

JUDICIAL CHECKLIST – EDUCATIONAL STABILITY

Studies indicate that many children in out-of-home care perform below their peers academically and outcomes further decline when a change in placement results in a change of school setting.¹ The daily routine and established relationships at school or an early care program, such as child care, preschool, Head Start, 4K, and Early Childhood Special Education, often provide a source of stability for children removed from their homes.

This checklist was designed to highlight key educational questions and to assist judicial officers as they consider the impact of changing a child's school of origin or early care setting as one of several factors in determining the most appropriate placement and conducting the overall best interest analysis. Judicial officers are encouraged to distribute this checklist to other professionals, such as attorneys and social workers, to help them prepare for questions they will be asked in court.

AT THE TEMPORARY PHYSICAL CUSTODY HEARING OR WHEN THERE IS A PROPOSED CHANGE IN PLACEMENT:

- 1. Consider the child's educational and early care history, including friends, extra-curricular activities, adult support, number of schools attended, and academic progress.**
- 2. Determine whether the proposed placement will result in a change of school or early care setting.**
 - If the setting will remain the same:
 - ✓ Assess what services are needed.
 - ✓ Specify what transportation may be needed and determine how transportation costs will be covered (e.g., school district, child welfare agency, Title IV-E reimbursement to the foster parent, McKinney Vento Act, etc.).
 - If remaining in the same school or early care setting is not in the child's best interest and the setting will change:
 - ✓ Determine who is responsible for arranging immediate and appropriate enrollment.
 - ✓ Identify who will provide the new school with all education records.
- 3. Consider the child's perspective on his or her education.**
 - When the child is present, explain that you have to decide where the child will attend school and one of the things you want to consider is the child's wishes. Then ask:
 - ✓ Do you want to stay in the school that you're going to right now? Would changing schools be okay?
 - ✓ Is there anything you would like to tell us about school that is either good or bad?
 - If the child is not present, ask the GAL and/or the CASA about the child's early care and educational situation.
- 4. Address educational issues in the court order.**
 - Name the person(s) legally authorized to make educational and early care decisions for the child. This could be one parent, both parents, or a guardian.
 - Authorize access to education records by child welfare professionals.

¹ Courtney, M. (2004). *Educational Experiences of Children in Out of Home Care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago.