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Collaboration Between Schools and Child Welfare Agencies in Florida to Address the Educational Needs of Children in Foster Care

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**COLLABORATION BETWEEN SCHOOLS AND CHILD WELFARE
AGENCIES IN FLORIDA TO ADDRESS THE EDUCATIONAL NEEDS OF
CHILDREN IN FOSTER CARE**

*Kele Stewart and Vanessa Thorrrington**

I. INTRODUCTION

Florida mandates that the child welfare and school systems collaborate to address the educational needs of children in out-of-home care.¹ Legislation was enacted in 2004 as a response to alarming data showing that children in foster care perform worse than their peers in school.² Consistent with the national data, Florida's children in foster care perform worse than other children in math and reading test scores and are more likely to be behind grade level.³ Research on the intersection between education and child welfare consistently identifies

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¹ FLA. STAT. § 39.0016(2) (2015). The term "out-of-home care" is used to refer to supervision by the Florida Department of Children and Families ("DCF") when children are removed from their natural families due to abuse, abandonment, or neglect. *Id.* § 39.01(1)-(2), (44), (48); *see also* Kele Stewart, *The Connection Between Education & Permanency in Child Welfare Policy*, 9 HASTINGS RACE & POVERTY L.J. 511, 511 (2012) (explaining the definition and usage of "out-of-home care"). Throughout this Article, the terms "out-of-home care" and "foster care" are used interchangeably even though children removed from their homes may live in a variety of settings including a foster home licensed by the state, a relative or other person who has gone through a screening process but has not been licensed, a group home, or other institutionalized setting. Stewart, *supra*, at 511 n.1.

² CHERYL SMITHGALL ET AL., EDUCATIONAL EXPERIENCES OF CHILDREN IN OUT-OF-HOME CARE 16-17 (2004), http://www.chapinhall.org/sites/default/files/old_reports/156.pdf.

³ *See, e.g.*, KELE WILLIAMS & ANDREA MOORE, INTERAGENCY AGREEMENTS: IMPROVING EDUCATIONAL OUTCOMES FOR FLORIDA'S CHILDREN IN FOSTER CARE 8 (2007) (discussing statewide data indicating lower academic achievement among children living in out-of-home care as compared to the general population).

four major factors that contribute to these poor outcomes: (1) the relationship between child maltreatment (and the complex constellations of factors associated with maltreatment) and poor school outcomes; (2) high rates of school mobility, which cause academic delays; (3) a lack of collaboration and communication between schools and child welfare agencies; and (4) a lack of education advocates, roles typically played by parents.⁴ This Article, focusing on the third factor—collaboration between child welfare agencies and school districts in Florida—is part of a larger research project looking at practices in several Florida counties to remedy all of these contributing factors.⁵

When the State removes a child from a home due to abuse, abandonment, or neglect, the State acts *in loco parentis*, assuming responsibility for the child's well-being.⁶ The public school system is responsible for ensuring that all children who attend receive a quality education, including access to services to help them succeed.⁷ Success in school depends not only on what happens in the classroom, but a myriad of social, biological, and behavioral determinants of academic engagement.⁸ When children enter foster care they are likely to already show academic deficits, which may be exacerbated by characteristics of the foster care experience such as the trauma of removal, frequent changes in home and school placements, inappropriate school placements, and a lack of parental advocates.⁹ Child welfare agencies

⁴ See, e.g., Jesse Hahnel & Caroline Van Zile, *The Other Achievement Gap: Court Dependent Youth & Educational Advocacy*, 41 J.L. & EDUC. 435, 439-80 (2012) (discussing the problems associated with foster care); Stewart, *supra* note 1, at 521-25; Fred Wulczyn et al., *Child Well-Being: The Intersection of Schools & Child Welfare*, 33 REV. RES. EDUC. 35, 39 (2009).

⁵ See *infra* Part V.

⁶ § 39.521(1)(b)(3) (authorizing the court to place children adjudicated dependent in the custody or under the supervision of the DCF); *id.* § 39.6011 (detailing DCF's obligation to develop a case plan that includes educational information).

⁷ *Id.* § 1002.20(1) (stating that pursuant to article IX, section 1 of the Florida Constitution, "all K-12 public school students are entitled to a uniform, safe, secure, efficient, and high quality system of education, one that allows students the opportunity to obtain a high quality education").

⁸ Wulczyn et al., *supra* note 4, at 56.

⁹ Steve Christian, *Educating Children in Foster Care*, CHILD. POL'Y INITIATIVE, Dec. 2003, at 1, <http://www.ncsl.org/Portals/1/documents/cyf/cpieducate.pdf>; Stewart,

and schools typically operate separately even though they are both responsible for helping children do well in school.¹⁰

Interagency collaboration is critical to provide appropriate interventions to individual children, as well as address the structural barriers that interfere with school progress for children in care.¹¹ Interagency collaboration is generally valued for social problems that cannot be resolved efficiently by a single agency.¹² Moreover, as one researcher noted, “Coordination of service delivery systems has a benefit besides economy; that of comprehensively providing child services based on a continuum of child needs across social, psychological, medical, vocational, and educational domains.”¹³ In the school and child welfare context, the types of problems that benefit from interagency collaboration include maintaining school stability, facilitating enrollment and seamless transfer of a child’s school records, ensuring appropriate placement in school and extracurricular programs, ensuring appropriate testing and special education services, and maintaining appropriate handling of behavioral and disciplinary problems.¹⁴

This Article provides research from a study of nine counties in Florida about their interagency collaboration and information sharing.¹⁵ The counties are diverse in terms of the population size, geographic location, and demographic profile of the county.¹⁶ In each county, the

supra note 1, at 515-16.

¹⁰ Lois A. Weinberg et al., *Removing Barriers to Educating Children in Foster Care Through Interagency Collaboration: A Seven County Multiple-Case Study*, 88 CHILD WELFARE 77, 79 (2009).

¹¹ *Id.* at 77, 103; ADA SKYLES ET AL., SCHOOL ENGAGEMENT & YOUTH WHO RUN AWAY FROM CARE: THE NEED FOR CROSS-SYSTEM COLLABORATION 20-21 (2007), http://www.chapinhall.org/sites/default/files/old_reports/352.pdf.

¹² Lawrence Johnson et al., *Stakeholders’ Views of Factors that Impact Successful Interagency Collaboration*, 69 EXCEPTIONAL CHILD 195, 195-96 (2003).

¹³ *Id.* at 196.

¹⁴ Andrea Zetlin, *Improving Educational Prospects for Youth in Foster Care: The Education Liaison Model*, 41 INTERVENTION SCH. & CLINIC 268, 268 (2006).

¹⁵ See *infra* Parts II-IV.

¹⁶ The names of the counties are not being disclosed pursuant to confidentiality agreements entered into with the interview participants. The study includes counties from the north, central, and southern part of Florida, as well as counties ranging from

authors interviewed the individuals who functioned in the role of “education specialist or liaison” at the lead community-based care agency and the role of “foster care specialist or liaison” at each respective school district.¹⁷ Part II provides information about the educational outcomes of children in foster care. Part III explains why collaboration is important and identifies the factors that contribute to successful interagency collaboration. This provides context for assessing Florida’s collaborative efforts.¹⁸ Part IV describes the legal framework for addressing the educational needs of children in foster care. Part V reports on the themes that emerged from the interviews conducted by the authors. Part VI presents implications for policy and further research.

II. EDUCATIONAL OUTCOMES OF CHILDREN IN FOSTER CARE

There are around 400,000 children in foster care nationally,¹⁹ and, although this number has decreased since the early 2000s, this population is still a significant proportion of youth.²⁰ These children are more likely than their peers to perform below their grade level, score lower on state achievement tests, repeat one or more grades, and have higher rates of absence or drop out.²¹

Nationally, it is estimated that only about 50% of foster youth complete high school by age eighteen, compared to about 70% of the general population.²² Although some multistate studies of foster youth,

a population under 500,000 to a population over one million. County Profiles (Sept. 10, 2013) (unpublished manuscript) (on file with author).

¹⁷ Telephone Interview with A1 (Nov. 19, 2013).

¹⁸ *Id.*

¹⁹ *Number of Children in Foster Care Near Historic Low*, ADMIN. FOR CHILD. & FAMILIES (Sept. 29, 2014), <http://www.acf.hhs.gov/media/press/2014/number-of-children-in-foster-care-near-historic-low>.

²⁰ OFFICE OF DATA, ANALYSIS, RESEARCH, & EVALUATION, DATA BRIEF 2013-1: RECENT DEMOGRAPHIC TRENDS IN FOSTER CARE, ACYF 1-2 (2013), http://www.acf.hhs.gov/sites/default/files/cb/data_brief_foster_care_trends1.pdf.

²¹ ELIZABETH YU ET AL., IMPROVING EDUCATIONAL OUTCOMES FOR YOUTH IN CARE: A NATIONAL COLLABORATION 3 (2002).

²² THOMAS R. WOLANIN, HIGHER EDUCATION OPPORTUNITIES FOR FOSTER YOUTH: A PRIMER FOR POLICYMAKERS 7 (2005), <http://www.ihep.org/sites/default/files/uploads/>

such as the Northwest Foster Care Alumni Study and the Casey Alumni Study, show high school completion rates on par with the national average, youth in those studies received GEDs rather than high school diplomas at a much higher rate than the general population.²³ A GED is not always viewed as the equivalent of a high school diploma and can create barriers to the job market and postsecondary schooling.²⁴ Those who receive a GED often do so past the typical age for high school graduation, which puts them behind their cohort of peers, earning less, and makes them less likely to graduate from college.²⁵

Although some studies show that as many as 70% of youth aging out of foster care have a strong desire to go to college, the postsecondary education outcomes for these youth are overwhelmingly negative.²⁶ One literature review estimated that only 20% of foster care

docs/pubs/opportunitiesfosteryouth.pdf.

²³ PETER J. PECORA ET AL., IMPROVING FAMILY FOSTER CARE: FINDINGS FROM THE NORTHWEST FOSTER CARE ALUMNI STUDY 35 (2005) [hereinafter PECORA, ET AL., IMPROVING FAMILY FOSTER CARE]. Over four-fifths of Northwest alumni interviewed (84.8%) had completed high school; however, 28.5% of those were via a GED, compared to the national average of 5%. *Id.*; Peter J. Pecora et al., *Assessing the Educational Achievements of Adults Who Were Formerly Placed in Family Foster Care*, 11 CHILD & FAM. SOC. WORK 220, 224 (2006). A substantial portion of the Casey alumni (72.5%) had received high school diplomas by the time their case closed, but 18.2% of them earned their diploma through a GED test. PETER J. PECORA ET AL., ASSESSING THE EFFECTS OF FOSTER CARE: EARLY RESULTS FROM THE CASEY ALUMNI STUDY 35 (2005) [hereinafter PECORA, ET AL., ASSESSING THE EFFECTS OF FOSTER CARE].

²⁴ See generally PECORA, ET AL., IMPROVING FAMILY FOSTER CARE, *supra* note 23, at 2 (reporting that those who graduate with a high school diploma, rather than a GED, are 1.7 times more likely to obtain an associate's degree and 3.9 times more likely to obtain a bachelor's degree); *Earnings and unemployment rates by educational attainment*, U.S. BUREAU LAB. & STAT., http://www.bls.gov/emp/ep_chart_001.htm (last modified Dec. 8, 2015) (displaying the median wage salary and unemployment percentage differences between individuals with different levels of educational attainment, such as a bachelors degree and either a GED or a high school diploma).

