capacity to better serve infants under the age of three.

Intensive services at birth can have an enormous impact on infants with developmental delays, providing the critical push that "can make the difference between a child who develops to his or her fullest potential and a child who is relegated to a lifetime of poor outcomes."<sup>35</sup> In addition, the earlier a child receives needed services, the less likely it is that she will continue to need intensive services as she gets older. Since EI services are family-centered and include service coordination and parent training, EI services can also contribute greatly to family preservation, reunification and permanency planning.

### **Workshops and Agency-Wide Technical Assistance**

*Project Achieve* staff supplied numerous workshops and trainings to caseworkers, supervisors, foster parents and young people in foster care. Project staff held two half-day workshops for all LWS staff. Trainings included issues such as an overview of general and special education topics, or topics of particular concern to children in foster care and questions frequently asked by caseworkers. *Project Achieve* staff regularly gave workshops and presentations to LWS staff at unit meetings, and held one workshop for foster parents as part of their ongoing training requirements. We also gave trainings to students as part of the independent living workshops for young adults in foster care.

*Project Achieve* staff created alerts and memos for LWS staff, parents and young people in foster care on various application processes and deadlines pertaining to school. *Project Achieve* staff provided regular updates to the LWS liaison, and to parents and students, regarding the process for applying for supplemental educational services (private tutoring) and transfers through the

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<sup>33</sup> Early Intervention is a comprehensive program run by the NYS Department of Health and Mental Hygiene that provides supports and services to infants and children with developmental delays and their families. It provides a wide range of rehabilitative services to children age birth to three, including services such as speech therapy, vision services, occupational therapy, physical therapy, play therapy and family training.

<sup>34</sup> Advocates for Children, "Educational Neglect: The Delivery of Educational Services to Children in New York City's Foster Care System" 30-33 (July 2000).

<sup>35</sup> Sheryl Dicker, "The Promise of Early Intervention for Foster Children and their Families" 7, *available at* <http://www.courts.state.ny.us/ip/justiceforchildren/PDF/promiseearlyintervention.pdf> (last visited Feb. 12, 2004).

No Child Left Behind Act. Project staff also provided LWS staff with a memo on the new high school admissions process for eighth graders transitioning to ninth grade, and a memo on the temporary high school enrollment and transfer centers that had been recently established. In addition, *Project Achieve* staff worked with the LWS liaison to review the list of children who were at-risk for being held over at the end of the year to make sure these children were receiving LWS tutoring services and other supports. *Project Achieve* staff then provided e-mail alerts to LWS staff on summer school enrollment, schedules and policies. These alerts and memos served to provide the most up-to-date information on rapidly changing procedures with short deadlines. The application processes for No Child Left Behind entitlements during the 2002-2003 and 2003-2004 school year were notoriously difficult and not publicized far enough in advance of the deadlines.<sup>36</sup> Furthermore, due to the DOE's restructuring during 2003 and 2004, policies and protocols regarding almost every aspect of enrollment, transfer and placement were rewritten. *Project Achieve* was able to obtain and provide the most accurate information on these changes as well. With current and accurate information about changes in the school system, caseworkers and parents were better able to assist students in accessing appropriate services in the public school system. Some were able to obtain free private tutoring for eligible students, assist students with the high school application process, and enroll students more promptly in summer school and at the start of the school year.

### **Assistance on Individual Cases**

The main focus of *Project Achieve* was to assist individual families and their children, both through capacity building at LWS and direct service on individual cases. Most of the school-related problems *Project Achieve* staff were asked to address fell into the following major categories:

- Special education supports and services and children at-risk of being referred for special education evaluations because of behavior problems and academic failure;
- Issues causing educational disruption, such as problems with enrollment, access to school, transfers, and transportation;
- Assisting adolescents in making informed educational choices and planning for transition out of foster care and out of school and into GED programs, vocational skills programs, or post-secondary education.

We also provided assistance and training with regard to preschool special education, promotion and summer school, school discipline, and services for students who were English Language Learners and Limited English Proficient parents.

Many students had multiple school-related problems, and these problems were often interrelated. In addition, some problems, such as difficulty enrolling a child in school, happened to the same students multiple times.

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<sup>36</sup> See Advocates for Children, "Serving Those Most In Need Or Not? A Report on the Implementation of the NCLB's Supplemental Education Services in New York City" 1-2 (Oct. 2003).

### *Case example*

*When David's caseworker first asked Project Achieve staff for assistance, David was in the first grade in a general education class with some special education services. He was having severe behavior problems in the classroom, and on a daily basis he was removed from class and placed in a "timeout" room for most of the day. David's foster mother and caseworker requested assistance from AFC. We met with David's foster mother, caseworker and biological mother to discuss his specific needs and what program and services might best meet his needs. Once everyone agreed to an advocacy plan, AFC requested that the Committee on Special Education (CSE) re-evaluate David to determine his learning and emotional needs. Unfortunately, before the process could be completed, David was hospitalized for his severe acting out behavior in school. During and after David's stay in the hospital, AFC worked with the biological mother, foster mother, caseworker, therapist and Committee on Special Education (CSE) to ensure the evaluations were completed, an appropriate IEP was created and an appropriate school was located. AFC located a day treatment program for children with severe emotional difficulties that would be able to meet his intensive emotional needs and assisted the mother and foster mother in visiting the school and enrolling David. Since his enrollment in the day treatment program, David has made significant improvement in his behavior. Eventually, David was returned to his biological mother due in part to the stability in his school placement.*

*However, David's stability was consistently threatened by a lack of busing services. When he changed residences or school programs, David's school transportation was repeatedly delayed or inadvertently cancelled, causing him to miss days of school. After giving permission for David to attend the day treatment program, the CSE failed to request busing for David. AFC had to call several (DOE) offices in order to correct this mistake and expedite the process of obtaining transportation. Only a couple months later, the CSE failed to request summer school busing, and AFC had call the DOE to enforce his transportation requirements a second time. When David was returned to his mother in the middle of last year, AFC requested that his change in transportation be expedited in order to smooth the transition from his foster home back to his natural home. Thus, while David did miss a few school days due to problems with transportation, AFC's advocacy greatly minimized the potential educational disruptions caused by a lack of busing.*

The case above was an example where the school-related problems were so complex that the caseworker could not have done the advocacy him/herself. Many of the referrals received by Project Achieve staff involved complex cases, and thus, the majority of our time was spent working on individual cases. Project Achieve developed three main levels of assistance on individual cases: brief technical assistance to the caseworker or parent, ongoing in-depth technical assistance and direct representation of the parent or student. In the last two categories, we provided substantial assistance in resolving the educational problems.

In cases where families received direct representation from AFC, we provided legal representation and advocacy for the parent(s) who had the right to make educational decisions. In most cases, we represented the student's biological parent or the student's surrogate parent.<sup>37</sup>

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<sup>37</sup> Under the Individuals with Disabilities Education Act, the child's parent has the right to make special education decisions. A parent is defined as a child's natural or adoptive parent or guardian, a person acting in the place of a parent (e.g. a grandparent caregiver), or a surrogate parent. 34 CFR 300.20. A surrogate parent should be appointed

Occasionally, *Project Achieve* staff represented students over the age of 18 who could make educational decisions for themselves. In cases where we provided technical assistance to the caseworker, the parent or the student, we did not provide legal representation, but gave detailed advice on how to navigate the DOE and how to obtain appropriate services.

Regardless of the level of assistance provided, almost all cases began with an informal meeting or conversation with the caseworker or supervisor. During this meeting, *Project Achieve* staff members assisted caseworkers in articulating the problem or problems and determining what educational documentation and information had already been gathered. Because students often had multiple school-related problems or encountered the same problems multiple times, *Project Achieve* staff would work with the caseworker and parent to identify all of the educational issues and develop comprehensive solutions and educational plans tailored to the specific needs of each student.

If the issue was relatively straightforward, project staff would provide brief technical assistance to the caseworker and/or foster parent and biological parent so that they could locate the resources they needed to resolve the problem and to address similar problems in the future. For example, the Assistant Supervisor of the Adolescent Unit asked the director of *Project Achieve* about high school programs. She helped him locate the relevant directories and websites with information about high school programs, and explained the high school admissions process and transfer policies. She also gave him the names of knowledgeable people both inside and outside of the DOE. Finally, she provided him with copies of AFC memos on these procedures. He presented this material to the rest of the Adolescent Unit at their next meeting. *Project Achieve* staff usually provided brief technical assistance on problems such as enrolling a child in his/her zoned school, transfers, transportation guidelines, reading and requesting records, and services available through the No Child Left Behind Act. If a parent or child encountered ongoing problems, *Project Achieve* staff would provide more in-depth assistance.

In most cases, the caseworker and/or the parent needed more intensive assistance. Therefore, after the initial meeting with the LWS staff member, *Project Achieve* staff assisted the parent and caseworker in gathering more information, such as the contact information and any reports from related services providers, such as outside therapists or tutors. At this point, if the matter involved a complicated issue, but one that did not need strong advocacy, project staff provided on-going technical assistance to the caseworker and parent on how to navigate the DOE and resolve the issue. Examples include referrals to the Committee on Preschool Special Education for a child with developmental delays or requesting a new school placement for a student already in special education. In these cases, caseworkers and parents had to navigate complicated procedures, and project staff provided them with form letters, necessary contact information, and instructions on the multiple steps in the process. Project staff then followed up with caseworkers and parents after each step to provide additional support. With this level of assistance, some caseworkers quickly learned these complicated processes and were able to solve subsequent similar cases with minimal or no assistance from *Project Achieve*.

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to make special education decisions for a student if the student's parent cannot be identified or located, or if the student's parent's educational rights have been terminated under state law. A student's foster parent or kinship foster parent may serve as a student's surrogate parent, but an employee of a foster care agency may not serve as a surrogate parent. 34 CFR 300.515. This may change as a result of recent federal legislation.

If a case needed intensive intervention from *Project Achieve*, AFC staff would determine who held the educational decision-making rights, usually the birth parent or pre-adoptive foster parent, and set up a meeting with that person. Staff generally would also meet with the student, and, with the permission of the birth parent, the foster parent. Meetings were held at either LWS or AFC, whichever setting the parent or student preferred. At these meetings staff performed a detailed intake interview to obtain more information about the student's current situation, including a thorough history of his/her foster care experience, education, and medical/mental health issues. Staff also obtained all necessary retainers and release forms from the parent or adult with decision-making authority. Staff also discussed confidentiality and asked whether we could work with LWS staff and foster parents in resolving the education issue, and in almost all cases our clients gave us permission to do so. If the student had significant contact with LWS clinical staff, staff secured permission to review the student's clinical files and met with the Crisis-Intervention Therapist or Director of Clinical Services to get more information about the child's needs. As staff worked on the case, staff attempted to involve all parties to the extent possible in each step of the process while protecting confidential information. Our work with families and caseworkers often involved multiple contacts and meetings with school and district staff, visits to schools and representation at reviews and impartial hearings. The following case example illustrates the type of work *Project Achieve* staff members did on a typical case.

### ***Case example***

*Charles was in fourth grade and having trouble with reading. He became frustrated when he did homework that involved reading, and his foster parent – his grandmother – was concerned. She came to Project Achieve to get extra tutoring for Charles. Since Charles' biological mother was often in and out of residential programs, Charles' grandmother had her permission to consent to educational issues. Project Achieve staff members met with Charles' grandmother and Charles at LWS. When we interviewed Charles, he was so upset by his experiences in school that he had to leave the room and refused to talk to us about school. We discovered that Charles' school was on the list of New York City's worst performing schools, and, therefore, Charles could apply to receive supplemental education services under the new federal law, the No Child Left Behind Act. We assisted Charles' grandmother in applying for the services, informing her of deadlines and possible service providers. Charles is now receiving extra reading instruction every Saturday. At the same time, we secured a private reading tutor who was willing to dedicate an hour a week to assisting Charles with his reading skills at no charge. Project Achieve also assisted Charles' grandmother in obtaining evaluations to determine if Charles had a disability by providing her with a form letter and step-by-step instructions on requesting an evaluation. Staff members called to follow up on her request. The evaluations revealed that Charles needed speech services. Project Achieve staff assisted and advised Charles and his grandmother during the special education referral process and, at her request, attended a meeting at the Committee on Special Education (CSE) to create an Individualized Education Program (IEP) for Charles. As a result, the CSE offered Charles speech services and a collaborative team teaching class (CTT), which is a class that is slightly smaller than a general education class, contains both students with disabilities and general education students, and has both a special education teacher and a general education teacher. Charles' grandmother visited the class offered by the CSE and decided to accept it as Charles' placement. His grandmother reports that Charles now likes school and is doing much better academically.*

Charles' case was a relatively straightforward case. In more complex cases, *Project Achieve* staff members provided additional advocacy, including calling related services providers, such as speech therapists, to determine their availability, arranging appointments with special education service providers and special education evaluators, calling schools and arranging interviews in an effort to locate and secure appropriate placements, calling and writing letters to schools and CSEs to locate records and obtain approval for services, and, when negotiations with CSEs were not sufficient to obtain the necessary services, providing legal representation to parents in due process impartial hearing procedures against the DOE. When AFC represented parents in cases involving due process proceedings, almost all of these cases settled in favor of AFC clients. When settlement negotiations failed and AFC represented parents at actual hearings, AFC's clients prevailed in 100% of the cases.

*Project Achieve* staff members always provided the maximum level of assistance possible and cases often moved between categories.<sup>38</sup> For example, if a case presented a less complex issue, a staff member would provide technical assistance to the caseworker and parent. If the issue could not be resolved with brief technical assistance, staff members would provide ongoing technical assistance, and if ongoing technical assistance did not resolve the problem, *Project Achieve* staff would offer legal representation to the family. In other cases, when the presenting problem was more complex, *Project Achieve* would offer either ongoing technical assistance or legal representation immediately. Sometimes the level of service was dictated by staff members' current caseloads. Thus, we provided more technical assistance to caseworkers if our direct representation caseload was particularly heavy, and when the caseload was less heavy, staff took on more cases for representation. With this system of caseload regulation, project staff were always able to provide some assistance to any LWS staff member, parent or student who came to us for help, despite our very limited number of staff members and resources. Project staff members were also able to prioritize which families and students needed our advocacy and intervention the most.

### **The Impact of *Project Achieve* on Children, Families and LWS Staff**

Between September 2002 and February 2004, *Project Achieve* staff members assisted a substantial number of students with a wide range of education-related issues. While we assisted a large number of children and families indirectly through workshops and other agency capacity-building efforts, we spent most of our time working directly with clients (generally birth parents or pre-adoptive foster parents), students, their foster parents, and their caseworkers. Therefore, an examination of our direct service work most clearly illustrates the impact of *Project Achieve*.

Over the course of the project at LWS, *Project Achieve* staff members handled a total of 134 requests for assistance. Staff responded to 21 of these requests with brief technical assistance for the LWS staff member. *Project Achieve* staff responded to the rest of these requests (113) with in-depth or ongoing technical assistance to LWS staff or direct representation to the student's family. Only 12 students referred to *Project Achieve* had families who were involved with LWS through their preventive services program, and 101 students were in LWS' foster care programs. Thus, of the approximately 330 children and young people in the care of LWS, *Project Achieve*

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<sup>38</sup> Statistics in this report reflect the highest level of assistance needed to resolve the school-related problem.

staff members worked with 101 or 30% of them on an ongoing basis either by working directly with their families and providing legal representation or by providing ongoing technical assistance to LWS caseworkers and/or parents.

The majority (65%) of our referrals came from LWS caseworkers and their supervisors. LWS clinical staff provided 10% of our referrals, and the rest of our referrals were from other LWS staff members, biological and foster parents and the screening of LWS' new admissions information.

## **Client Profile**

*Project Achieve* staff worked with children of all ages at LWS. Although AFC does not have data on the age distribution for children in LWS' programs, according to our case statistics, caseworkers seemed to need more assistance with younger school-age children. Over half (54%) of the children who were referred to *Project Achieve* were 5 to 13 years old. Twenty-eight percent of the students with whom we worked were 14 and older, and 18% were under 5 years old. It is possible that we received fewer referrals for children under 5 because caseworkers developed the ability to navigate the Early Intervention and special education preschool systems without the assistance of *Project Achieve* due to the referral protocols we developed with LWS.

Regardless of age, a large majority of the children referred to *Project Achieve* were children with disabilities. Ninety-five of these children had been identified as or suspected of having a disability by the special education or preschool special education system. Thus, over 70% of our cases involved children with special needs. Because all of the children referred to *Project Achieve* had been experiencing educational difficulties, our caseload is not a representative sample of children in foster care with LWS. These numbers do indicate, however, that at least 29% of LWS' foster care population had special education needs, and that these children presented caseworkers with the most pressing and complex educational issues. Approximately 12% of students in the New York City public schools receive special education services, and therefore, the proportion of children in LWS' foster care population is more than twice as high as the New York City average. From our experience working with other foster care agencies and child welfare professionals, this proportion seems to be the norm.

Of the students with special needs, 27% (26 of 95 students) had suspected, but undiagnosed, disabilities. The rest of the students with special needs were receiving special education services and had been classified. The most common special education classifications were emotionally disturbed and learning disabled. Twenty-five percent of our special needs clients (24 students) were labeled emotionally disturbed, and 24% (23 students) were labeled learning disabled. Of the students labeled learning disabled, many had reading problems, including symptoms of undiagnosed dyslexia, and speech delays. A large proportion of students classified as learning disabled or emotionally disturbed were also diagnosed with Attention-Deficit Disorder (ADD) or Attention Deficit-Hyperactivity Disorder (ADHD), and had been on medication at one time. Nine percent of the students with whom we worked were classified as speech impaired (9 students), and 6% were classified as mentally retarded (6 students). A few (4 students or 4%) were children under the age of 5 who received preschool special education services, and although they demonstrated developmental delays, they were not classified according to

disabling condition. The rest of the special needs students were classified as autistic (2 students) and multiply disabled (1 student).

