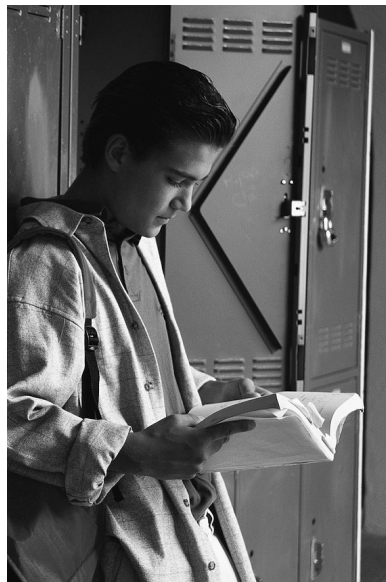


**EDUCATING TENNESSEE'S
CHILDREN IN CUSTODY**



**March 2006
Report No. EA-01-06**



STATE OF TENNESSEE

COMPTROLLER OF THE TREASURY

John G. Morgan

Comptroller

STATE CAPITOL

NASHVILLE, TENNESSEE 37243-0264

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March 27, 2006

The Honorable John S. Wilder
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

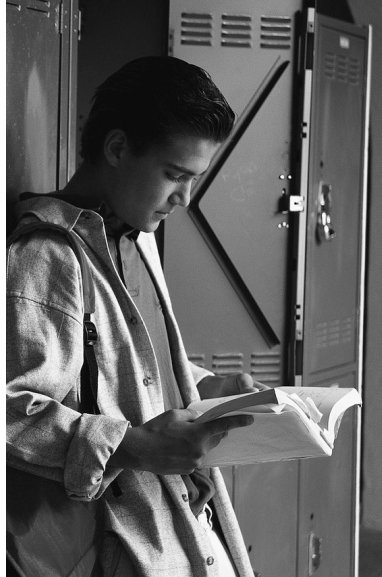
Ladies and Gentlemen:

Transmitted herewith is a report by the Office of Education Accountability about the education of children in Tennessee state custody. The study describes the educational services to which children in state custody, whether dependent and neglected or delinquent, are entitled, as well as the barriers custody children may experience in obtaining an education. It considers whether the principal agencies engaged in educating custody children, the Department of Children's Services and the Department of Education, have achieved or are moving toward making needed improvements. In addition, the report recommends ways that the system may further be improved to ensure the future success of these children.

Sincerely,

John G. Morgan
Comptroller of the Treasury

EDUCATING TENNESSEE'S CHILDREN IN CUSTODY



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March 2006

The Office of Education Accountability was created in the Office of the Comptroller of the Treasury by *Tennessee Code Annotated* 4-3-308 to monitor the performance of school boards, superintendents, school districts, schools, and school personnel in accordance with the performance standards set out in the Education Improvement Act or by regulations of the State Board of Education. The office is to conduct such studies, analyses, or audits as it may determine necessary to evaluate education performance and progress, or as may be assigned to it by the Governor or General Assembly.

Comptroller of the Treasury, Office of Education Accountability.
Authorization Number 307336, 400 copies, March 2006. This public document was promulgated at a cost of \$2.35 per copy.

EXECUTIVE SUMMARY

Education is often considered the best hope for improving the lives of children said to be “at risk.” Results from several studies demonstrate that high school graduates are more likely to enter college and obtain gainful employment than those who drop out of school. For children in state custody, however, barriers, such as changing schools frequently and lengthy school absences, often compromise that hope.

Children enter state custody generally because they have been neglected and/or abused or because they are delinquent. Being placed in custody means that children often move among a variety of placements, that they must appear in court when ordered to do so, and that their family relationships are often tenuous.

Amid this stress and uncertainty, children in state custody still must attend school. Most of the approximately 10,000 custody children in Tennessee attend public schools across the state. Others attend in-house schools located in the facilities where they reside. A recent article in *The Christian Science Monitor* confirms that although education historically has not ranked high on the list of child welfare agencies’ concerns – safety necessarily being the overarching concern –

...education, some are starting to realize, may be almost as fundamental a goal...When kids age out of the system, college, a high-school diploma, or basic job skills can mean the difference between achieving self-sufficiency and returning to a cycle of disadvantage.¹

Numerous national and state studies document dismal outcomes for children who grow up in state custody, suggesting a widespread lack of attention to the education of this population. A national study found that two-thirds of the 18-year-olds who left foster care within one year had not completed high school.² Further, only 35 percent of the more than 20,000 youth who aged out of foster care in the summer of 1998 graduated from high school – only 11 percent continued to college or vocational school.³

This study by the Comptroller’s Office of Education Accountability describes the educational services to which children in state custody are entitled; considers whether the Department of Children’s Services (DCS), the Department of Education (DOE), and any other appropriate state agencies have achieved or are moving toward making needed improvements in the delivery of these services; and recommends ways that the system may further be improved.

ANALYSIS AND CONCLUSIONS

Many Tennessee children in state custody experience multiple risk factors that may keep them from succeeding in school. Many of these factors exist before children come into state custody; paradoxically, others are exacerbated by the fact that they are in custody. Data collected and analyzed by the Tennessee Commission on Children and Youth (TCCY) for the 2004 Children’s Program Outcome Review Team (CPORT) report show that:

- Many custody children have parents who lack a high school education.
- One in two custody children had a formal mental health diagnosis.