²⁵ DAVID BOESEL ET AL., EDUCATIONAL AND LABOR MARKET PERFORMANCE OF GED RECIPIENTS 12-13 (1998), <http://files.eric.ed.gov/fulltext/ED416383.pdf>; GED TESTING SERVS. LLC, 2013 ANNUAL STATISTIC REPORT ON THE GED TEST: THE CLOSE OF THE 2002 SERIES GED TEST 22 (2014), <http://www.gedtestingservice.com/uploads/files/5b49fc887db0c075da20a68b17d313cd.pdf> (reporting the average age of GED test takers in 2013 was twenty-seven years old).

²⁶ Curtis McMillen et al., *Educational Experiences and Aspirations of Older Youth in*

alumni who graduated from high school actually attended college, compared to 60% of non-foster youth who graduated from high school.²⁷ Even those foster care alumni who do go on to college often do not graduate at the same rate as their peers, if at all.²⁸ According to the Northwest and Casey Alumni studies, approximately 1% to 11% of the alumni interviewed had obtained a bachelor's degree by age twenty-five, as compared to 24% of the general population of the same age population.²⁹ The unfortunate implications of these educational discrepancies can be seen in the higher unemployment rate for these foster care alumni, and the reality is that over one-third are earning an income below the poverty level, which is three times the national poverty rate.³⁰

Although Florida does not consistently report education outcomes of children in foster care, the available data shows that foster children are indeed lagging behind their peers in academic performance.³¹ According to recent data released by the Florida Department of Education (“DOE”), Division of Accountability, Research and Measurement, children in foster care performed worse, on average, on the Florida Comprehensive Assessment Test (“FCAT”) in math and reading compared to the general school population.³² The

Foster Care, 82 CHILD WELFARE 475, 483 (2003); Jessica Martin, *Foster youth desire college, study shows, but face roadblocks to learning*, WASH. U. ST. LOUIS (Oct. 2, 2003), <http://news-info.wustl.edu/tips/page/normal/452.html>. See generally WOLANIN, *supra* note 22 (stating that the rate of college completion for foster youth in the 1980s ranged from less than 1% to 5.4%).

²⁷ WOLANIN, *supra* note 22.

²⁸ *Id.*

²⁹ PECORA, ET AL., IMPROVING FAMILY FOSTER CARE, *supra* note 23, at 36 (showing only 1.8% of alumni interviewed obtained a bachelor's degree by age twenty-five); Pecora et al., *supra* note 23, at 24 (showing 10.8% of alumni received a bachelors degree by age twenty-five).

³⁰ PECORA, ET AL., IMPROVING FAMILY FOSTER CARE, *supra* note 23, at 37. The employment rate was 80.1% for alumni interviewed. *Id.* This rate was lower than for twenty- to thirty-four-year-olds in the general population (95%), and one-third of the alumni (33.2%) had household incomes that were at or below the poverty level, three times the national poverty rate. *Id.*

³¹ WILLIAMS & MOORE, *supra* note 3.

³² Casey Family Programs Compilation of data from Department of Children & Families and Department of Education (on file with author) [hereinafter Casey Family Programs]; DCF and Non-DCF Report 2013-2014, Florida Department of Education,

DOE data indicated that 49% of foster youth were reportedly in a grade level inconsistent with their age, with 13% of them being behind by two or more grade levels.³³ Florida also has below average high school graduation rates for foster youth.³⁴ According to a 2014 survey of eighteen to twenty-year-olds who had aged out of the system, only 66% had a high school diploma or GED, compared to 81% of the general population, and 58% reported they did not have a paying job in the last year.³⁵ These statistics show that there is still much work to be done in ensuring the education and futures of our foster youth.³⁶

III. THE FEATURES AND IMPORTANCE OF EFFECTIVE INTERAGENCY COLLABORATION

A. Features of Successful Interagency Collaboration

Collaboration and communication between the child welfare, education, and court systems is critical to address the educational needs of children in foster care.³⁷ Each system bears responsibility for a

Division of Accountability, Research & Measurement (on file with author).

³³ Casey Family Programs, *supra* note 32; DCF and Non-DCF Report 2013-2014, *supra* note 32; *Children in Florida*, CHILD. DEF. FUND (Mar. 20, 2013), <http://www.childrensdefense.org/library/data/state-data-repository/cits/2013/2013-florida-children-in-the-states.pdf>.

³⁴ Compare FLA. DEP'T OF CHILDREN & FAMILIES, FLORIDA NYTD 18-22 YEAR OLD SURVEY 5 (2014) [hereinafter FLORIDA NYTD], <http://www.dcf.state.fl.us/programs/indliving/docs/FloridaNYTDSurveyReportSpring2014.pdf> (indicating that in 2014, 66% of Florida foster youth ages eighteen to twenty-two had a high school diploma or GED), with NAT'L CTR. FOR EDUC. STATISTICS, AMERICA'S YOUTH: TRANSITIONS TO ADULTHOOD 68 (2011) [hereinafter AMERICA'S YOUTH], <http://nces.ed.gov/pubs2012/2012026.pdf> (indicating that in 2009, 81% of young adults ages eighteen to twenty-four had a high school diploma or equivalency certification).

³⁵ AMERICA'S YOUTH, *supra* note 34; FLORIDA NYTD, *supra* note 34. In 2009, 81% of those aged eighteen to twenty-four had at least a high school diploma or GED. AMERICAN'S YOUTH, *supra* note 34. In 2010, 19% of those aged sixteen to twenty-four reported being unemployed. *Id.* at 82.

³⁶ See generally FLORIDA NYTD, *supra* note 34 (showing that Florida has a below average high school and GED completion rate).

³⁷ PETER LEONE & LOIS WEINBERG, ADDRESSING THE UNMET EDUCATIONAL NEEDS OF CHILDREN AND YOUTH IN THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS 2-3 (2010); Weinberg et al., *supra* note 10, at 91-92. This study of interagency

child's educational success but cannot independently address all of the factors that contribute to academic achievement.³⁸ Child welfare policy identifies education as an important measure of well-being,³⁹ but in practice the beleaguered child welfare system prioritizes dealing with crises involving a child's safety or home situation.⁴⁰ Case managers often view the school system as too complicated to navigate.⁴¹ For the school system, accountability measures and funding incentives require schools to meet the educational needs of students at risk of failing,⁴² and studies show that children in foster care disproportionately fall into this category.⁴³ In practice, schools are sometimes unaware of a child's foster care status or are ill-equipped to address the child's needs.⁴⁴

collaboration in seven counties concluded that making system changes to improve educational outcomes for children in foster care requires successful collaboration between schools and child welfare agencies, as well as strong leadership within at least one of the agencies. Weinberg et al., *supra* note 10, at 77.

³⁸ LEONE & WEINBERG, *supra* note 37, at 15. Factors include abuse, neglect or trauma before entering care, multiple school and home changes, delayed or incorrect transfer of student records, lack of a clearly identified adult decision-maker and advocate for school, and lack of appropriate services for children with disabilities. See PETER LEONE & LOIS WEINBERG, ADDRESSING THE UNMET EDUCATIONAL NEEDS OF CHILDREN AND YOUTH IN THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS 2 (2010) and Kele Stewart, *The Connection Between Education & Permanency in Child Welfare Policy*, 9 HASTINGS RACE & POVERTY L.J. 511, 521-25 (2012), for a more complete discussion of these factors.

³⁹ LEONE & WEINBERG, *supra* note 37, at 7. As required by the Adoption and Safe Families Act ("ASFA"), the United States Department of Health and Human Services developed federal outcome measures, known as Child and Family Safety Reviews ("CFSRs"), to assess the performance of child welfare programs. See Adoption and Safe Families Act of 1997, Pub. L. No. 105-89, § 203, 111 Stat. 2115, 2126 (codified as amended in scattered sections of 42 U.S.C.). CFSRs measure outcomes in the area of safety, permanency, and well-being. U.S. DEP'T OF HEALTH & HUMAN SERVS., CHILD AND FAMILY SERVICES REVIEWS: STATEWIDE ASSESSMENT INSTRUMENT 64 (2006), <http://www.acf.hhs.gov/programs/cb/resource/cfsr-statewide-assessment>. Among the well-being measure is one on education that assesses whether "children are receiving appropriate services to meet their educational needs." *Id.* at 44.

⁴⁰ Stewart, *supra* note 1, at 525.

⁴¹ Sandra J. Altshuler, *From Barriers to Successful Collaboration: Public Schools and Child Welfare Working Together*, 48 SOC. WORK 52, 61 (2003).

⁴² Hahnel & Van Zile, *supra* note 4, at 455.

⁴³ Wulczyn et al., *supra* note 4, at 36.

⁴⁴ Weinberg et al., *supra* note 10, at 93-94 (finding that many school personnel were not only unaware of the procedures of the foster care system, but unaware of which

School officials may attribute a child's academic or behavioral problems to lack of motivation or ability, when the issues may, in actuality, be attributable to unique factors associated with child welfare involvement, such as maltreatment, trauma due to removal from the home, high mobility, or lack of parental advocates.⁴⁵

Without collaboration, accountability for educational success becomes diffused and neither system embraces responsibility for a child's performance.⁴⁶ There may be either duplication of efforts or fragmentation of services, resulting in the child falling through the cracks.⁴⁷ For example, a school might not know that a foster child attends their school and may not know whom to contact if the child experiences problems in school.⁴⁸ There may not be any adult advocating for the child in school, and there may be confusion about who has the right to make educational decisions for the child.⁴⁹ Support services such as tutoring or behavioral intervention may be available through both systems⁵⁰ and may be duplicated or fragmented when neither system has a complete picture of services the child receives.⁵¹ Children in foster care change schools frequently, which tends to cause academic delays.⁵² Without collaboration, there is no mechanism to minimize school transfers.⁵³ When school changes occur, there may be delays in getting information about the student to the new school, which

students were in the child welfare system, what problems may arise due to their background, and who was to make educational decisions for the child).

⁴⁵ Wulczyn et al., *supra* note 4, at 49-53.

⁴⁶ LEONE & WEINBERG, *supra* note 37, at 2.

⁴⁷ *Id.*

⁴⁸ Wulczyn et al., *supra* note 4, at 38-39.

⁴⁹ LEONE & WEINBERG, *supra* note 37, at 20.

⁵⁰ Christian, *supra* note 9, at 5. Children in foster care may receive interventions that are covered by Medicaid or foster care funding streams, and children in schools are eligible for interventions through the Multi-Tiered System of Supports or Title I funding for at-risk students, or for children with disabilities under the Individuals with Disabilities Education Act. See 20 U.S.C. § 1400(c) (2012 & Supp. II 2014); FLA. STAT. §§ 409.905(1), 1003.571(1) (2015); FLA. ADMIN. CODE ANN. R. 6A-6.6.0.331 (2015).

⁵¹ LEONE & WEINBERG, *supra* note 37, at 2.

⁵² Stewart, *supra* note 1, at 512.