Many of the students who were already in the special education system when they were referred to *Project Achieve* were in restrictive special education placements. Restrictive placements are those that allow disabled students little to no contact with their non-disabled peers.<sup>39</sup> One type of restrictive placement in the New York City public school system is a self-contained special education classroom in a community school where students attend school with non-disabled peers, but are placed in classes that contain only disabled students. Another common type of restrictive placement is a self-contained classroom in a specialized school where students may have no contact with non-disabled peers because the entire school population is composed of students with disabilities. Of the students attending restrictive placements upon referral to *Project Achieve*, many were in self-contained classrooms in community schools (21), and in self-contained classrooms in special schools (11). One student was in a residential placement where she lived on the school grounds as part of the educational program. Thus, 48% were in self-contained, restrictive settings upon intake. Some students (14 or 20%) were receiving special education services while attending general education classes. Fourteen children, or 20%, were out of school or not enrolled in an appropriate preschool program at the time of referral.

### Common School-Related Problems

In an analysis of the 134 cases and requests for technical assistance handled by *Project Achieve* staff members over a 16-month period, 56, or 42% involved more than one discrete education issue. Thus, *Project Achieve* worked on 222 discrete educational issues or problems. A substantial number of children (10) experienced three different school-related problems, and some children (10) even experienced as many as four or five problems. *Project Achieve* staff members worked extensively with the families whose children had more than two school-related issues.

#### Number of Children Referred to *Project Achieve* Experiencing Multiple Educational Problems

Number of Educational Issues	Number of Children
1	78
2	36
3	10
4	8
5	2

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<sup>39</sup> Under the IDEA, all children who require special education services must be educated in the least restrictive environment (LRE) appropriate to their individual needs. The statute states that each public agency shall ensure that, “To the maximum extent appropriate children with disabilities... are educated with children who are nondisabled; and special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” 20 U.S.C. § 1412(a)(5)(A). In other words, if a child can learn in a general education class with supports and services, s/he must be allowed to do so. If that is impossible, then there must be a continuum of placements and services to allow for the individual needs of children receiving special education services to be met in the most integrated settings appropriate. The more removed a child is from his or her non-disabled peers, the more restrictive the setting.

## Special Education, Preschool Special Education and Early Intervention

By far the most common problems were issues concerning special education. Out of the 222 problems, 144 involved a special education, preschool special education, or early intervention issue. Therefore, 65% of the issues on which we worked involved obtaining appropriate special education services. Of these issues, 78% (113/144) were problems with navigating or obtaining services through the school-aged special education system. The most common questions and problems involved finding appropriate special education placements (41) and navigating the special education referral and evaluation process (37).

### **Breakdown of Education Problems- Cases and Technical Assistance**

<b>Problem</b>	<b>Number of Occurrences</b>
Special Education Placement	41
Special Education Referral/Evaluations	37
Special Education Out of School/Enrollment	19
School Transfer	16
Referral to Committee on Preschool Special Education (CPSE)	16
General Education Out of School/Enrollment	15
Special Education Transportation	11
School Attendance/Truancy	10
Behavioral Problems/At-Risk	8
Committee on Preschool Special Education Review/Hearing	8
No Child Left Behind Supplemental Educational Services (e.g. tutoring)	7
Special Education Related Services (e.g. speech, counseling, physical/occupational therapy)	5
Records	5
Promotion	5
General Education Transportation	5
Early Intervention	3
English Language Learners/Recent Immigrants	3
Elementary School Suspension (Principal's suspension)	1
High School Suspension (Superintendent's suspension)	1
Preschool Special Education	1
Academic Performance	1
School Choice- General Education	1
College	1
GED/Alternative Program	1
Early Childhood Programs (day care, etc.)	1
<b>TOTAL</b>	<b>222</b>

Whether in the school-age special education system or the preschool system, the majority of *Project Achieve*'s cases involved obtaining a more appropriate special education placement or services for a student. The following case example illustrates a typical case.

### ***Case example***

*Thomas' adoptive mother requested assistance from AFC when Thomas was eight years old. She had been Thomas' foster mother since his birth, and when his mother passed away, she adopted Thomas. Thomas had been classified as mentally retarded. He had also been diagnosed with attention-deficit hyperactivity disorder (ADHD) and mild Cerebral Palsy. Even though he had developmental delays, recent independent evaluations indicated that Thomas suffered from mild mental retardation and demonstrated very strong verbal skills. Despite these strengths, Thomas had been attending the same special education class for the past three years and making minimal academic progress. This class contained students with a wide range of learning and behavioral problems, and Thomas did not receive much individualized attention. Furthermore, he did not receive any behavioral supports in this setting, so his teacher often punished Thomas for acting impulsively in class. As a result, Thomas began acting out more frequently, and was often angry at his teacher. When we met with Thomas and his mother, Thomas could not write his name. At Thomas' mother's request, we located a special education private school that specialized in working with developmentally delayed students like Thomas. On Thomas' mother's behalf, we then requested an impartial hearing to obtain funding for Thomas to attend this specialized school, and the Committee on Special Education (CSE) agreed to provide the funding. We accompanied Thomas' mother to the meeting at the CSE to create an IEP for Thomas. We also assisted in expediting Thomas' busing to and from school. Thomas is currently attending school and doing very well.*

The second most frequent issue was navigating the special education preschool system and representing parents at meetings and hearings concerning special education preschool services (24). Frequently, caseworkers and parents did not understand that children with developmental delays or difficulties were eligible for special services from ages 3 to 5, and therefore *Project Achieve* staff members conducted a substantial amount of technical assistance on this issue. Thus, preschool special education issues made up 11% of the special education issues we were asked to address. Another common issue was obtaining placements for special education students who were out of school and needed to be enrolled in school (19). This often happened when a student with special education needs transferred from a foster home outside of New York City to a home in New York City. The remainder of issues *Project Achieve* was asked to address involved assistance with obtaining special education transportation (11), obtaining appropriate supports for children at-risk for referral to special education due to their behavioral or academic needs (8), obtaining related services such as speech therapy, occupational therapy or physical therapy for children already receiving special education services (5), and obtaining early intervention services for children under 3 years old (3).

### ***Early Childhood Services Referral Systems***

Early intervention, preschool special education and school-aged special education issues are some of the most complex school-related problems, and obtaining appropriate services through these systems is often essential to a child's development and well-being. In addition, time is of

the essence in these cases. Early intensive services can greatly improve outcomes for infants and young children with developmental delays,<sup>40</sup> but even when caseworkers and parents are aware of a child's need for services, the referral and evaluation process may take several months. During this time, the child may lose eligibility due to her age and, therefore, "age out" of the program before she receives the services she needs. Thus, the need for automatic screening and prompt identification of infants and young children at risk of delay is critical.

Some of *Project Achieve's* greatest successes were in assisting LWS in creating and implementing systems for identifying and referring infants and preschool-aged children for services. By the time the agency closed, LWS was able to appropriately identify and refer almost all infants under age three who were at high risk for developmental delay to the Early Intervention system. Six months after the referral system had been implemented, LWS's clinical and medical departments and LWS caseworkers had referred approximately 15 infants for Early Intervention services without the assistance of *Project Achieve*. In addition, caseworkers were made aware of services available through the special education preschool system, and after working with *Project Achieve* on a few of these cases, several caseworkers were able to navigate the special education preschool system with minimal assistance. In cases where problems arose, *Project Achieve* provided more intensive assistance or representation of the parent to resolve the problem.

### ***Case example***

*When Natasha was an infant, she received Early Intervention (EI) services for infants at-risk for developmental delays or other problems. She made a lot of progress in EI, but when she aged out of the program at age three she still needed services. Because Natasha changed foster homes twice between the ages of three and four, her new foster mothers did not know of her needs and her case at the Committee on Preschool Special Education (CPSE) was closed. During this time, she was removed from three different day care programs due to her severe behavior. When she was four years old, Natasha was finally placed in a stable foster home with a mother interested in adopting her. Her new foster mother observed Natasha's serious behavioral issues and came to Project Achieve for assistance in having her evaluated. Although Natasha's natural mother was in the process of surrendering her child to Natasha's current foster mother, Project Achieve staff members met with Natasha's natural mother to explain the situation to her and obtain her consent to obtain services for Natasha. Since Natasha's eligibility for preschool services would end in eight months, Project Achieve requested an expedited impartial hearing against the CPSE for failing to identify and evaluate Natasha in a timely manner. As a result, the CPSE immediately completed evaluations, held a meeting to create an educational plan and found a placement for Natasha within a few weeks. She is currently attending a full-day program in a special school with related services, and her behavior has greatly improved. Her foster mother is now in the process of adopting Natasha.*

### ***School-Age Special Education Problems***

Early identification is also critical for school-age special needs students. In our staff's experience, when learning or emotional needs are identified and addressed early, students are

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<sup>40</sup> Sheryl Dicker & Elysa Gordon, Zero to Three Policy Center, "Ensuring the Healthy Development of Infants in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals" 3-5 (Jan. 2004).

more likely to respond to services. Older students whose needs have not been addressed for years may have experienced such frustration at their lack of progress that they often show signs of depression, act out, or become truant. Assisting these older students involves undoing the emotional damage done by years of academic failure in school as well as obtaining appropriate services. Thus, these students are more difficult to engage and require more intensive advocacy and intervention over a longer period of time.