⁵³ *Id.* at 513.

may cause the child to be placed in an inappropriate school program.⁵⁴ If the child welfare system does not have up-to-date school records, then it cannot help with academic planning, make informed placement decisions, or obtain needed supports.⁵⁵ In short, both systems need information to recognize whether there is a problem in school, as well as mechanisms and support services to remedy the situation.⁵⁶

Although there is no single model for effective interagency collaboration, studies have identified several features of effective interagency collaboration.⁵⁷ “The appropriate approach to interagency collaboration depends on the context and goals of the work and on the organizational structure.”⁵⁸ Nonetheless, interagency collaboration is more likely to be successful if it includes strong leadership; commitment; positive, informal relationships with the professionals from agencies involved; mutual responsibility; a high level of trust; regular and ongoing communication to discuss concerns and understand each agency’s culture; the formalization of shared goals; and the adjustment of policies or practices that prove to be unsuccessful.⁵⁹ Additionally, one study examined the degree to which interagency collaborations met the developmental needs of young children in the child welfare system.⁶⁰ The study found that locations in which formal

⁵⁴ *Id.* The story of Tina, a teenager in the child welfare system, illustrates the problems of placement and school mobility. *Id.* at 513-14. After spending a year and a half in the same group home and school, the foster care agency removed Tina from the group home because of an incident with another resident. *Id.* at 514. She was placed in a foster home and transferred to the neighborhood school for that home. *Id.* After some disciplinary problems at the school, Tina was transferred to an alternative high school, and the foster mother asked for Tina to be removed from the home. *Id.* The net result is that Tina attended three schools in one academic year. *Id.* Each time, there was a delay in transferring her academic records and information about her Individualized Education Plan to address her disabilities. *Id.* at 513-14.

⁵⁵ *Id.* at 525.

⁵⁶ LEONE & WEINBERG, *supra* note 37, at 3.

⁵⁷ Weinberg et al., *supra* note 10.

⁵⁸ *Id.*

⁵⁹ *See id.* (discussing factors that have been shown to contribute to successful collaboration); Altshuler, *supra* note 41, at 57-58; Johnson et al., *supra* note 12, at 205-07.

⁶⁰ HELEN WARD ET AL., CHILDREN AT RISK IN THE CHILD WELFARE SYSTEM: COLLABORATIONS TO PROMOTE SCHOOL READINESS 8 (2009),

memoranda of understanding or informal agreements existed between the agencies, the collaboration was smoother and there was less confusion about the roles of the key players in meeting the needs of the children. In a truly collaborative partnership, the agencies engage in collaborative decision making, share resources and expertise, and target services to meet the needs of children, youth, parents, and caregivers.⁶¹

In a study of interagency collaboration, seven counties were asked to identify barriers impeding the education of children in foster care.⁶² Over a two-year period, the researchers provided technical assistance to identify and troubleshoot problems in the education of foster children.⁶³ In all of the counties where education problems were reduced (for example, enrolling children in school more promptly), collaboration was an important contributing factor.⁶⁴ The study found that collaboration took different forms in different counties.⁶⁵ However, the counties that were able to make changes to promote more effective collaboration on different fronts all had strong leadership within the child welfare agency or the school system, or both. The systems also had a willingness to commit resources (funding or staff) to education issues.⁶⁶ Some other common themes for effective collaboration included collaborative training, interagency education work groups, and personal, respectful relationships.⁶⁷ Collaboration was easy when the changes necessary to remove education barriers did not affect overall agency funding or organizational structures.⁶⁸ The more child welfare staff collaborated with schools, “the more agency managers recognized

muskie.usm.maine.edu/publications/cyf/children-at-risk-school-readiness.pdf.

⁶¹ LEONE & WEINBERG, *supra* note 37, at 3.

⁶² Weinberg et al., *supra* note 10, at 77.

⁶³ *Id.*

⁶⁴ *Id.* at 103.

⁶⁵ *Id.* at 98-99. Each county selected an array of technical assistance and each applied it in unique ways, especially in the education work groups. *Id.* Some counties set up new interagency work groups, while others established subcommittees to their ongoing advisory meetings between agencies. *Id.* Some counties wanted to focus on caregiver work groups while others chose to have stakeholders present ongoing issues in the county, and each varied on the amount of in-person technical assistant contacts they used. *Id.*

⁶⁶ *Id.* at 106.

⁶⁷ *Id.* at 91, 104-05.

⁶⁸ *Id.* at 105.

the need to establish education liaison positions with [the child welfare agency].”⁶⁹ None of the counties were able to achieve effective collaboration when the child was placed in a different county than the one with legal and case management oversight of the child.⁷⁰

The Altshuler study provides insight into some of the barriers to collaboration at the school level.⁷¹ The study, which interviewed case managers, educators, and students in the Midwest, found that the two most consistent barriers to collaboration were the student and teacher reactions to foster care placements and the adversarial relationships between school and child welfare staff.⁷² Teachers may classify the child as a “problem child” and create a negative stereotype in the classroom or, on the contrary, may give the child special treatment that some children in the study said made them feel uncomfortable.⁷³ The study found that the adversarial relationship between case managers and educators stems mostly from a lack of mutual trust.⁷⁴ The educators resented not getting enough information from case managers about the foster children in their schools, while case managers felt they were being asked to divulge confidential information.⁷⁵ Both educators and case managers perceived that the other was not committed to the child.⁷⁶ Other barriers included lack of effective communication, lack of knowledge about each other’s agencies and procedures, frustration about information sharing among the parties, and an overall confusion as to the responsibilities of different people involved in the child’s life.⁷⁷ Some suggestions for better collaboration included welcoming

⁶⁹ *Id.* at 104.

⁷⁰ *Id.* at 105.

⁷¹ See Altshuler, *supra* note 41, at 52-53.

⁷² *Id.* at 55-56.

⁷³ *Id.* at 55.

⁷⁴ *Id.*

⁷⁵ *Id.* at 55-56.

⁷⁶ *Id.* at 56.

⁷⁷ See HELEN D. WARD ET AL., *ADVOCATING FOR THE EDUCATIONAL NEEDS OF CHILDREN IN OUT-OF-HOME CARE: A MANUAL FOR CASEWORKERS AND SUPERVISORS* 7-8 (2010 ed. 2006), [hereinafter WARD ET AL., *ADVOCATING FOR THE EDUCATIONAL NEEDS*] <http://muskie.usm.maine.edu/helpkids/pubstext/COCaseworkerManual.pdf>; Weinberg et al., *supra* note 10, at 91-95, 97 (discussing the common themes in barriers to collaboration found in the study). Survey data and interviews in Colorado uncovered a significant level of confusion about who was primarily responsible for

the case managers and their role within the schools, equal treatment of foster children in the classroom, and foster parent involvement within the school.⁷⁸

Research on the stages of collaboration offers another useful framework to assess collaborative efforts.⁷⁹ Successful collaborations take time and work to develop and show results.⁸⁰ Peter Leone and Lois Weinberg summarize the literature to reflect four stages.⁸¹ Organizations begin with merely coexisting; they operate independently with little knowledge of each other's organizations.⁸² Next comes communication, where agencies have a general understanding of each other's mission but no formal partnering.⁸³ The third stage involves cooperation and coordination.⁸⁴ Once agencies recognize the need for collaboration, they partner more substantially.⁸⁵ Initially, conversations are more likely to occur at the leadership and policy development level.⁸⁶ With increased coordination, agency staff engage in cross-training and shared decision making; communication between policy makers becomes routine; and case managers, front-line staff, and agencies address the needs of most children and youth with universal interventions and strategies.⁸⁷ The final stage of collaboration includes merged efforts where staff are fully empowered to collaborate.⁸⁸ In this final stage, a common goal underlies the supports, services, and

making sure children's developmental needs are identified. WARD ET AL., *ADVOCATING FOR THE EDUCATIONAL NEEDS*, *supra*, at 2-1, 2-6, 3-2. Many case managers (47%) thought the foster or biological parent had primary responsibility. See Zetlin, *supra* note 14, at 270. A few issues found with the education liaison model include the following: who was to oversee the liaisons, who was responsible for providing them with supplies and their ongoing training, and general trust issues. See Weinberg et al., *supra* note 10, at 92.

⁷⁸ Altshuler, *supra* note 41, at 57-59.

⁷⁹ See LEONE & WEINBERG, *supra* note 37, at 3.

⁸⁰ Johnson et al., *supra* note 12, at 201.

⁸¹ LEONE & WEINBERG, *supra* note 37, at 3-4.

⁸² *Id.* at 3.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.* at 4.

interventions that are provided, and agencies may adopt common policies and share funding and a budget.⁸⁹ Although scholars have identified stages of collaboration, the process is not sequential and may include repeated attempts at one stage, an iterative and cumulative process, or collaboration at different stages for different facets of the same initiative.⁹⁰

B. Mechanisms that Facilitate Interagency Collaboration

Information sharing is a significant facet of interagency collaboration in the child welfare and school context.⁹¹ Child welfare agencies and school systems generally have not developed procedures and processes to systematically share information.⁹² When the various agencies do not share information timely and completely, no single system will have the full picture needed to meet the child's needs.⁹³ Transfers of records are delayed when children change schools.⁹⁴ Case managers do not have up-to-date school records to monitor academic progress, and schools do not know which children are in foster care.⁹⁵ There are some initial efforts to link databases between child welfare and school systems so there can be real-time sharing of data at both the aggregate and individual level.⁹⁶ With electronic data sharing, there is

⁸⁹ *Id.*

⁹⁰ Bob Hudson et al., *In Pursuit of Inter-Agency Collaboration in the Public Sector: What is the Contribution of Theory and Research?*, 1 PUB. MGMT. REV. 235, 237 (1999).

⁹¹ Stewart, *supra* note 1, at 525. Without the proper information, school staff are unable to offer the appropriate supports. *Id.* At the same time, child welfare officials may have insufficient, outdated, or incorrect school records, which prevent them from being able to make informed decisions regarding the child's education. *Id.*

⁹² See generally Susan Stone et al., *Educational Services for Children in Foster Care: Common and Contrasting Perspectives of Child Welfare and Education Stakeholders*, 1 J. PUB. CHILD WELFARE 53 (2007) (stating that there are collaboration problems between school and child welfare personnel); Weinberg et al., *supra* note 10 (stating that agencies operate separately even though each of their actions impact the same children's lives).

⁹³ WILLIAMS & MOORE, *supra* note 3, at 11.

⁹⁴ See *id.* at 10.

⁹⁵ *Id.* at 11.

⁹⁶ See, e.g., MAYA COOPER, SHARING INFORMATION TO SUPPORT THE EDUCATIONAL SUCCESS OF CHILDREN IN CARE: FEDERATED SECURITY AND ACCESS PROTOCOLS

no lag time when students change home or school placements, and aggregate data is available to inform policy and make systemic improvements.⁹⁷

A school-based liaison position may be another effective mechanism to facilitate some of the collaboration and communication between the child welfare and school systems.⁹⁸ In one California model, a liaison from the local education agency was placed in the child welfare agency office to assist social workers with addressing educational issues in their cases.⁹⁹ The liaisons had worked previously as school counselors, vice-principals, or special education teachers, and the local education agency provided initial and ongoing training to the liaisons.¹⁰⁰ Once child welfare social workers referred an education problem, education liaisons reviewed the child's school records and gave advice as to the appropriate steps.¹⁰¹ This could involve a one-time consultation with the social worker or direct intervention by the liaison such as contacting school officials, attending meetings, or researching program options.¹⁰² Other tasks of the liaisons included providing training to school or child welfare staff and participating on multidisciplinary teams that discussed placement or permanency options.¹⁰³ The data indicated that the liaison model was effective in improving the knowledge and involvement of case managers with the educational needs of their children, documentation of up-to-date school information in child welfare files, and math and reading scores of children served by a liaison.¹⁰⁴

Interagency work groups are another important vehicle for collaboration.¹⁰⁵ Regular contact between interagency participants creates an opportunity for problem solving and fosters the development

BRIEF 2 (2013).

⁹⁷ LEONE & WEINBERG, *supra* note 37, at 45.

⁹⁸ *See id.* at 44.

⁹⁹ Zetlin, *supra* note 14.

¹⁰⁰ *Id.*

¹⁰¹ *Id.* at 269.

¹⁰² *See id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 271.

¹⁰⁵ Weinberg et al., *supra* note 10, at 104.

of trusting, respectful relationships.¹⁰⁶ In the California education liaison model, a multiagency oversight committee was also created to oversee the barriers to collaboration between these professionals and to help address them.¹⁰⁷ The committee met monthly and was comprised of representatives from each agency.¹⁰⁸ The focus of the meetings was to identify concerns of each agency in relation to the others that may adversely affect their mutual goals.¹⁰⁹

To improve and implement collaboration models and strategies, it is important for agencies to share their success stories.¹¹⁰ As Weinberg found, the child protective service agencies were more likely to make changes when they saw that a sister agency in another jurisdiction had made these changes successfully and was able to share its procedures and policies.¹¹¹ It is also helpful for an administrator of one agency that has implemented changes to communicate with the administrator of another agency that is interested in making similar changes.¹¹² By openly sharing ideas and successful practices, child welfare agencies will begin breaking down barriers.¹¹³ This study and Article attempt to do just that by sharing information about collaboration in Florida counties.¹¹⁴

IV. THE LEGAL FRAMEWORK FOR INTERAGENCY COLLABORATION ON EDUCATION ISSUES

The Florida Legislature enacted Florida Statute section 39.0016 in 2004 to require collaboration between child welfare agencies and school districts.¹¹⁵ The statute requires that the Florida Department of Children and Families (“DCF”) and their community-based care (“CBC”) providers enter into interagency agreements with the DOE and

¹⁰⁶ See *id.* at 105-06.

¹⁰⁷ Zetlin, *supra* note 14, at 270.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ Weinberg et al., *supra* note 10, at 108.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.* at 108-09.

¹¹⁴ See *infra* Part IV.

¹¹⁵ See FLA. STAT. § 39.0016 (2015).

local school districts.¹¹⁶ The purpose of these agreements is to facilitate the delivery of services to children in out-of-home care by avoiding duplication and combining resources to maximize service delivery.¹¹⁷ The statute specifies responsibilities that must be covered in the interagency agreements.¹¹⁸ These include, but are not limited to, the following: ensuring that children known to DCF are enrolled in school with minimal disruption, notifying the school that a child is in foster care and providing caregiver information, participating jointly in case planning activities involving foster children, establishing protocols for DCF to share information about a child with the school district consistent with Family Educational Rights and Privacy Act (“FERPA”), identifying the educational needs of the child and services available, determining if proper transportation is in place for the child, and cooperating jointly in assessing the supports needed for a child with disabilities.¹¹⁹

The initial implementation of these agreements was slow, and counties varied in the way they handled certain issues under their agreements.¹²⁰ In a 2007 study, twenty-two out of Florida’s sixty-seven counties did not respond to a public records request for copies of the interagency agreement.¹²¹ Another six counties either explicitly said they had no agreement or provided agreements that related to issues other than section 39.0016.¹²² Of the thirty-one counties with agreements, twenty-three counties agreed to provide school records and transcripts to DCF and the CBC providers (ten of these districts agreed to provide them annually or upon request), and in sixteen counties, DCF and the CBCs said they provide schools with a regularly updated electronic list of children in care.¹²³ With respect to liaisons, there was

¹¹⁶ *Id.* § 39.0016(2).

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.* § 39.0016(2)-(3).

¹²⁰ WILLIAMS & MOORE, *supra* note 3, at 14-35 (discussing how each county implemented interagency agreements, but each county differed on the level and access of providing educational services, records, technology, and reports to DCF).

¹²¹ *Id.* at 14.

¹²² *Id.*; § 39.0016(4).

¹²³ § 39.0016(2)(a), (2)(b)(2)(a); WILLIAMS & MOORE, *supra* note 3, at 14-32 (discussing how each county implemented interagency agreements, but each county

a CBC education specialist or liaison in six counties, a school foster care specialist or liaison in ten counties, and a court liaison in seven counties.¹²⁴

At the federal level, there are separate laws governing the child welfare and education systems, and the concept of collaboration between the two systems was only recently introduced. Federal child welfare law has for some time required child welfare agencies to address the educational needs of children in foster care.¹²⁵ Child welfare case plans must include school information,¹²⁶ and one of the outcome measures to assess state child welfare performance is whether the child is receiving services to meet his or her educational needs.¹²⁷ The Fostering Connections and Increasing Adoptions Act requires that every school-aged child receiving federal foster care funding is enrolled full time in school or has completed secondary schooling.¹²⁸ Child welfare agencies must also ensure that the child remains in the school in which he or she was enrolled at the time of foster care placement or, if this is not in the child's best interests, must ensure "immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school."¹²⁹

Until recently, there were no explicit federal mandates for education agencies to focus on children in foster care. This changed with the Every Student Succeeds Act ("ESSA") of 2015, which overhauled the Elementary and Secondary Education Act, the major federal legislation governing K-12 education. Prior to ESSA, the Elementary and Secondary Education Act indirectly authorized some

differed on the level and access of providing educational services, records, technology, and reports to DCF).

¹²⁴ WILLIAMS & MOORE, *supra* note 3, at 24.

¹²⁵ 42 U.S.C. § 675(1)(G) (2012 & Supp. II 2014).

¹²⁶ *Id.* § 675(1)(C)(i).

¹²⁷ See, e.g., CHILDREN'S BUREAU OF THE U.S. DEP'T OF HEALTH & HUMAN SERVS., CHILD WELFARE OUTCOMES 2009-2012: REPORT TO CONGRESS, at G-2 (2014), http://www.acf.hhs.gov/sites/default/files/cb/cwo09_12.pdf.

¹²⁸ Fostering Connections and Increasing Adoptions Act, Pub. L. No. 110-351, § 204, 122 Stat. 3949, 3961 (2008) (codified as amended at 42 U.S.C. § 671(a)(30) (2012 & Supp. I 2013)).

¹²⁹ 42 U.S.C. § 675(1)(G)(ii)(II).

services for foster youth.¹³⁰ Title I, Part D authorized federal funding for states to provide educational services so that neglected, delinquent, or at-risk youth can meet state achievement standards, and to prevent at-risk youth from dropping out of school.¹³¹ The legislation also allows for school transfers, tutoring, and other services for children in low-performing schools where many foster youth attend.¹³²

ESSA reauthorized this Title I assistance for all at-risk youth, and added some provisions to address the specific needs of children in foster care. ESSA requires the state education agency and state child welfare agency to collaborate to promote school stability by, among other things, assuring that children will stay enrolled at their original school, unless a determination is made that it is not in the child's best interest.¹³³ The decision must take into consideration all factors relevant to the child best interests, including how changing schools would affect the child's achievement, education, health, safety, and the parents/guardians interests.¹³⁴ In order to promote school stability, ESSA accounted for the potential need for transportation after a child's living arrangements have been changed.¹³⁵ The ESSA calls for collaboration between local education and child welfare agencies, to develop procedures and funding mechanisms in order to provide transportation for the child to their original school, even if they have moved out of the area.¹³⁶

If the child does need to change schools, the ESSA requires immediate enrollment of the child into the new school, as well as the

¹³⁰ Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 (2012 & Supp. II 2014), *amended by* Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015).

¹³¹ *Id.* § 6421(a).

¹³² Hahnel & Van Zile, *supra* note 4, at 439-40.

¹³³ Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802, 20 U.S.C. 6311(g)(1)(E)(2015).

¹³⁴ See A.B.A. Ctr. on Child. and the Law, Educ. Law Ctr and Juv. Law Ctr., HOW WILL THE *EVERY STUDENT SUCCEEDS ACT* (ESSA) SUPPORT STUDENTS IN FOSTER CARE? (2016), <http://www.fostercareandeducation.org/Portals/0/documents/QA%20ESSA%202015%20FINAL%205%2010%2016.pdf>

¹³⁵ Every Student Succeeds Act, *supra* note 133, 20 U.S.C. 6311(g)(1)(E)(2015).

¹³⁶ *Id.*

immediate transfer of school records.¹³⁷ If there are any disputes or delays in the transfer process, the ESSA provides the steps the state and schools must take in order to make sure all relevant information is shared as quickly as possible.¹³⁸ According to the Act, if a school is receiving a charter school grant under Title IV Part C, it must work with charter schools on recruitment and enrollment practices in order to support the enrollment and recruitment of all students, in order to eliminate any impediment of enrollment for foster care children.¹³⁹ ESSA also requires states to provide data about academic outcomes of children in foster care, and local education agencies to designate a point of contact for child welfare agencies.¹⁴⁰

Laws regarding confidentiality have long been cited as a barrier to information sharing.¹⁴¹ FERPA is a federal law that protects the privacy of student education records.¹⁴² FERPA gives parents and students over the age of eighteen certain rights with respect to education records.¹⁴³ Parents and eligible students have the right to inspect their school records, the right to request that schools correct records that are believed to be inaccurate or misleading, and the right to request that schools disclose educational records to certain parties.¹⁴⁴ Until recently, schools could not disclose educational records without the consent of parents (or a student over the age of eighteen) unless there was a court order authorizing disclosure or the situation met another exception specified in FERPA.¹⁴⁵ Although some argued that schools could

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ SIMON GONSOLIN & NICHOLAS W. READ, IMPROVING EDUCATIONAL OUTCOMES FOR YOUTH IN THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS THROUGH INTERAGENCY COMMUNICATION AND COLLABORATION 2 (2011), http://www.neglecteddelinquent.org/sites/default/files/docs/NDTAC_PracticeGuide_InteragencyCommunication_2011.pdf.

¹⁴² 20 U.S.C. § 1232g(d).

¹⁴³ 34 C.F.R. §§ 99.4-99.5 (2015).

¹⁴⁴ 20 U.S.C. § 1232g(a)(1)(A); 34 C.F.R. §§ 99.10, 99.20.

¹⁴⁵ 20 U.S.C. § 1232g(b); 34 C.F.R. § 99.31. The school may, however, disclose educational records without consent of the parent or eligible student to the following parties: school officials with legitimate educational interests, schools to which the child is transferring, officials who are auditing or evaluating the child, appropriate

legally disclose aggregate data under the prior version of FERPA, many school districts interpreted FERPA as precluding the sharing of school records without consent or a court order.¹⁴⁶ In 2014, FERPA was amended to explicitly allow the sharing of student information with child welfare agencies without parental consent.¹⁴⁷

V. STUDY RESULTS: INTERAGENCY COLLABORATION IN FLORIDA

A. *Lead Community-Based Care Agency Education Specialist*

The lead community-based care agency in all nine counties indicated that there is someone at the agency who functions as an education specialist or liaison to the school system (“CBC Education Specialist”).¹⁴⁸ Seven of the counties had a full-time CBC Education

parties in connection with financial aid, organizations conducting studies on behalf of the school, accredited organizations, those with a judicial order or subpoena, appropriate officials in cases of a health or safety emergency, and state and local officials within the juvenile justice system. 34 C.F.R. § 99.31.

¹⁴⁶ See, e.g., Lynn M. Daggett, Sharing Student Information with Police: Balancing Student Rights with Student Safety, Proceedings of the 2012 American Bar Association Section on State and Local Government Education Law Symposium and Fall Meeting 1, 4-10 (Oct. 4-7, 2012), http://www.americanbar.org/content/dam/aba/events/state_local_government/2012/10/2012_fall_councilmeeting/Daggett_Paper_authcheckdam.pdf.