### ***Case example***

*When Angela's caseworker first asked Project Achieve for assistance, Angela was in the fourth grade and she was doing poorly academically. She had been held over twice, and was very conscious about being older than her classmates. She asked everyone for help with her homework, including the psychologist who was treating her for ADD. She had already been evaluated for special education services, classified as learning disabled and, as a result, she was given special education teacher support services or resource room five times a week. Even though her school reported that Angela was in the bottom third of her class, they insisted that she was doing fine and did not need any additional services. Angela complained that she did not like being taken out of the classroom for resource room because she missed a lot of work and had trouble remembering what was being discussed in the classroom when she returned from resource room. AFC arranged for Angela to receive an immediate private evaluation through the Project Achieve bridge fund. Testing revealed that Angela was more likely to progress if her class work included repetition and continuity of instruction. After a conversation with Angela and her pre-adoptive foster mother, we agreed to pursue a collaborative team teaching (CTT) placement for Angela. A CTT class is smaller than a general education class, but larger than a special education class. It has both special education and general education students and a special education teacher as well as a general education teacher in the classroom. In this type of class, Angela would receive the extra support she needed without the disruption and stigma of resource room. AFC represented Angela and her foster mother at an Individualized Education Program (IEP) meeting and the team agreed to place Angela in a CTT class. During the reorganization of the DOE, the CSE threatened to rewrite Angela's IEP to recommend a different type of placement because of a lack of CTT placements in her zone (it is illegal to do this). AFC requested an impartial hearing to enforce Angela's last IEP, and in the process of settling the case, the DOE's legal department issued a memo clarifying the ability to place special education students in appropriate placements outside of their zoned schools. Angela was issued a placement and she began attending her new class and new school in the fall. However, a new barrier occurred when Angela's busing needed to be changed in the first few weeks of school. AFC intervened and worked to ensure that Angela received the busing so that she would not miss any school. Her teacher reports that Angela is now doing so well that her grades place her in the top of her class. Her foster parent reports that Angela likes going to school and is more confident in her schoolwork. She is in the process of adopting Angela.*

### ***Case example***

*Kristin was 16 years old when her caseworker came to Project Achieve for assistance with finding an appropriate therapeutic special education placement. Kristin had been in foster care for over 12 years, and had been placed with seven different foster families. While in care, she had been physically and sexually abused. She also gave birth to a daughter who had been removed from her care and placed with a foster family. Kristin had a long psychiatric history,*

*including many hospitalizations. She had been treated for depression, ADHD and other disorders, and although she was no longer on any medication, she had been on several different medications for years. Kristin also had severe academic delays. She was on a second grade level in all academic subjects, and she wanted to learn to read in order to read to her child. Kristin had been truant from school for a long time, and when she had attended school, she had received multiple suspensions. Project Achieve staff members tried to locate an immediate specialized placement for her, and arranged for an intake at a special education private school that had an immediate opening. We also arranged for a private reading tutor who agreed to tutor Kristin free of charge. Kristin refused to take the school bus, and she had to travel a great distance between home, school and tutoring on public transportation. After five months, her attendance became sporadic at school and at tutoring, and the tutor refused to schedule further appointments. Kristin eventually stopped attending school and refused to return. After obtaining an updated psychiatric evaluation, LWS and Project Achieve staff obtained temporary home instruction for Kristin. Kristin made progress with the individual attention of the home instructor, and we continued to try to locate a therapeutic school setting that would also address Kristin's learning disabilities. We assisted Kristin and her caseworker in applying to a therapeutic program at a hospital, but her learning disabilities were too severe, and she was not accepted. Eventually, Kristin began attending a literacy and vocational program, and she is currently doing well in that program. She has regained custody of her daughter, and Project Achieve staff members assisted Kristin and her caseworker with obtaining Early Intervention services for her daughter, including parent training for Kristin.*

School-age special education cases were also complex because the needs of the students with whom staff were working were often severe. Many students had been struggling for many years without the proper interventions, and because of their frustration in school, many began to exhibit behavioral problems. Therefore, our staff worked on a number of cases where students had a unique combination of behavioral and emotional needs that could only be addressed through a combination of services or a special setting. In addition, several students had severe emotional and psychiatric needs and needed placement in a therapeutic school. Because there are few therapeutic schools in New York City, seats in those programs are difficult to obtain. Also, since many students at LWS had moved from foster home to foster home multiple times, their educational histories were complex and difficult to piece together. As a result of this transience, many had not had recent appropriate evaluations. An added complication was the increased communication needed among the multiple parties involved in each case (e.g. biological parents, foster parents, caseworkers, supervisors, clinical staff, and, in some instances, ACS caseworkers and law guardians). Many of these problems are too complex for caseworkers to properly identify or address, but with *Project Achieve's* assistance most of these problems could be solved.

Cases involving school-age students in special education require an in-depth analysis of years of special education records including evaluations and Individualized Education Programs (IEPs), the student's educational history, the family's foster care history and, for older students, future educational and career plans. This involves an extensive review of records that caseworkers may not be able to obtain and may not have the time to read. It also involves a number of interviews and conversations with the student, the biological parent, and, where possible, the foster parent. Project staff also worked extensively with outside service providers, tutors and clinicians to get a

clear picture of students' needs and a foundation for educational planning. Thus, *Project Achieve* staff often had to gather a great deal of information and evaluations, coordinate multiple services, and locate very specialized placements for these students. When *Project Achieve* staff members were successful in locating appropriate placements, these students often made remarkable progress.

### ***Case example***

*Derrick was a 13-year-old in need of an intensive therapeutic setting. He has had a long history of psychiatric hospitalizations, violent outbursts and multiple foster care placements, and he was taking both anti-psychotic and mood-stabilizing medication. Despite this, he did fairly well in school. He was attending a general education class with special education teacher support services (SETSS). SETSS are services where a special education teacher assists students for a number of periods per day either in the classroom or outside of the classroom. Project Achieve received Derrick's case when he was discharged from a psychiatric hospitalization and the credits he obtained while hospitalized were not properly transferred to his school. When he returned to his general education class, he had some altercations with staff, and his school asked that he be placed in a more restrictive setting. Due to conflicts with his foster parent and his long psychiatric history, LWS was planning to ask the court to place Derrick in a residential treatment center (RTC). AFC staff members met with Derrick, his foster parent and his mother. His mother was very ill and attending a residential program for substance abuse problems. She and Derrick both strongly opposed his placement at an RTC. AFC facilitated the proper transfer of Derrick's credits and assisted Derrick and his caseworker with applying for a seat at an adolescent day treatment program. Although staff members at the day treatment program thought he was appropriate for their program, they were reluctant to admit Derrick due to his foster care status and his mother's inability to participate in family therapy. Meanwhile the DOE offered Derrick a restrictive, but not sufficiently therapeutic placement in the public schools. AFC negotiated with the DOE, facilitated communication with Derrick's mother and her social worker at her program, advocated for Derrick's admission to the day treatment program, and eventually succeeded at placing Derrick in the program. Derrick is now with a new foster parent and doing very well in school. His behavior has stabilized and improved to such an extent that he has had no further hospitalizations and LWS abandoned its efforts to place him in an RTC.*

Because they are so complex, special education cases take the longest amount of time to resolve. *Project Achieve* staff members spent an average of 12.7 hours on each special education case, but actual time spent on individual cases varied greatly. Time spent ranged from just over 1 hour spent assisting a special education student with a transfer to close to 70 hours on one case involving a particularly difficult impartial hearing regarding a child's eligibility for preschool special education services. In comparison, staff members spent an average of 2.6 hours on non-special education cases, which generally involved issues such as obtaining school transfers, assisting foster parents and students with enrollment in school, and clarifying eligibility for transportation.

Despite their complexity and time-intensive nature, special education cases are also some of the most critical cases for the project to work on. Through the project's interventions, an agency can identify students with disabilities at an early age and assist in obtaining appropriate services.

With early and appropriate services, it is likely that these students will need fewer and less intensive services as they get older. Also, when children receive appropriate services, parents/guardians are less likely to be called to the school to pick up their children because of inappropriate behavior (a common occurrence that is often illegal), and students are less likely to become truant because they have become disengaged from school. Early Intervention services may include a family training component, and this may make a family better able to address a child's needs. These supports and services contribute to decreases in family conflict and stress, and may prevent placements in multiple foster homes. Thus, these interventions may prevent many of the problems with foster care placement that exacerbate children's emotional and educational problems. With greater stability while in foster care, children may, as a result, achieve greater permanency through reunification with biological parents or adoption.