¹⁴⁷ Uninterrupted Scholars Act, Pub. L. No. 112-278, § 2, 126 Stat. 2480 (2013) (codified as amended at 20 U.S.C. § 1232g(b) (2012 & Supp. II 2014)). This amended FERPA to permit educational agencies and institutions to disclose a student’s education records, without parental consent, to a case manager or other representative of a state or local child welfare agency that is authorized to access a student’s case plan “when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student.” *Id.*

¹⁴⁸ See, e.g., *Job Posting*, FAM. SUPPORT SERVS. N. FLA. INC. (Aug. 25, 2015), http://www.fssjax.org/portal/c/document_library/get_file?uuid=ed3d7315-b18e-47ff-88c3-a28ce490d28f&groupId=384061 (outlining the job requirements and duties of a CBC Education Specialist in Duval County, Florida). See generally *Community-Based Care*, FLA. DEP’T CHILD. & FAMILIES, <http://www.myflfamilies.com/service-programs/community-based-care> (last visited Nov. 30, 2015) (discussing the overall nature of CBC programs). For each Florida county, a private agency has the contract with the DCF to provide child welfare services (the “lead CBC agency”). See, e.g., FLA. SUPPORT SERVS. N. FLA. INC., <http://www.fssjax.org/portal/> (last visited Nov. 30, 2015). In some counties, the lead CBC agency then contracts with one or more subproviders who provide day-to-day case management services. See, e.g., *id.* (stating

Specialist with titles such as educational specialist, education liaison, or director of educational services.¹⁴⁹ In the other two counties, the people responsible for education liaison duties spent 30% or less of their time on education issues and also had other responsibilities. CBC Education Specialists had backgrounds in child welfare case management, which one liaison noted helped with credibility when advising case managers or education specialists.¹⁵⁰ Some had experience in both child welfare and education. For example, one was a former case manager who then got a master's in education.¹⁵¹ Another was a certified teacher who had also previously held administrative roles in child welfare.¹⁵²

The CBC Education Specialists had diverse responsibilities including problem solving and advocacy for individual children, serving as a resource for case managers, participating in staffings held by the case management agency, and participating in meetings at the school (for example, Individualized Education Program "IEP" meetings, expulsion hearings, and transition meetings).¹⁵³ Education specialists mentioned school stability and enrollment as two issues in which they frequently get involved. The CBC Education Specialists help to resolve barriers to enrollment by obtaining school records or information needed by a new school and by assisting in obtaining transportation for

that the Family Support Services of North Florida partners with a network of local community-based nonprofit agencies including Children's Home Society and Mental Health Resource Center). For this study, we spoke only to the designated education liaison at the lead CBC agency. Throughout this study we will use the term "CBC Education Specialist" to refer to the person(s) the CBC identified as the education specialist or liaison for the agency. As documented in this study, the CBC Education Specialist may in fact have had different titles at different agencies, or different job responsibilities. See, e.g., *Youth Transitional Services*, COMMUNITY BASED CARE CENT. FLA., <http://www.cbccfl.org/services/youth-transitional-services/about-yts/> (last visited Nov. 30, 2015) (referring to an "educational liaison"). One of the goals of this study is to document the various job responsibilities performed by the individuals in this role.

¹⁴⁹ See, e.g., *Youth Transitional Services*, *supra* note 148.

¹⁵⁰ Telephone Interview with A2 (July 24, 2014).

¹⁵¹ Telephone Interview with A1, *supra* note 17.

¹⁵² Telephone Interview with J1 (July 31, 2014).

¹⁵³ See, e.g., *Job Posting*, *supra* note 148 (discussing the job requirements and duties of CBC Education Specialists specifically in Duval County, Florida).

students to remain in their school of origin.¹⁵⁴ A case manager or judge typically brings these situations to a liaison's attention.¹⁵⁵ Some liaisons work with eighteen to twenty-two-year-olds on transition issues such as ensuring that youth meet high school graduation requirements, providing youth with information about GED and alternative education programs, or ensuring that youth receive tuition waivers at postsecondary programs.¹⁵⁶

This study explored whether CBC Education Specialists systematically conduct educational reviews for all of the children in their agencies. Most did not and only became involved when a case manager or someone else identified a problem. A few, however, conduct educational reviews in a more systematic way. One CBC Education Specialist reviews the K-12 report cards and makes suggestions to case managers about interventions. Others conduct educational reviews at intake, when a child needs to change placements, or in advance of judicial reviews or expulsion hearings. One CBC Education Specialist performs educational reviews for all thirteen-year-olds in care.

Information sharing is another job duty shared by many CBC Education Specialists.¹⁵⁷ CBC Education Specialists provide information, and sometimes school records, to case managers.¹⁵⁸ They also provide information to teenagers in care and caregivers and may provide information to the court about an individual child's school progress or the school system.¹⁵⁹ CBC Education Specialists also provide more formal training to child welfare professionals and caregivers.¹⁶⁰ This includes pre-service training for new case managers, in-service training for case managers, as well as training for group

¹⁵⁴ Telephone Interview with C1 (Jan. 23, 2015); Interview with B1 (Apr. 3, 2014); Telephone Interview with E2 (July 15, 2014).

¹⁵⁵ Telephone Interview with D2 (Apr. 1, 2015).

¹⁵⁶ Telephone Interview with B1, *supra* note 154.

¹⁵⁷ Telephone Interview with F1 (June 30, 2015). "So every once in a while, we kind of sit down and discuss what's in the best interest of the child. There's constant conversations and collaboration on the child's needs." *Id.*

¹⁵⁸ Telephone Interview with C1, *supra* note 154; Telephone Interview with E2, *supra* note 154.

¹⁵⁹ Telephone Interview with B1, *supra* note 154.

¹⁶⁰ See, e.g., *Job Posting*, *supra* note 148.

homes, foster parents, and school officials.¹⁶¹

CBC Education Specialists also help the CBC to develop policies and programs to address educational needs of children in care.¹⁶² For example, one CBC Education Specialist helped the CBC to develop an education plan.¹⁶³ For one liaison, the majority of job duties related to designing, implementing, and supervising academic enrichment programs for children in foster care.¹⁶⁴ CBC Education Specialists typically participate in the negotiation of interagency agreements.¹⁶⁵

B. School Liaison to the Foster Care System

In each county, we spoke with the person at the district level who functions as a liaison to the child welfare system (“Foster Care Liaison”).¹⁶⁶ The individuals in this role held titles such as foster care liaison, dependency court liaison, coordinator or supervisor in school social work services, or senior administrator for student advocacy.¹⁶⁷ The role is housed in different departments within each school

¹⁶¹ See, e.g., *id.*

¹⁶² See, e.g., *id.*

¹⁶³ Telephone Interview with J1, *supra* note 152.

¹⁶⁴ Telephone Interview with I1 (Aug. 21, 2015).

¹⁶⁵ Telephone Interview with A2, *supra* note 150; Telephone Interview with F2 (Feb. 12, 2015).

¹⁶⁶ For consistency, the persons designated by the school as the liaison to the child welfare system will be referred to as the “Foster Care Liaison.” In reality, as documented in this study, the persons in this role within the school system had varying titles and job responsibilities. The term Foster Care Liaisons is used to refer to multiple employees or an entire department, to the extent school districts have more than one employee at the district level dedicated to children in foster care. See, e.g., *Foster Care & Student Success – Texas School Foster Care Liaison*, TEX. EDUC. AGENCY, <http://tea.texas.gov/FosterCareStudentSuccess/liaisons/> (last visited Sept. 25, 2015) [hereinafter *Foster Care & Student Success*].

¹⁶⁷ See, e.g., *Court Liaison – Youth and Family Alternatives, Inc.*, FLA. COALITION FOR CHILD., <http://www.flchildren.org/career-opportunities/1251-court-liaison-youth-and-family-alternatives-inc> (last visited Jan. 30, 2016); *Foster Care & Student Success*, *supra* note 166; *Job Description: Senior Administrator, Student Advocacy*, ORANGE COUNTY PUB. SCH. (May 13, 2015), https://www.ocps.net/es/hr/compensation/job_desc/JobAdministrative/SeniorAdministrator-StudentAdvocacy%2005-13-2015.pdf [hereinafter *Job Description*].

system.¹⁶⁸ For example, several school districts place Foster Care Liaison functions within the social work department,¹⁶⁹ while others placed it in departments such as student intervention, school operations, special programs, or the department coordinating a multitiered system of supports.¹⁷⁰ One county noted that it was beneficial to place Foster Care Liaison responsibilities within a department with a direct chain of command to the school superintendent so that the department had the authority to resolve issues more easily.¹⁷¹

School districts have created different organizational structures to fulfill liaison functions.¹⁷² One county has a full-time Foster Care Liaison employed by the district and each school designates a staff person as the foster care designee for the school.¹⁷³ Another county similarly had foster care designees at each school, and at the district level, one senior administrator spends 25% of their time on foster care coordination and problem solving, and another clerical staff person spends 90% of their time on record-keeping functions related to children in foster care.¹⁷⁴ One larger county has an office in the same building as the dependency and delinquency courts staffed by a supervisor and as many as five court liaisons who all serve the dependency and delinquency systems full time.¹⁷⁵ The CBC Education Specialist is co-located in the same office as the Foster Care Liaisons.¹⁷⁶ In another county, the supervisor of the social work department and a coordinator in the social work department devoted 5% to 20% of their time to oversight and coordination for four school employees who work

¹⁶⁸ See, e.g., *infra* notes 169-71.

¹⁶⁹ Telephone Interview with B1, *supra* note 154; Telephone Interview with F1, *supra* note 157; Telephone Interview with H1 (Sept. 3, 2014).

¹⁷⁰ Telephone Interview with A1, *supra* note 17; Telephone Interview with A2, *supra* note 150; Telephone Interview with C1, *supra* note 154; Telephone Interview with D1 (Aug. 18, 2014); Telephone Interview with E2, *supra* note 154; Telephone Interview with F2, *supra* note 165; Telephone Interview with G1 (July 23, 2015); Telephone Interview with J1, *supra* note 152.

¹⁷¹ Telephone Interview with E2, *supra* note 154.

¹⁷² See, e.g., *infra* notes 173-77.

¹⁷³ Telephone Interview with D2, *supra* note 155.

¹⁷⁴ Telephone Interview with G1, *supra* note 170.

¹⁷⁵ Telephone Interview with I1, *supra* note 164.

¹⁷⁶ *Id.*

on education full time: two guidance counselors (one for middle and high school respectively), a social worker for elementary school, and a court liaison.¹⁷⁷ Some of these started as grant-funded positions, but were ultimately added as full-time positions funded by the school district.¹⁷⁸ The guidance counselors and social workers split their time between schools in the district and the child welfare provider agencies.¹⁷⁹ Another county has an integrated model in which the lead CBC funds a liaison who is supervised and housed within the school district's social work department.¹⁸⁰ In one county, the two McKinney-Vento Act homeless liaisons also serve as Foster Care Liaisons, splitting their time evenly.¹⁸¹

Foster Care Liaisons described a similar range of functions, regardless of the title of the position or where it was housed.¹⁸² For example, "court liaisons" described job duties that included collaboration with the lead CBC or case management agencies, and "foster care liaisons" included testifying in court among their responsibilities.¹⁸³ Many Foster Care Liaisons help to facilitate enrollment and transfers for children in care.¹⁸⁴ This might include obtaining school records, particularly if the child moved from a different county, speaking to individual school officials to ensure prompt enrollment, or verifying eligibility for free and reduced lunch.¹⁸⁵ Foster Care Liaisons also help to coordinate transportation to allow a child to remain in the school of origin.¹⁸⁶ Some Foster Care Liaisons

¹⁷⁷ Telephone Interview with H1, *supra* note 169.