As illustrated by the case examples above, appropriate educational services can make an enormous impact on the life of a child with a disability. Birth parents, foster parents and caseworkers will need to advocate for these students to receive appropriate services for years to come, and with our assistance, they can learn how to competently navigate the system, recognize warning signs and intervene when necessary. For example, with the services we obtained for Charles, he may be able to build strong reading skills during these critical years, avoid future placement in segregated special education classes, and have a greater likelihood of graduating from high school. Furthermore, by working closely with Charles' grandmother at the beginning of this process, we have equipped her with knowledge and advocacy skills that she will be able to use as Charles' needs change.

#### Access to school, transfers and transportation

Requests for assistance with problems causing educational disruption, such as problems with enrollment or access to school, school transfers and transportation, were the third most common issues handled by *Project Achieve*. *Project Achieve* provided assistance to address 64 incidents where a student was in danger of educational disruption. Seventeen of these involved special education students who were not given a placement, who were being denied access to school, or who were out of school awaiting special education transportation to be arranged. Eleven involved general education enrollment and transportation issues, and ten concerned problems obtaining school transfers.

Reducing educational disruption for foster children and young people in care is essential because disruption can cause a loss of social and academic progress.<sup>41</sup> Children in foster care may have multiple foster care placements while in care, and frequently their placements change in the middle of the school year. During these transitions, schools often refuse to enroll new students in the middle of the year, school records and credit for completed work is lost, and students may be at risk for being held-over due to missed work and missed school.<sup>42</sup>

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<sup>41</sup> Research has documented a connection between school mobility and poor academic performance. Smithgall et al., *supra* note 6, at 45.

<sup>42</sup> *Id.* at 55-57.

### ***Case example***

*Eric and his sister Joanna have been in foster care for six years. During those years, they have been in four different foster homes, and each home was in a different borough in New York City. Each time they moved to a new home, they were taken out of school in the middle of the school year. Frequently, they were not re-enrolled in their new schools for weeks or months, and their records were not transferred from school to school. Both Eric and Joanna have learning disabilities, and each time they sat in a new school, the teachers did not know that they needed special education services. Thus, over the years, Eric and Joanna missed months of school and received the services they needed only sporadically. Upon their last move to a foster home in Queens, Eric's new high school refused to enroll him because he was 16 and had no credits. Project Achieve assisted Eric and Joanna's caseworker in enrolling both students in school after they had been out of school for three months. We also obtained independent evaluations to determine their educational needs. These evaluations revealed that both students were three years delayed in all academic areas. To remedy the DOE's longstanding failure to provide appropriate services, we requested a hearing and obtained intensive tutoring for both Eric and Joanna for the next eight months. In addition, Project Achieve secured records from two years earlier that showed that Eric had obtained ten credits and passed a Regents exam, but because these records were never transferred, Eric had been placed in ninth grade for the third time. Staff informed the guidance counselor at Eric's current school, and Eric's records were transferred.*

Foster parents are usually responsible for enrolling children in each new school or obtaining transportation so that children may remain in their current school. *Project Achieve* worked closely with the LWS Intake Unit to support and advise foster parents who had difficulty during this process and to identify children who would be difficult to place. With assistance from *Project Achieve*, these types of problems could usually be resolved within a few days or, at most, a week or two. Cases that took longer to resolve usually involved students who needed new special education placements. When students had special educational needs, we assisted in arranging transportation so that students could remain in their current placement whenever possible.

### ***Case example***

*Christopher is five years old and has severe behavior and learning problems. He has been placed in a special education school. Christopher was removed from his parents, and because his new foster mother worked during the day and no transportation had been arranged to allow him to remain at his current program, she sought assistance from Project Achieve in transferring him to a school near her home. Project Achieve staff met with Christopher's foster mother and had several conversations with the principal at Christopher's school. All parties agreed that it would be best if Christopher remained at his current school so that he had some continuity in his life. We then assisted in expediting transportation so that busing would start in two days instead of two weeks. As a result, Christopher remained in his current program and did not miss any school during this transition.*

*Project Achieve* also assisted students who needed mid-year school transfers even when they had not changed foster homes. In these cases, we expedited the transfer process so that students were not out of school while awaiting a new school assignment.

### ***Case example***

*Jessica is a Spanish-speaking high school student receiving English as a Second Language classes in school. She was enrolled in a large high school and doing well. One day Jessica helped a new student find his way around school, but because of her willingness to help, she attracted the attention of some gang members. They began threatening to beat her up outside of school, and one girl threatened to kill Jessica if she told anyone. Jessica was terrified, and her foster parents and birth parents did not want her to return to the school. Project Achieve staff members contacted Jessica's guidance counselor, and she agreed to facilitate a transfer if we could find another school that would take her. We scheduled meetings with three schools that had space for Jessica. After a few days, Jessica was given a transfer to the school she liked best, and she is doing well.*

*Project Achieve has helped students like Jessica, Eric, Joanna, and Christopher continue their education with minimal interruptions even while significant changes happen in other aspects of their lives. Educational continuity will prevent students from being held over multiple times and encountering academic problems due to missing work and school. In the long term, Project Achieve's assistance will help keep students engaged in school and on track to graduate from high school. Thus, our success in solving these relatively straightforward educational issues prevents larger educational problems from developing years later.*

### **Working with Adolescents**

We had approximately 15 cases involving working with adolescents on educational planning and choices. Adolescents in foster care need information and advice about their educational options, including regular high schools, alternative high school programs, GED programs, vocational programs and college. Transition from foster care is also an area that needs to be addressed, particularly for students with disabilities. *Project Achieve* assisted a few young women in foster care who had children of their own to identify school or GED programs with childcare facilities. We met with small groups of young people who were considering dropping out of school to pursue GEDs, informed them of other alternatives, and equipped them with information about what they needed to do to pass the GED. We also worked very closely with adolescents and young people with disabilities who were beginning to plan for transition out of foster care and needed to obtain transition services so that they would be able to live independently after leaving care.

### ***Case example***

*Kevin was 20 years old and dropped out of high school three years ago. He wanted to return to school, and his caseworker requested assistance from Project Achieve in finding a school or GED program. After talking with Kevin and his caseworker, we discovered that Kevin has a severe reading and writing disability, and, despite almost ten years in special education, his reading and writing skills were at a second grade level. In all other areas, however, Kevin functions at a very high level. His IQ scores are in the high-average range, and he accomplishes day-to-day tasks by memorizing everything he hears. After many discussions with former teachers and admissions officers at potential schools, we determined that Kevin would not do well in a regular high school environment. While we were searching for a program, we obtained*

*a private reading instructor who would see Kevin once a week. We also obtained a job for Kevin with one of Kevin's former teachers. We requested an impartial hearing and were successful in obtaining an order for DOE funding for an independent educational evaluation, compensatory education beyond age 21, and intensive individual multi-sensory tutoring every day for at least a year in preparation for the GED. Project Achieve also worked with Kevin to begin the application process for transition services and vocational training through New York State's Office of Vocational and Educational Services for Individuals with Disabilities (VESID). Thus, when Kevin was discharged from foster care at age 21, he had access to tutoring and was in the process of applying for services from VESID.*

Adolescents in foster care are one of the neediest populations. Many exit the education system at 17 because they are pushed out of school illegally, told to get a GED, or drop out because of years of educational disruption or academic failure. Because they have not obtained a solid educational foundation, they are often ill prepared to find employment. When young people leave foster care, they are at high risk for homelessness, unemployment, and involvement in the criminal justice system.<sup>43</sup> Therefore, our work with the LWS Adolescent and Young Adult Unit was vital in addressing years of educational problems and equipping young people who are about to be discharged from foster care with a solid educational base, vocational training and independent living skills.

## **Findings**

### ***Project Achieve's Impact on Students***

*Project Achieve's* results indicate that AFC's expertise, advocacy and legal representation had a significant and positive impact on the lives of students at LWS. *Project Achieve* provided representation or ongoing in-depth technical assistance to the families and caseworkers of 113 students, and we provided brief technical assistance in response to 21 requests for assistance from LWS staff. In 75 cases AFC provided legal representation to the parent, foster parent or young person (if he or she was 18 years old or older). In 38 cases AFC provided on-going technical assistance to LWS staff members. AFC provided more in-depth technical assistance or legal representation when brief technical assistance was not sufficient to solve the problem. Overall, *Project Achieve* was successful in resolving school-related problems for 89% of the students referred for assistance

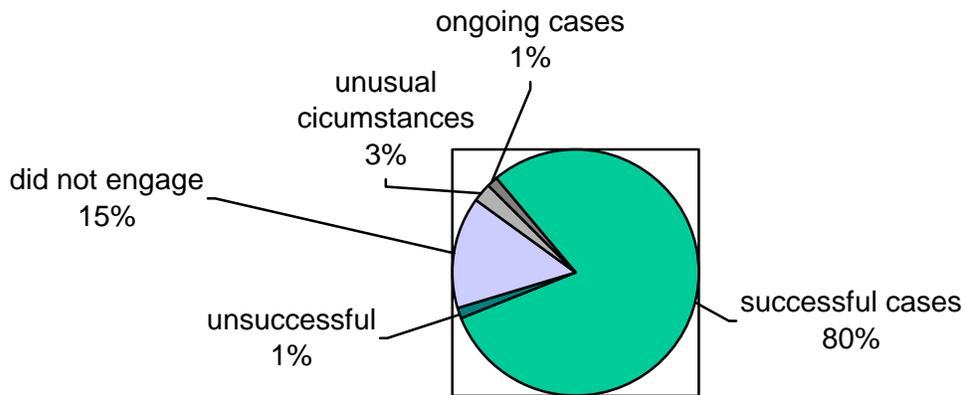
Of *Project Achieve's* 75 cases where legal representation was provided, 60 cases or 80% have been resolved successfully. Only 1 case was unsuccessful. This case involved a request to obtain full funding for a High School student's public transportation to and from school. *Project Achieve* staff attempted to advocate for full funding, but learned that the student was only entitled to partial funding under state and local law and regulations. *Project Achieve* is still working on 1 special education case where a student's placement and needs have changed. The remaining 13 cases were not successful either because the client did not engage in AFC's

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<sup>43</sup> See Ruth Massinga & Peter J. Pecora, "Providing Better Opportunities for Older Children in the Child Welfare System," *The Future of Children*, Winter 2004, at 151, 153-54 (summarizing the literature on outcomes for young people exiting foster care).

services (11 cases) or unusual circumstances (i.e. the parent’s death) prevented *Project Achieve* from completing work on the case (2 cases). Therefore, with one exception, *Project Achieve* was able to secure successful outcomes for all clients who engaged in *Project Achieve*’s services and whose cases have been completed.

### Project Achieve Case Outcomes



Of our 60 successfully resolved cases, 51 or 85% involved special education issues. In the vast majority of cases (47, or 92%), *Project Achieve* obtained more intensive services or a different placement. We only worked on 4 cases, or 8% of all cases, where we enabled a student to remain in the same placement or obtained a less restrictive placement for a child who was doing well in his/her special education class. This indicates that children and young people in foster care who have special needs may be underserved in terms of educational services, and without intervention, these children may continue to be underserved.

Many of the educational problems we found at LWS are likely to be found at other agencies. In our workshops and meetings with other agency staff members, we receive numerous questions about similar cases and situations. We believe that most child welfare agencies in New York City or other large urban areas would benefit from *Project Achieve*’s collaborative model.

#### **Project Achieve’s Impact on Families**

Since the special education system is built around parent participation, and birth parents usually retain the rights to make special education decisions,<sup>44</sup> the bulk of our work has been centered on educating and representing birth parents and pre-adoptive foster parents. The project’s in-depth casework, staff support and advocacy has given parents the knowledge and tools to become more active participants in their children’s lives. Additionally, project staff has also been able to work successfully with foster care preventive services to solve educational issues and avoid placement of children in foster care.

<sup>44</sup> 34 C.F.R. § 300.20. Some changes may occur to this provision as a result of recent federal legislation.

The project's focus on working with parents enables staff to continue to work with biological families during and after the return of their children and to work with adoptive families after adoption. Project staff's continued involvement ensures that education problems are fully resolved and that parents have the skills and knowledge they need to advocate for their children after they leave the foster care system. In addition to providing necessary information and skills to parents, there was unexpected evidence that *Project Achieve*'s intervention and assistance with regard to educational issues had a strongly positive effect regarding family reunifications and adoptions. Of the ten students whose families received preventive services from LWS and legal representation from *Project Achieve* staff on educational issues, none were placed in foster care. Overall, 16 of our cases, or 21% of the cases in which *Project Achieve* provided legal representation, proceeded to trial or final discharge, progressed in the adoption process or resulted in the closing of the preventive services case following *Project Achieve*'s intervention. We believe that *Project Achieve*'s success at securing appropriate and more stable educational placements and services increased the stability of the child's foster care placement by decreasing the number of stressors on the child, foster parent and caseworker. One LWS caseworker remarked that once the educational issues were resolved, "everything else falls into place."<sup>45</sup>

When AFC performed a written survey (see Appendix C) of nine former LWS staff members to elicit feedback on their experience with *Project Achieve*, several commented on *Project Achieve*'s impact on families.<sup>46</sup> Six former LWS staff members mentioned that our work helped to empower birth parents and assist in family reunification efforts. One caseworker wrote, "AFC was able to assist in educating and empowering birth parents to face the system with confidence, and also to be proactive parents in their child's school life."<sup>47</sup> A supervisor in LWS' Preventive Services program referred to specific cases where AFC's interventions contributed to family stability. She wrote, "AFC did remarkable work with two families in the unit I supervised.... The parents were empowered and tension in the family was reduced significantly.... Parents learned ways to deal with their frustrations [regarding] the [Department of Education] in a constructive manner."<sup>48</sup> A clinical staff member commented that "[AFC was] sensitive to biological parents resistance to their children being considered for special education and [AFC staff] sensitively provided psycho-education with regard to this."<sup>49</sup> When asked about AFC's affect on LWS' work with families, the former Director of Foster Care and Adoption Services wrote, "At LWS we attempted to include the birth families... in all services that pertained to their children. AFC was a part of that team and it became even more critical when families were moving toward reunification."<sup>50</sup>

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<sup>45</sup> Oren Shtayermman, former LWS caseworker, Apr. 2004.

<sup>46</sup> AFC staff asked all LWS staff members for permission to contact them after LWS closed. Fourteen staff members provided AFC with permission and their contact information. All of these staff members were contacted, and nine returned completed surveys. These former LWS staff members included five former caseworkers, the Director of Preventive Services, the Director of Foster Care Programs, the Director of Clinical Services, and one clinical staff member.

<sup>47</sup> Nale Jafta, former LWS caseworker, Apr. 2004.

<sup>48</sup> Patti Batten, former Director of Preventive Services at LWS, Apr. 2004.

<sup>49</sup> Steven Fressola, former LWS Crisis Intervention Therapist, Apr. 2004.

<sup>50</sup> Jacqueline McKnight, former Director of Foster Care and Adoption Services at LWS, Apr. 2004.

## ***Project Achieve's Impact on LWS***

*Project Achieve's* impact on LWS staff members and the agency as a whole was a positive and lasting one. Our statistics indicate that requests for assistance decreased over the course of the project. Based on our observations and experience working with the agency, it is our belief that the reason for this was that the project had dealt with emergencies and trained LWS staff to better address educational issues. In the first 6 months of the project, we received the highest number of referrals (57), and this number decreased in the second 6 months to 42. We received the fewest referrals (14) in the last 5 months. This decrease is more noticeable when requests for in-depth technical assistance are analyzed alone.<sup>51</sup> We received 23 requests for in-depth technical assistance in the first third of the project, only 12 in the second third, and 3 in the last third of the project. While this decrease may be due to the uncertainty of the agency's future during the final 5 months of the project, the decrease in requests from the first 6 months to the next 6 months was probably not a result of the agency's closing. This was more likely a result of the increased capacity of LWS staff to address some straightforward education issues without assistance from *Project Achieve*. It should be noted that although requests for assistance decreased, due to the time-intensive nature of our cases, *Project Achieve's* caseload increased throughout the course of the project.

Another trend indicates that *Project Achieve* had an impact on the capacity of LWS staff to identify educational issues, special education issues in particular. In looking at the special education cases referred to *Project Achieve* over the course of the project, the number of referrals for students who were classified as emotionally disturbed or learning disabled was the highest in the first six months of the project and declined over the course of the project. In contrast, referrals concerning students who were classified as mentally retarded or students who had suspected disabilities but had not been evaluated increased over the course of the project. This suggests that LWS staff referred many of the emergency and easily identifiable cases (e.g. the need to obtain services for students whose behavior or learning needs were not being addressed) to *Project Achieve* in the first six months. Over time, *Project Achieve* staff members worked with LWS to address the needs of these students and resolve these cases. Meanwhile, *Project Achieve* was providing training and assistance to caseworkers on how to properly identify and screen for educational issues, and over the course of the project, caseworkers were more able to identify cases where the school-related problems were not as obvious. For example, caseworkers were able to identify when students needed to be evaluated for a disability or when students who were classified as mentally retarded were not making progress even when there were few complaints from the student or the school.

Responses to our survey of former LWS staff members also reflected *Project Achieve's* impact on LWS. All of the LWS staff members surveyed told us that having AFC on-site at LWS was helpful to their work and that AFC's efforts improved their ability to meet the educational needs of their clients. Two former caseworkers told us that they learned a great deal about navigating the education system in New York City, and one of these caseworker wrote, "I have been able to apply what I've learned to my new job at [another agency]."<sup>52</sup> Another former LWS staff

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<sup>51</sup> This does not include cases or requests for brief technical assistance.