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ Telephone Interview with B1, *supra* note 154.

¹⁸¹ Telephone Interview with C1, *supra* note 154. The McKinney-Vento Homeless Education Assistance Act seeks to ensure that homeless youth have access to a free and appropriate public education. The Act, among other things, requires local education agencies to designate a staff person to serve as a homeless education liaison. 42 U.S.C. § 119.11432(g)(6)(A). Local education agencies may receive federal funding for these positions, as well as other services for homeless youth.

¹⁸² *See infra* notes 183-87.

¹⁸³ Telephone Interview with A2, *supra* note 150.

¹⁸⁴ Telephone Interview with E2, *supra* note 154; Telephone Interview with D2, *supra* note 155.

¹⁸⁵ Telephone Interview with E2, *supra* note 154.

¹⁸⁶ Telephone Interview with C1, *supra* note 154.

require that all transportation requests go through the liaison, while others become involved in transportation only when there is an issue.¹⁸⁷

Foster Care Liaisons help children, case managers, and caregivers navigate the school system and work to resolve problems.¹⁸⁸ This function may take different forms. Some Foster Care Liaisons participate in conferences with child welfare staff when children are struggling in school.¹⁸⁹ One county has a set time every week for individual case conferences, and any case manager can make an appointment to review a child's academic progress.¹⁹⁰ One school liaison reviews IEPs for all children in group homes.¹⁹¹ Another liaison compiled a list of all children who failed the third-grade FCAT, and then made suggestions about appropriate interventions.¹⁹² One liaison prepares an education summary when the child has a meeting to talk about a disruption in home placement.¹⁹³ This educational summary includes information about the child's academic history, school changes, attendance, discipline record, Exceptional Student Education ("ESE") information, and grades.¹⁹⁴ One liaison participates in

¹⁸⁷ Compare *id.*, and Telephone Interview with E2, *supra* note 154, with Telephone Interview with A2, *supra* note 150, Telephone Interview with B1, *supra* note 154, and Telephone Interview with J1, *supra* note 152.

¹⁸⁸ *Job Description: Senior Administrator, Student Advocacy*, ORANGE COUNTY PUB. SCH. (May 13, 2015), <https://www.ocps.net/es/hr/compensation/jobdesc/JobAdministrative/SeniorAdministrator-StudentAdvocacy%2005-13-2015.pdf> [hereinafter *Job Description*].

¹⁸⁹ See *infra* notes 190-95 and accompanying text.

¹⁹⁰ Telephone Interview with E2, *supra* note 154.

¹⁹¹ *Id.* An Individual Education Program ("IEP") details individualized educational services for children with disabilities, as required by the Individuals with Disabilities Education Act (IDEA).

¹⁹² Telephone Interview with A1, *supra* note 17. The FCAT was a standardized test in math, reading, writing, and science that assessed student progress towards meeting Florida's statewide assessment standards. Students who failed the third-grade reading FCAT test were not promoted to the fourth grade unless they met certain statutory exemptions. In 2015, the FCAT was replaced by Florida Standards Assessments. *FCAT*, FLA. DEP'T EDUC., <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/history-of-fls-statewide-assessment/fcat/> (last visited Jan. 30, 2016).

¹⁹³ Telephone Interview with E2, *supra* note 154.

¹⁹⁴ *Id.* ESE refers to a federally mandated program that ensures that children with disabilities are identified and provided appropriate supports and services to help them

independent living monthly meetings at group homes.¹⁹⁵

The Foster Care Liaison also plays a role in information sharing.¹⁹⁶ Foster Care Liaisons help to identify children in the foster care system for school officials.¹⁹⁷ Some Foster Care Liaisons obtain shelter orders and send them to the children's schools.¹⁹⁸ Others update school databases with information such as case manager and caregiver contact information, as well as information about whether parents are allowed access to the child at school.¹⁹⁹ The Foster Care Liaison provides other types of dependency-related information to schools and provides information to child welfare professionals about the school system.²⁰⁰ The Foster Care Liaison also communicates with the homeless liaison in an effort to ensure that eligible children are covered under McKinney-Vento.²⁰¹

Foster Care Liaisons also spend time conducting training, developing policies, and appearing in court.²⁰² Foster Care Liaisons conduct trainings for case managers, protective investigators, and guardians ad litem.²⁰³ Foster Care Liaisons also reported that they help to develop administrative policies and participate in the negotiation of the interagency agreement.²⁰⁴ Foster Care Liaisons also appear in court to provide information about a child's academic progress or about the school system.²⁰⁵ As one liaison noted, "A judge wants—you know to

learn. See, e.g., *What Is Exceptional Student Education for Children with Disabilities?*, FLA. DEP'T EDUC. (2011), <http://www.fldoe.org/core/fileparse.php/7674/urlt/0064541-ese2011.pdf>. The program is mandated by the Individuals with Disabilities Education Act. See 20 U.S.C. §§ 1400-82 (2012 & Supp. II 2014).

¹⁹⁵ Telephone Interview with E2, *supra* note 154.

¹⁹⁶ *Job Description*, *supra* note 188.

¹⁹⁷ *Id.*

¹⁹⁸ Telephone Interview with E2, *supra* note 154.

¹⁹⁹ Telephone Interview with B1, *supra* note 154.

²⁰⁰ Telephone Interview with A1, *supra* note 17.

²⁰¹ Telephone Interview with G1, *supra* note 170; Telephone Interview with C1, *supra* note 154.

²⁰² Telephone Interview with F2, *supra* note 165.

²⁰³ Telephone Interview with G1, *supra* note 170; Telephone Interview with B1, *supra* note 154.

²⁰⁴ Telephone Interview with F1, *supra* note 157.

²⁰⁵ Telephone Interview with B1, *supra* note 154.

have a [liaison] come to the status hearing next week to tell us what's going on, that kind of thing."²⁰⁶ One liaison noted that she appears at all shelter hearings.²⁰⁷

Most of the full-time Foster Care Liaisons at the district level functioned largely as problem solvers or consultants to case managers and judges when a child entered the foster care system, changed home or school placements, or had problems in school.²⁰⁸ Only in one county, in which the Foster Care Liaison department included school guidance counselors and social workers, were children in licensed care routinely assigned to someone in the Foster Care Liaison department for routine assessment, monitoring, and follow up as needed.²⁰⁹

The range of duties taken on by a school-based liaison depends on the number of people who focus on foster care issues. School liaisons acknowledged that there were other things they would like to do, but there was simply not enough time, regardless of whether the liaison worked on foster care issues full or part time.²¹⁰ The difference in resources for youth who are homeless came up in a few counties.²¹¹ In one county, there were ten McKinney-Vento staff and only one foster care staff.²¹² In another county, the two designated McKinney-Vento staff also served as the foster care designees and were "paid from Title X grant money, which deals with our homeless."²¹³

²⁰⁶ Telephone Interview with A2, *supra* note 150.

²⁰⁷ Telephone Interview with A1, *supra* note 17.

²⁰⁸ Telephone Interview with B1, *supra* note 154.

²⁰⁹ Telephone Interview with F1, *supra* note 157.

²¹⁰ Telephone Interview with E2, *supra* note 154 ("Which if I was a researcher and had all—could focus on that with nothing else to do . . . I would like to find out how many school changes occurred before entering care due to the homelessness, instability, you know, crisis, family crisis, and how many changed due to child welfare . . .").

²¹¹ Telephone Interview with G1, *supra* note 170; Telephone Interview with A2, *supra* note 150; Telephone Interview with F1, *supra* note 157.

²¹² Telephone Interview with E2, *supra* note 154.

²¹³ Telephone Interview with F1, *supra* note 157. The interviewee was referring to funds authorized by the McKinney-Vento Act, a federal funding stream specifically earmarked for homeless youth.

C. Collaboration and Coordination

Many of the individuals interviewed described their collaboration as positive.²¹⁴ Talking about the relationship between the Foster Care Liaison and the CBC Education Specialist, one participant noted, “We pick up the phone and we take each other’s phone calls.”²¹⁵ In one county, all training is done jointly by the CBC Education Specialist and the Foster Care Liaison.²¹⁶ In two counties, the CBC Education Specialist and schools share and integrate funding, space, and supervision for the professionals who focus on education issues.²¹⁷ Notwithstanding the generally positive perspectives on collaboration, there were two counties in which the Foster Care Liaison and the CBC Education Specialist could not identify each other by name.²¹⁸

Interviewees identified several factors they felt contributed to improved collaboration. Changes in leadership to someone committed to education with a “can-do” attitude made it easier for collaborators to address issues that arose.²¹⁹ Several counties noted that their collaborative efforts were spurred by specific education initiatives or convening.²²⁰ Several counties mentioned the DCF “Everybody’s a Teacher” initiative in which DCF hosted regular statewide conference calls to discuss education, provided resources and training material, and tasked each DCF region with locally convening stakeholders to develop a local education plan and participate in training.²²¹ Although the initiative stopped at the state level, one county continues to refer to their

²¹⁴ Telephone Interview with A2, *supra* note 150; Telephone Interview with B1, *supra* note 154; Telephone Interview with H1, *supra* note 169.

²¹⁵ Telephone Interview with E2, *supra* note 154.

²¹⁶ Telephone Interview with A2, *supra* note 150.

²¹⁷ Telephone Interview with I1, *supra* note 164; Telephone Interview with F2, *supra* note 165.

²¹⁸ Telephone Interview with F1, *supra* note 157; Telephone Interview with D2, *supra* note 155.

²¹⁹ Telephone Interview with B1, *supra* note 154.

²²⁰ Telephone Interview with C1, *supra* note 154; Telephone Interview with F2, *supra* note 165.

²²¹ Telephone Interview with E1 (Oct. 16, 2014); *see Everybody’s a Teacher*, FLA. DEP’T CHILD. & FAMILIES, <http://www.dcf.state.fl.us/initiatives/everybodysateacher/> (last visited Sept. 22, 2015).

work group meetings as Everybody's a Teacher meetings.²²² One county noted that DCF hosted an education summit that prompted continued collaboration.²²³

It was noted that the Foster Care Liaison at the school district was also helpful in spurring collaboration.²²⁴ As one CBC Education Specialist noted, having the Foster Care Liaison is helpful because there is one person who is the point of contact—rather than having to contact and maneuver each individual school—and oftentimes the Foster Care Liaison can contact the individual school on behalf of the case manager.²²⁵ “With the [Foster Care Liaison], they will reach out to the school and talk to the administration and it is better when two colleagues are talking amongst themselves than, you know, an outside agency trying to direct a school board personnel as to what they should do with this child.”²²⁶ School district policies change frequently, so it helps to have a resource to train child welfare staff.²²⁷

Several counties have regular meetings about education issues for children in foster care.²²⁸ These meetings occur at different intervals in different counties—once a month, once every six weeks, or once every three months.²²⁹ In two counties, there are no regular meetings between schools and child welfare agencies.²³⁰ In counties with regular meetings, the structure varies.²³¹ One county has subcommittees to focus on specific issues such as surrogate parents, training, or

²²² Telephone Interview with E1, *supra* note 221.

²²³ Telephone Interview with B1, *supra* note 154.