<sup>52</sup> Nale Jafta, former LWS caseworker, Apr. 2004.

member became an education specialist at a different agency. A supervisor noted that *Project Achieve*'s assistance helped social workers learn more constructive ways to navigate the school system. One caseworker stated that *Project Achieve*'s impact on her work was that she "was able to be a better advocate."<sup>53</sup>

Many former LWS staff members were able to be specific about the impact of *Project Achieve*. LWS' former Crisis Intervention Therapist wrote, "Caseworkers are overwhelmed by their caseloads, systemic problems and under-staffing, etc. [AFC] provided much needed information and referrals to appropriate school settings that realistically would have been impossible without them."<sup>54</sup> Caseworkers also mentioned the impact of *Project Achieve*'s work on foster parents. One caseworker wrote that, "Very often most foster parents already know what the child's needs are, but do not know how to go about making changes. AFC was able to steer me in the right directions so that I and the foster parent could address the issue at hand."<sup>55</sup> Several staff members noted that *Project Achieve* staff members were sensitive to the needs of foster parents and provided essential support in accompanying foster parents to schools to resolve particularly difficult problems. Many caseworkers described particular cases in which *Project Achieve*'s efforts made a particular impact. One caseworker wrote:

I had a [client] who had very extreme behavior problems and was often scapegoated at school or unjustly punished (extensive time-out, numerous suspensions). AFC assisted me in getting him into a day treatment school where he has thrived and receives the support he needs.... [AFC then] followed up on address changes and phone calls from the school, and much more. All this involvement helped facilitate a smooth transition for the child from his foster home to his birth parent. AFC engaged the birth mother as much as possible and included her in all the steps taken.<sup>56</sup>

Several former LWS staff members specifically mentioned that *Project Achieve*'s ability to expedite appropriate school placements was very helpful. One caseworker mentioned a specific client, saying, "[AFC] helped find an appropriate placement for her. It took a long time prior to [AFC's] involvement."<sup>57</sup> LWS' Crisis Intervention Therapist wrote that AFC "achieved significant and tangible outcomes for the [students] referred to them at LWS."<sup>58</sup>

When asked whether *Project Achieve* should be recreated at other foster care agencies, all of the former LWS staff members surveyed thought that the program should be replicated. The former Director of Foster Care and Adoption Services at LWS wrote, "The cases that are entering the [foster care] system are extremely complicated and education is not always prioritized. With AFC on-site you have attention [to education issues] and a level of expertise available."<sup>59</sup> Most LWS staff members noted that *Project Achieve* reduced their workload, smoothed transitions for students and families and assisted in accomplishing things quickly. The former Crisis

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<sup>53</sup> Nale Jafta.

<sup>54</sup> Steven Fressola, former LWS Crisis Intervention Therapist, Apr. 2004.

<sup>55</sup> Nale Jafta.

<sup>56</sup> Nale Jafta.

<sup>57</sup> Cheryl Houston, former LWS caseworker in Pre-Adoptive Unit, Apr. 2004.

<sup>58</sup> Steven Fressola.

<sup>59</sup> Jacqueline McKnight.

Intervention Therapist wrote, “I would recommend that [*Project Achieve*] be recreated at as many agencies as possible, without reservation.”<sup>60</sup> A few suggested changes to the program, e.g. recommendations that staff members be present on-site for more days or hours and that staff members attend bi-annual service plan conferences.<sup>61</sup> In general, survey participants’ comments were well-summarized in the statement of one former LWS caseworker who wrote, “Many case workers/social workers come into the child welfare field with no knowledge whatsoever of the ever-changing education system in New York City. The difficulties that our families encounter are as varied as the reasons they are in foster care. It is essential that we have an agency as knowledgeable and experienced as AFC who can help us as we encounter obstacles and challenges dealing with the [Department of Education] and individual schools.”<sup>62</sup>

### ***Project Achieve’s Impact Beyond LWS***

Through its work on *Project Achieve*, AFC developed a better understanding of the needs of foster care and preventive agencies and how to develop systems to better address educational issues without overburdening caseworkers and supervisors. In an effort to share this knowledge, *Project Achieve* staff worked with ACS to provide two sets of in-depth workshops for ACS and foster care agencies. Since the launch of *Project Achieve* in 2002, AFC has participated in ACS’ monthly education forums and provided on-going technical assistance to ACS staff and foster care agency education specialists in that context as well.

During the Spring and Summer of 2003, AFC partnered with ACS to offer a series of six in-depth trainings for ACS staff and foster care agency education specialists on the educational rights of students and parents in the New York City public schools and advocacy strategies for obtaining appropriate services. Topics included: access to school; transfers and promotion criteria; preschool special education; early intervention services; school-age special education; school discipline; and the rights of immigrant students and parents. Each workshop was conducted by *Project Achieve* staff and other AFC staff with expertise in that topic, and each session contained opportunities to workshop case examples and answer case-specific questions.

During the Summer of 2004, after the conclusion of *Project Achieve’s* pilot at LWS, AFC and ACS launched a joint capacity-building initiative to share *Project Achieve’s* successful strategies with other ACS-affiliated direct services and private foster care agencies. AFC and ACS offered a series of seminars for supervisory staff at foster care agencies throughout New York City during which AFC staff conducted needs assessments and provided tools, training and technical assistance to assist agencies with improving upon their existing protocols and procedures for addressing educational issues. Participating agencies articulated the need to provide their caseworkers with easily accessible and tailored information about navigating the New York City public school system – especially the special education system. In response, AFC and ACS have developed a series of advocacy-oriented tip sheets on issues commonly experienced by students in or at-risk of placement in foster care and form letters for use by child welfare professionals in

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<sup>60</sup> Steven Fressola.

<sup>61</sup> AFC did not attend many service plan reviews because of issues concerning client representation and confidentiality. We were in the process of working out an agreement concerning attendance at these meetings when LWS closed.

<sup>62</sup> Nale Jafta.

resolving school-related problems. “Special Education Advocacy Tips for Child Welfare Professionals” will be distributed by both AFC and ACS throughout New York City during the Spring or Summer of 2005.

Through AFC’s training initiatives with ACS, *Project Achieve* has provided assistance to staff from approximately 40 different ACS divisions and foster care and preventive services agencies. AFC’s work with ACS and other foster care agencies demonstrates that even though *Project Achieve*’s intensive services have the most direct impact on the clients and staff at partnering agencies, it can have a system-wide impact through training, technical assistance and the dissemination of educational materials for child welfare professionals. Furthermore, these initiatives show that the systems and tools developed by *Project Achieve* can be replicated in whole or in part at other foster care and preventive agencies.

### ***Project Achieve: Next Steps***

Due to *Project Achieve*’s success at LWS, AFC has expanded the program to encompass two new on-site programs. During the 2004-2005 school year, AFC is partnering with two agencies located in Queens, Forestdale, Inc. and New York Foundling Hospital, Queens Family Support Services. Through this relationship, *Project Achieve* will bring AFC’s educational expertise to roughly 450 children in foster care and an additional 210 families receiving preventive services. AFC staff is also providing training and technical assistance to ACS and other child welfare agency staff on an on-going basis.

### **RECOMMENDATIONS**

We recommend that programs based on the *Project Achieve* model be replicated at other foster care agencies and preventive programs in New York City and nationwide. Such programs should include the essential elements of *Project Achieve*, including:

- The pairing of an outside education advocacy agency with a foster care agency or preventive program
- An on-site component where the education advocate/specialist provides technical assistance and accepts referrals
- A training component for child welfare agency staff members, foster and biological parents and older students
- A focus on biological and pre-adoptive foster parent empowerment
- A capacity-building component that focuses on developing and revising existing agency policies and protocols to better identify and address the educational needs of children in foster care

AFC also recommends the dissemination and use of the training curricula, model screening tools, form letters, educational materials, and other model protocols and systems developed through *Project Achieve*. These materials (see Appendices B and D for examples) have been used to assist staff members of ACS and its contracting agencies, and they can be adapted for use in other localities.

## CONCLUSION

Children in foster care are acutely at-risk for educational failure. *Project Achieve* is an effective model for building the capacity of foster care and preventive services agencies to better identify and address the educational needs of young people in foster care and at-risk of placement in foster care. Its unique collaborative approach provides direct assistance and representation to families, training and technical assistance to caseworkers, parents, foster parents and students, and the opportunity to modify and develop agency protocols to create better educational outcomes for children in and at-risk of placement in foster care. An analysis of *Project Achieve*'s pilot program at Louise Wise Services demonstrates that these strategies work to obtain necessary appropriate education services for students to succeed in school, provide stability to families in crisis, and increase the ability of agency staff members to accurately identify and resolve school-related problems.

Young people in foster care often live in constant crisis. The type of assistance provided by *Project Achieve* is absolutely critical to assist these young people in achieving educational stability and success. It is also necessary to provide their families and the social service professionals involved in their lives with the tools to support these children and young adults in their educational careers. With a better educational foundation, children and young adults in the child welfare system will have the knowledge and skills they need to grow into independent and successful adults.

## APPENDIX A

### **The Individuals with Disabilities Education Act (IDEA): The Framework of the Special Education Service Delivery System<sup>63</sup>**

Congress enacted the IDEA to ensure that children with disabilities have meaningful access to public education. States receive substantial federal funds in exchange for their agreement to provide a free appropriate public education (FAPE) to all disabled children in the state, and to comply with the IDEA's procedural and substantive mandates. The IDEA provides that every student (birth to 21) must be provided with FAPE. There are, generally speaking, three types of services that must be provided to children with disabilities: services for early intervention (children from 0-3 years), pre-school services (3-5 years), and school-age services (5-21 years).

In order to be eligible for school-age services, a child must have one of thirteen disabling conditions, defined under the IDEA, and the condition must impact the child's ability to learn. These conditions include, but are not limited to, classifications of "learning disabled," "emotionally disturbed," and "speech and language impaired."

Eligible students are entitled to special education, related services, and supplementary aids and supports provided in the least restrictive environment (LRE). LRE generally means educating a disabled child with his or her non-disabled peers, to the maximum extent appropriate. "Special education" is defined as instruction specifically designed to meet the unique needs of a child with a disability.<sup>64</sup> "Related Services" are to be provided if children need them to benefit from special education. They include services such as transportation to and from school, psychological services, physical and occupational therapy, counseling services, medical services for diagnostic or evaluation purposes, school health services, social work services, speech-language pathology services, and parent training and counseling.<sup>65</sup>

The IDEA also requires that state and local districts provide an adequate supply of properly trained staff to meet children's unique needs.<sup>66</sup> Schools must employ research-tested methods for teaching, behavior management and other service provision.

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<sup>63</sup> The IDEA was reauthorized as the Individuals with Disabilities Education Improvement Act in December 2004, and most of the provisions in the new law are scheduled to go into effect in July of 2005. This summary reflects the current law as of the writing of this report, and some of the provisions discussed in this section may change as of July 2005.

<sup>64</sup> 34 C.F.R. § 300.26 (Special Education).

<sup>65</sup> 34 C.F.R. § 300.24 (Related Services).

<sup>66</sup> 34 C.F.R. §§ 300.380-382.

## The Special Education Process

The first step in the process is a child's referral for an evaluation. The law requires that school districts have procedures to ensure that all disabled children who are in need of special education and related services are identified, located, and evaluated.<sup>67</sup>

School personnel, parents, and others are able to refer children for an evaluation. The law also provides that children with disabilities be evaluated pursuant to certain minimum standards, which include the requirements that children must be assessed in all areas related to the suspected disability and that the evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs.<sup>68</sup> Children with behavioral difficulties are supposed to receive specialized behavior-related evaluations that are to be used to develop a behavior plan. If a parent disagrees with the school district's evaluation, he or she is entitled to obtain a private evaluation that is paid for by the school district. The law further provides that all special education students must be re-evaluated at least triennially.<sup>69</sup>

Once a child is evaluated and found to have a disability, an Individualized Education Program (IEP) must be developed for that child, which is a blueprint for the delivery of services. The IEP must be created by a multidisciplinary team that includes the child's parent(s), a general education and a special education teacher of the child, a representative of the local school district, an individual who can interpret the instructional implications of evaluation results, and others, depending on the circumstances.<sup>70</sup> In developing an IEP, the team must consider a number of issues. These include the strengths and weaknesses of the child, the concerns of the parents for enhancing the education of their child, and the results of the child's most recent evaluations. This team must further consider strategies, including positive behavioral interventions, to address problem behavior.<sup>71</sup>

The IEP must meet certain legal requirements. The IEP must include a statement of the child's present levels of educational performance, a statement of measurable annual goals, including benchmarks or short-term objectives, and a plan for service provision in order to meet the child's needs and to enable the child to advance toward attaining these goals. It must further indicate how the child will be assessed, how the services the child needs will be delivered, how the child's progress toward his or her goals will be measured, and how the child's parents will be informed of their child's progress.<sup>72</sup> The IEP must be implemented in its entirety.

In order to ensure that children are receiving their legally mandated educational services and the parents have meaningful opportunities to participate in the special education process, the IDEA guarantees children and their parents numerous procedural safeguards. These include but are not limited to: (1) the right to receive notice every time the district proposes to evaluate a child or change a child's placement; (2) the right to consent to any evaluation conducted; (3) the right to

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<sup>67</sup> 34 C.F.R. § 300.125 (Child Find).

<sup>68</sup> 34 C.F.R. § 300.532.

<sup>69</sup> 34 C.F.R. § 300.536.

<sup>70</sup> 34 C.F.R. § 300.344.

<sup>71</sup> 34 C.F.R. § 300.346.

<sup>72</sup> 34 C.F.R. § 300.347 (Content of IEP).

raise complaints concerning the referral, evaluation, IEP, placement, or receipt of free appropriate public education through mediation or an administrative hearing and appeal; (4) the right not to be denied services for more than ten days in any given year; (5) the right to a private evaluation paid for by the district if the parent disagrees with the district's evaluation; and (6) the right to receive notice of all rights and safeguards. In addition, the IDEA contains a complaint procedure whereby parents can file letter complaints with the state educational agency concerning violations of their children's rights or illegal district policies.<sup>73</sup>

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<sup>73</sup> 29 U.S.C. § 700 et seq.

## **APPENDIX B**

### ***Project Achieve Training Curriculum for the New York City Administration for Children's Services and Child Welfare Agency Education Specialists***

#### **Sessions**

- 1. General Overview of the Department of Education, Access to School, Transfers and Promotion**
- 2. Special Education -- Early Childhood Services**
- 3. Special Education -- School-age Part I**
- 4. Special Education -- School-age Part II**
- 5. School Discipline**
- 6. Options for Adolescents & Working with Youth Involved in the Juvenile Justice System**
- 7. Rights of Immigrant Students and Parents**

#### **Curriculum**

##### **Session 1: Introduction, Access to School, Transfers and Promotion**

- Inside Schools
- Navigating the Department of Education
- School Choice (high schools, middle schools, G & T programs, alternative school programs)
- Enrollment (documentation, records, who can enroll)
- Transfers / transportation
- Discharges/Involuntary transfers
- Promotion

##### **Session 2: Special Education: Early Childhood Services**

- Developmental Milestones
- Early Intervention
  - a. Referral
  - b. Services
- Preschool Special Education
  - a. Referral/transition from EI
  - b. Evaluation & eligibility for services
  - c. Placement
  - d. Transition to CSE

##### **Sessions 3 & 4: Special Education (school-age)**

- The laws: IDEA, Section 504 (FAPE), State law
- Navigating the special ed system
- Gathering information: records & parent/student interview tips
- Tips on reading evaluations and recognizing disabilities
- The special ed referral process & timeline
  - a. Pre-referral interventions
  - b. Evaluations: DOE & independent (pros & cons)
  - c. CSE review/creating an IEP
  - d. Appropriate placement & the new continuum (including CTTs)
  - e. Due process rights: impartial hearings
- Transition services/VESID

### **Session 5: School Discipline**

- Discipline Code, school behavior codes
- Teacher removals, other types of discipline
- Principal's suspensions
- Superintendent's suspensions
- Suspension hearings (who can attend, represent)
- Alternative instruction, homework, assignments
- Protections for students with special needs: the IDEA & Section 504

### **Session 6: Options for Adolescents & Working with Youth Involved in the Juvenile Justice System**

- Programs for adolescents: regular HS, alternative HS, GED, vocational
- Programs for over-age and under-credited adolescents: 8+, Diploma Plus
- Educational rights of students
  - a. Truant students
  - b. Guidance services
  - c. Educationally Related Support Services (ERSS) & Academic Intervention Services (AIS)
- Educational rights of adolescents with disabilities
  - a. Child-Find Issues
  - b. Transition services for adolescents with special needs
- Youth who are involved in the Juvenile Justice system
  - a. Police investigations in schools
  - b. Transitioning back to school after discharge from a facility

### **Session 7: Rights of Immigrant Students and Parents**

- Enrollment
- Translation and Interpretation Services
- Services and Programs for English Language Learners
  - a. ESL & Bilingual classes and services

- b. “International” High Schools and programs
  - Promotion and Graduation Requirements
  - Complaints of Discrimination

## APPENDIX C

### **Questions for former Louise Wise Services staff members**

What was your position at LWS?

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Do you feel that having Advocates for Children (AFC) on-site at LWS was helpful to your work at LWS?

Did AFC help you with any of the following types of problems: (check any that apply)

- Students who were out of school/needed to be enrolled in a new school
  - Students who were waiting for a special education placement or services
  - Students who needed transportation to/from school
  - Students who had behavior problems in school
  - Navigating the special education system
  - Navigating the preschool special education system
  - Infants who needed Early Intervention services
  - Assisting young people in making educational decisions
  - Other
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Do you feel that AFC's assistance improved your ability to meet the educational needs of your clients at LWS?

Examples?

How did AFC's assistance affect your work with biological parents?

How did AFC's assistance affect your work with foster parents?

Do you feel that AFC's assistance helped facilitate permanency planning for any of the children you worked with at LWS? If so, can you describe specific cases?

Would you recommend that AFC's program be recreated at other foster care agencies? Why or why not?

Is there anything about AFC's program that you would change if it were recreated at another foster care agency?

Other comments:

(please feel free to use the back or another sheet of paper for your responses)

## APPENDIX D

### **Screening Tools to Assist Child Welfare Professionals in Identifying Educational Issues**