²²⁴ Telephone Interview with A2, *supra* note 150.

²²⁵ Telephone Interview with B1, *supra* note 154.

²²⁶ Telephone Interview with J1, *supra* note 152.

²²⁷ *Id.*

²²⁸ *Id.*; Telephone Interview with E1, *supra* note 221; Telephone Interview with B1, *supra* note 154.

²²⁹ Telephone Interview with D2, *supra* note 155 (meetings occur monthly); Telephone Interview with F2, *supra* note 165 (meeting occur quarterly); Telephone Interview with A1, *supra* note 17 (meetings occur every two to three months); Telephone Interview with E1, *supra* note 221.

²³⁰ Telephone Interview with C1, *supra* note 154; Telephone Interview with F1, *supra* note 157; Telephone Interview with F2, *supra* note 165.

²³¹ *See* Telephone Interview with G1, *supra* note 170.

behavioral issues.²³² Some counties have different types of meetings that may or may not have overlapping participants.²³³ In one county, the Foster Care Liaison participates every six weeks in meetings regarding youth in foster care to discuss a range of systemic issues.²³⁴ This group includes the CBC and outside agencies that work with youth in care, but had different participants than the group that meets to negotiate the Interagency Agreement.²³⁵ One participant described the Interagency Agreement group as the higher-ups that talk about the big picture and processes and procedures.²³⁶ The participant explained that there is another working group that developed out of Everybody's a Teacher that is more focused on resolving day-to-day problems.²³⁷

So we don't see the overlap because I look at Everybody's a Teacher as the working group, that—it's a problem, how we fix it? This is what we do. I look at [the interagency agreement group] as the more—the big picture, the processes and the procedures, and we're, like, the worker bees.²³⁸

This participant further explained that if there is a systemic issue that cannot be fixed by the Everybody's a Teacher working group, then the issue is sent to the Interagency Agreement group.²³⁹ In addition to these more policy and practice-oriented meetings, some counties had weekly or monthly meetings to talk about individual children.²⁴⁰

Participants in the study identified a number of other collaborative partners, including the ESE office at school, the Multiagency Network for Students with Emotional/Behavioral

²³² *Id.*

²³³ Telephone Interview with F1, *supra* note 157.

²³⁴ Telephone Interview with D2, *supra* note 155.

²³⁵ *Id.*

²³⁶ Telephone Interview with E1, *supra* note 221.

²³⁷ *Id.*

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ Telephone Interview with J1, *supra* note 152; Telephone Interview with G1, *supra* note 170; Telephone Interview with E2, *supra* note 154; Telephone Interview with B1, *supra* note 154.

Disabilities (“SEDNET”), the Department of Juvenile Justice coordinator at the school board, local community colleges and universities, Career Source, Florida Reach, Communities in Schools, and other community organizations that provide independent living services, tutoring, or educational enrichment programs.²⁴¹ One participant noted that they are not currently collaborating with vocational schools, but should be.²⁴²

Participants identified several barriers to collaboration.²⁴³ Some related to the child welfare system.²⁴⁴ One Foster Care Liaison expressed frustration getting school-related matters to become a priority for case managers.²⁴⁵ It was noted that the high rate of turnover among case managers leads to a lack of follow-through on school issues.²⁴⁶ In a larger county, the Foster Care Liaison reported that it is difficult to navigate the bureaucracy of the child welfare system, especially if there is not a single point of contact.²⁴⁷ The participant lamented that “sometimes you discuss a case with one person on the team, but it does not get back to the rest of the team working with the child.” Another cause for concern was the lack of knowledge about school stability and enrollment issues by the DCF private investigators who investigate allegations of abuse and neglect and make the initial decision whether to remove a child from the home.²⁴⁸ It was noted, for example, that private investigators may change a child’s school even before the case

²⁴¹ Telephone Interview with A1, *supra* note 17.

²⁴² Telephone Interview with D1, *supra* note 170.

²⁴³ Telephone Interview with E1, *supra* note 221 (identifying transportation as the biggest collaboration barrier identified was transportation); Telephone Interview with G1, *supra* note 170 (identifying the biggest collaboration barrier as lack of resources and not being able to code children); Telephone Interview with D2, *supra* note 155 (identifying the biggest collaboration barrier as being able to speak to individuals at the school level).

²⁴⁴ Telephone Interview with A2, *supra* note 150 (showing no trickle-down of information to case managers); Telephone Interview with H1, *supra* note 169 (showing high overturn of case managers); Telephone Interview with I1, *supra* note 164 (showing too many placement changes).

²⁴⁵ Telephone Interview with A2, *supra* note 150.

²⁴⁶ Telephone Interview with H1, *supra* note 169.

²⁴⁷ Telephone Interview with D2, *supra* note 155.

²⁴⁸ Telephone Interview with A2, *supra* note 150; Telephone Interview with E2, *supra* note 154.

is referred to the CBC.²⁴⁹

On the school system side, participants noted that it was difficult to engage the school system at the individual school level.²⁵⁰ One person reported that there were previously designated counselors in schools with high concentrations of children in foster care, but due to funding, these positions were cut.²⁵¹ This makes it more difficult to problem solve because there is not a single point of contact at the school.²⁵² Another school-based liaison noted, "The schools have a lot of autonomy . . . so dealing with multiple schools and principals, and they all kind of have their own way of operating has been a little bit challenging."²⁵³

Participants noted some other more general collaboration problems.²⁵⁴ Out-of-county transfers are challenging because liaisons do not have the personal relationships to be able to pick up the phone to resolve the issue.²⁵⁵ One participant saw a problem with attorneys that demanded transportation when it was not in the child's best interests or that the process be sped up when it was beyond the school's control.²⁵⁶ Other barriers mentioned included not having the time to follow through on all of the issues that are identified at interagency meetings as well as confidentiality and misunderstanding about what information can be shared. There was acknowledgement that even when there is positive collaboration, tensions arise among agencies. As one participant put it,

I would say, probably that there a spirit of collaboration in our district and in our county. I think the misunderstandings come up around issues like confidentiality, disappointment about children being

²⁴⁹ Telephone Interview with E2, *supra* note 154.

²⁵⁰ Telephone Interview with D1, *supra* note 170.

²⁵¹ Telephone Interview with D2, *supra* note 155.

²⁵² *Id.*

²⁵³ Telephone Interview with F2, *supra* note 165.

²⁵⁴ Telephone Interview with D1, *supra* note 170 (identifying issues with getting everyone to work together); Telephone Interview with C1, *supra* note 154 (identifying issues with communication between systems).

²⁵⁵ Telephone Interview with E2, *supra* note 154.

²⁵⁶ *Id.*

moved. And not in a—like a negative, accusing way, but just kind of a sad or ‘could this be better’ sort of way.²⁵⁷

The study corroborated this sentiment; the majority of the nine counties were working together in some way, but they were all at different stages in the collaboration process.

D. Information Sharing

The interviews explored two aspects of information sharing: whether child welfare agencies had electronic access to school information about the children in care and whether the school system had a mechanism in its database to indicate that a child is in foster care.

Counties are at different stages with respect to electronic sharing of information. Traditionally, case managers obtained school records for a child by getting written parental consent—or a court order—and then requested physical copies of the records directly from the school.²⁵⁸ The discussion about electronic data sharing explored whether counties were using electronic means of sharing information about all of the children in care who attend public school in the county. Of the nine counties studied, four had no means of electronic data sharing.²⁵⁹ In one of those counties without electronic sharing, the Foster Care Liaison sends the shelter order to the school and facilitates the school sending physical copies of records to the CBC.²⁶⁰ In that county, the parent portal that allows parents to use a username and password to access student information is also set up to allow similar access to guardians ad litem and case managers.²⁶¹ In another county, from time to time, the Foster Care Liaison pulls educational information for the children in care from the school database and shares with an interagency group.²⁶²

²⁵⁷ Telephone Interview with H1, *supra* note 169.

²⁵⁸ Telephone Interview with F2, *supra* note 165.

²⁵⁹ Telephone Interview with C1, *supra* note 154; Telephone Interview with A2, *supra* note 150; Telephone Interview with D2, *supra* note 155; Telephone Interview with F2, *supra* note 165.

²⁶⁰ Telephone Interview with E2, *supra* note 154.

²⁶¹ *Id.*

²⁶² Telephone Interview with B1, *supra* note 154.

Two counties conduct periodic exchanges of information, referred to as “data dumps.” One county does it monthly and the other weekly.²⁶³ One interviewee described the data dump process as follows: the CBC sends names and birth dates to the school through an encrypted program, and the school sends back matches of the children enrolled in the county’s public school system, along with certain data fields requested by the CBC.²⁶⁴ In one county, at the time of the interview, the data exchange had not been working for several months so they were in the process of trouble shooting the technical issues.²⁶⁵ Both counties are in the process of working out a more direct means of information sharing.

Three counties had electronic information exchanges that appeared to allow for real-time or daily data access. Two counties had an electronic information exchange that allowed case managers to electronically access real-time school data and allowed the agency to run reports on education.²⁶⁶ In another county, the school sends daily data dumps that are then uploaded to the child welfare system’s case management database.²⁶⁷ In addition, designated staff at the case management agencies had authorization and training to directly access the school system’s database for records of children in foster care.

On the school side, most counties had a mechanism to designate children in their school databases as child welfare involved. Most counties limited access to viewing that designation to specific administrators or counseling staff,²⁶⁸ but in one county, the designation could be accessed by all school staff.²⁶⁹ One county allowed school social workers direct access to certain fields of the child welfare

²⁶³ Telephone Interview with A2, *supra* note 150; Telephone Interview with G1, *supra* note 170.

²⁶⁴ Telephone Interview with I1, *supra* note 164.

²⁶⁵ Telephone Interview with A1, *supra* note 17.

²⁶⁶ Telephone Interview with A2, *supra* note 150; Telephone Interview with B1, *supra* note 154.

²⁶⁷ Telephone Interview with J1, *supra* note 152.

²⁶⁸ *Id.*; Telephone Interview with A2, *supra* note 150; Telephone Interview with I1, *supra* note 164; Telephone Interview with F1, *supra* note 157.

²⁶⁹ Telephone Interview with B1, *supra* note 154.

database.²⁷⁰

When asked generally about barriers to collaboration, several interviewees cited lack of electronic data sharing.²⁷¹ As one official in a county with no electronic exchange noted, “Data systems don’t talk to each other. [There is] a lot of duplication of data input and a lot of duplication of work and a lot of manual things that would be unnecessary if the statewide systems were a little more compatible.”²⁷²

VI. IMPLICATIONS FOR POLICY AND PRACTICE

A. Federal Policy

There are some changes at the federal level that that can help promote interagency collaboration and coordination.²⁷³ Federal law requires local education agencies to designate liaisons for homeless youth and simultaneously provides funding that can be used for these positions.²⁷⁴ ESSA recently created a requirement that local education agencies designate a point of contact for child welfare agencies,²⁷⁵ but unlike McKinney-Vento, did not include funding, even though both homeless youth and foster youth experience high rates of mobility and lack a parental figure to advocate for educational services.²⁷⁶ Although several of the school districts in the study had established full-time Foster Care Liaison positions, others had no district-level staff dedicated to foster care issues.²⁷⁷ Even in places with Foster Care Liaisons, funding or resources were an issue.²⁷⁸ One county gave the McKinney-Vento liaison responsibility for foster care.²⁷⁹ Another

²⁷⁰ Telephone Interview with F2, *supra* note 165.

²⁷¹ Telephone Interview with E2, *supra* note 154; Telephone Interview with D2, *supra* note 155.

²⁷² Telephone Interview with F1, *supra* note 157.

²⁷³ See generally 42 U.S.C. § 11432 (2012 & Supp. I 2013) (describing information sharing for state and local agencies for the education of homeless children and youths).

²⁷⁴ *Id.*

²⁷⁵ Every Student Succeeds Act, *supra* note 133, 20 U.S.C. 6311(g)(1)(E)(2015).

²⁷⁶ Hahnel & Van Zile, *supra* note 4, at 439.

²⁷⁷ *Id.* at 457-59.

²⁷⁸ *Id.* at 438-39.

²⁷⁹ Telephone Interview with F1, *supra* note 157.

county had ten McKinney-Vento liaisons, but only one Foster Care Liaison.²⁸⁰ Another county with a large foster care population had to cut its Foster Care Liaison staff due to funding constraints.²⁸¹ ESSA explicitly provides that the foster care designee cannot be the same person who serves as the McKinney-Vento liaison.²⁸² It is commendable that federal law now requires a foster care point of contact, but funding is necessary to ensure that these positions are appropriately staffed.²⁸³

Federal law now requires state educational agencies to report on the educational achievement and graduation rates of foster youth.²⁸⁴ Requiring the school system to provide outcome data on foster youth will incentivize more efficient information sharing between child welfare agencies and foster care agencies.²⁸⁵ At least one of the school districts in this study does not have a mechanism to indicate a child's foster care status in the local school database.²⁸⁶ This would be rectified if the school system needed this information to meet their reporting obligations.²⁸⁷ In addition, educational outcome data is likely to be more accurate if it is compiled directly from the school system's databases.²⁸⁸ Requiring schools to report outcomes also puts a spotlight on the foster care population within schools, making the unique needs of this group more visible when the school develops services for at-risk youth.²⁸⁹ The federal government should also provide funding to encourage state-level programs to address the educational needs of children in foster care and make federal grants contingent on evidence of collaboration between child welfare, schools, and other agencies and community groups.²⁹⁰

²⁸⁰ Telephone Interview with E2, *supra* note 154.

²⁸¹ Telephone Interview with D2, *supra* note 155.

²⁸² Every Student Succeeds Act, *supra* note 133, 20 U.S.C. 6311(g)(1)(E)(2015).

²⁸³ Hahnel & Van Zile, *supra* note 4, at 440, 478.

²⁸⁴ Every Student Succeeds Act, *supra* note 133, 20 U.S.C. 6311(g)(1)(E)(2015).

²⁸⁵ *Id.* at 473-74.

²⁸⁶ See *supra* notes 259-63 and accompanying text.

²⁸⁷ Hahnel & Van Zile, *supra* note 4, at 473-74.

²⁸⁸ See *supra* notes 262-70 and accompanying text.

²⁸⁹ Hahnel & Van Zile, *supra* note 4, at 476-77.

²⁹⁰ See, e.g., Fostering Success in Education Act, H.R. 5817, 111th Cong. § 111(e)(A)-(B) (2010).

B. Statewide

The DCF and the DOE should electronically share information about children in foster care.²⁹¹ The goal is for the agencies to share accurate real-time information, at both the individual and aggregate level, in order to identify problems and develop solutions.²⁹² When the school system can identify children in foster care, and child welfare staff have accurate up-to-date school information, those on the front line can intervene to help individual children and data can inform policies and practices across the state.²⁹³ Concerns about FERPA previously served as a barrier to information sharing, but with recent amendments to FERPA, this is no longer a concern.²⁹⁴ The school system is now explicitly authorized to share school records with child welfare agencies.²⁹⁵ There have been some data exchanges at the statewide level over the past few years, but it is not yet routine, and there is no real-time mechanism for exchanging information.²⁹⁶ To the extent there are technical challenges with information sharing, there are other states that can serve as a resource for technical assistance.²⁹⁷

It is important for the state to take the lead on information sharing so that cross-system data can be shared in the most efficient and cost-effective manner.²⁹⁸ This study revealed that each county is developing its own data-sharing mechanisms, and two-thirds of the counties studied did not have electronic data sharing. Statewide leadership will help to ensure quality and consistency of the data across

²⁹¹ SARAH MUNSON & MADELYN FREUNDLICH, *EDUCATING CHILDREN IN FOSTER CARE: STATE LEGISLATION 2007-2009*, at 3 (2008).

²⁹² *Id.* at 12.

²⁹³ VANESSA X. BARRAT & BETH A. BERLINER, *THE INVISIBLE ACHIEVEMENT GAP, PART 1: EDUCATION OUTCOMES OF STUDENTS IN FOSTER CARE IN CALIFORNIA'S PUBLIC SCHOOLS 42-43* (2013).

²⁹⁴ See Uninterrupted Scholars Act, Pub. L. No. 112-278, § 2, 126 Stat. 2480 (2013) (codified as amended at 20 U.S.C. § 1232g(b) (2012 & Supp. II 2014)).

²⁹⁵ *Id.*

²⁹⁶ WILLIAMS & MOORE, *supra* note 3, at 5.

²⁹⁷ See, e.g., *Improving Outcomes through Data Sharing in Real Time and Over Time*, 6 INSIGHTS, Summer 2013, at 1, 3-5, http://co-invest.org/home/wp-content/uploads/insights_summer_2013_interactive_final.pdf.

²⁹⁸ *Id.* at 4.

the state.²⁹⁹ For example, there should be common definitions for data elements across counties and between the child welfare and education systems.³⁰⁰ One study participant noted that the school district and child welfare agency were using different measures to capture information about school stability.³⁰¹ Integrated data sets are also important so that, for example, counties can accurately correlate information about school outcomes with child welfare factors such as placement type or changes.³⁰²

The DOE and the DCF should collaborate on initiatives, and provide technical assistance, to address the educational needs of children in foster care.³⁰³ Although DCF's Everybody's a Teacher initiative is no longer active, several counties credited the initiative for spurring collaborative efforts in their county.³⁰⁴ Both DCF and DOE should share responsibility for the initiative in order to send the message to front-line staff in both schools and child welfare agencies that this is a shared responsibility.³⁰⁵

C. County Level

Counties should expand the Foster Care Liaison role and devote appropriate resources to its function. Even in counties with full-time

²⁹⁹ WILLIAMS & MOORE, *supra* note 3, at 6.

³⁰⁰ See LEGAL CTR. FOR FOSTER CARE & EDUC., ADVANCING DATA-INFORMED POLICIES TO IMPROVE EDUCATION OUTCOMES FOR CHILDREN IN CARE: EXPERT ROUNDTABLE 6 (2015) (arguing for common definitions in data sets in child welfare and education system collaborations).

³⁰¹ Telephone Interview with H1, *supra* note 169.

³⁰² See LEGAL CTR. FOR FOSTER CARE & EDUC., *supra* note 300 (arguing that integrated data sets from the child welfare and education systems would accurately direct and recommend placements of foster care youth in the education system).

³⁰³ See *About Us*, FLA. DEP'T EDUC., <http://www.fldoe.org/about-us> (last visited Sept. 25, 2015); *Child Welfare*, FLA. DEP'T CHILD. & FAMILIES, <http://www.myflfamilies.com/service-programs/child-welfare> (last visited Sept. 25, 2015) (referring individually, in their respective department pages, to areas of core focus that support the idea of beneficial collaborative outcomes).

³⁰⁴ See, e.g., *Education Initiative*, FLA. DEP'T CHILD. & FAMILIES, <http://www.dcf.state.fl.us/initiatives/everybodysateacher/educationinitiative.shtml> (last visited Sept. 25, 2015).

³⁰⁵ See LEGAL CTR. FOR FOSTER CARE & EDUC., *supra* note 300.

liaisons, participants acknowledged that they did not have the time to do all of the things that would be ideal. There is not a one-size-fits-all model for the liaison function, as exemplified by the different structures being used in counties with full-time liaisons. Counties should take the time to investigate and determine the structure that works best in the local context. For school-based Foster Care Liaisons, some thought the position should be housed within the school system. One interviewee suggested that problem solving was easier because the liaison position was within a department whose chain of command lead directly to the district superintendent. Another suggested that, due to having the position within the social work department, it was easier to also engage social work resources in assisting the child. One person in a larger county suggested that ideally there should be a school liaison for every judge that hears dependency cases. Regardless of the structure used, school districts should conduct research about the effectiveness of the positions.³⁰⁶

Counties should also define job responsibilities and roles.³⁰⁷ The study revealed that the CBC Education Specialist and Foster Care Liaison have many overlapping roles.³⁰⁸ If these roles are better defined, there may be opportunities to increase the capacity and quality of the services provided by each agency.³⁰⁹ In thinking about initiatives to improve outcomes for children in foster care, counties should seek to devote resources to routinely monitoring and providing supports and services for all children in foster care, rather than only in situations where a child is already exhibiting problems in school.³¹⁰ The significant achievement gap between children in foster care and their non-foster care peers suggests that all children in out-of-home care need careful attention and supports to address their education.³¹¹

Counties should explore integrated models with shared funding and resources. For example, in one county the CBC pays for a full-time education specialist, who has an office within the school system, has

³⁰⁶ See *supra* Section III.B.

³⁰⁷ See *supra* Sections V.A-B.

³⁰⁸ See *supra* Part I.

³⁰⁹ See *supra* Section V.C.

³¹⁰ See *supra* Section V.A.

³¹¹ See *supra* Part I.

access to school resources, and is supervised by a school employee.³¹² In another county, the school and CBC share funding, space, and staff so that both school district employees and school employees work as a unified team that includes guidance counselors, a social worker, and senior administrators at both the school and child welfare agency.³¹³ This integrated model avoids duplication of efforts, which this study illustrates as many CBC Education Specialists and school-based liaisons had many of the same job responsibilities.³¹⁴

There should be regular interagency meetings at the county level.³¹⁵ These are an important vehicle to establish relationships and trust, identify problems at the individual and systemic level, and lay the foundation for more integrated collaborative work.³¹⁶ Participants in the study identified three different types of regular meetings that were valuable, and each may require different sets of participants from each agency. The first were child-specific meetings to discuss interventions to help the child succeed in school or inform placement options. The second were meetings among the CBC education specialist, school-based liaison, and others involved day-to-day in addressing barriers for children in care. This group might share problems and experiences, review data, and implement solutions that can be implemented through changes in practice. It is also important for individuals at the decision-making level to meet periodically to discuss school issues and address barriers that may require policy change or additional resources. All of these meetings should also include all of the agencies involved in the child's life.

VII. CONCLUSION

Many of the counties in the study are engaged in some collaboration and coordination. Yet in all of these counties, there is room for collaborative efforts to be improved.³¹⁷ More research is needed to determine whether these collaborative efforts translate into

³¹² See *supra* note 16.

³¹³ See *supra* note 16.

³¹⁴ See *supra* Part V.

³¹⁵ See *supra* Section III.A (discussing the benefits of interagency collaboration).

³¹⁶ See Weinberg et al., *supra* note 10.

³¹⁷ See *id.* at 107.

improved outcomes for children in Florida.³¹⁸ Counties should turn policy into child-centered practice. As one participant noted, “I’m glad that all those agreements are in place, but it just comes down to common sense and the child being at the center of best practice. What is best for a child who’s already been traumatized?” The goal, and ultimate measure of success, is when Florida’s children in foster care do well in school and are able to pursue meaningful educational and employment options as adults.

³¹⁸ *Id.*