¹ Amanda Paulson, “Fostering education,” *The Christian Science Monitor*, Feb. 22, 2005.

² Ronna J. Cook, et al., *A National Evaluation of Title IV-E Foster Care Independent Living Programs for Youth*, Phase 2 Final Report, Vol. 1, prepared by Westat, Inc. for the Department of Health and Human Services, 1991, pp. 1-2.

³ Andrea G. Zetlin, Lois A. Weinberg, “Understanding the plight of foster youth and improving their educational opportunities,” *Child Abuse and Neglect*, 28 (2004), p. 918.

- In 93 percent of all cases the child or a parent had either a mental health diagnosis and/or substance abuse issues.
- 88 percent of the children adjudicated delinquent had mental health diagnoses/issues.
- 66 percent of the children reviewed had parents who were or had been incarcerated.
- 43 percent of children were from families living below the poverty level.
- 42 percent of the children allegedly had been physically or sexually abused.

Additionally, children in custody often change schools because they are moved from one placement to another, sometimes frequently. CPORT data show that in 2004 among those children who changed placements more than twice, the number of placements ranged from three to 28. The median number of changes was four.

Research indicates that any of these factors can damage a child's healthy development – having more than one creates more complex obstacles. Many children and youth in custody do not complete high school or obtain a GED, which in turn can lead to a high rate of unemployment and incarceration. (See pages 14-15.)

DCS staff estimate that 35 to 40 percent of all children and youth in Tennessee custody qualify for special education services, a much higher percentage than the estimated 12 percent of children identified in Tennessee public schools. Both nationally and in Tennessee, the two most common categories of disability in the juvenile justice population are specific learning disability and emotional disturbance.⁴ National data suggest that youth with disabilities are three to five times more likely than other youth to be incarcerated in a juvenile correctional facility.⁵ Research also “consistently identifies a strong relationship between negative school outcomes and delinquent behavior among youth with disabilities,” although having a disability does not cause a child to be delinquent.⁶ One report states that “[t]he most common characteristics among incarcerated individuals are school failure and illiteracy.”⁷ (See pages 15-16.)

One in five children in custody who needs special education services does not receive them. The 2004 CPORT report notes as a strength and an improvement that most children in state custody – four out of five – who need special education services are receiving them. However, that one in five children does not receive special education services remains a concern. (See page 16.)

DCS has refocused its Division of Education to better organize and govern the schools under its authority. The Brian A. Settlement Agreement contained some specific requirements for DCS concerning the educational services provided to children in custody, including conducting an in-house school study, moving many students to public schools, and hiring education consultants and attorneys. Beyond the Settlement Agreement's explicit directives, DCS developed a policy to make the school transfer process easier for students and school personnel and adopted an assessment tool to determine students' initial educational levels and academic progress while in state custody. Collectively and over time, these changes may improve custody students' academic achievement by introducing more stability into their educational experiences. (See pages 16-18.)

⁴ Sue Burrell and Loren Warboys, “Special Education and the Juvenile Justice System,” *Juvenile Justice Bulletin*, Office of Juvenile Justice and Delinquency Prevention, NCJ 179359; Department of Children's Services, Division of Education, Table 1, Children Who Received Free Appropriate Special Education Services By the School System, Report Date, 6/1/2005.

⁵ Heather Griller-Clarck, “Transition Services for Youth in the Juvenile Justice System,” *Focal Point*, Portland State University, Research and Training Center on Family Support and Children's Mental Health, Spring 2001, Vol. 15 (1), pp. 23-25.

⁶ *Ibid.*

⁷ Peter E. Leone, Christine A. Christle, Michael Nelson, Russell Skiba, Andy Frey, and Kristine Jolivette, *School Failure, Race, and Disability: Promoting Positive Outcomes, Decreasing Vulnerability for Involvement with the Juvenile Justice System*, EDJJ: The National Center on Education, Disability, and Juvenile Justice, Oct. 15, 2003, p. 14.

Insufficient collaboration among agencies and groups responsible for the education of children and youth in Tennessee custody remains a concern. Most research reports about children in state custody address the importance of collaboration and coordination among the various agencies involved in custody children’s lives. In a Casey Family Programs report titled *A Road Map for Learning: Improving Educational Outcomes in Foster Care*, authors note that collaboration and cross-training among the child welfare, education, and judiciary systems is “critical at the local, state, and national levels.”

The lack of meaningful collaboration among agencies and groups who must educate children in Tennessee custody is most evident in the relationships among DCS, the DOE, and public schools, and between DCS and juvenile courts. In addition, the relationship of Foster Care Review Boards to processes affecting the education of children in custody is a concern. (See pages 18-20.)

Juvenile offenders receiving educational services in DCS Youth Development Centers are not included in the state’s adequate yearly progress (AYP) calculations under No Child Left Behind, the federal law governing public education. As a result, these students’ progress receives less scrutiny than that of public school students. Tennessee DOE staff indicate that the U.S. Department of Education does not require those students to be included because the schools within the YDCs are under the control of DCS, a non-education agency, and not the Tennessee DOE. Although federal guidelines support that contention, public reporting of some information would foster greater accountability. (See pages 20-21.)

Youth leaving state custody from juvenile justice facilities cannot access critical independent living services that help other state custody youth transition into adulthood. Youth adjudicated delinquent and residing in a secure facility on their 18th birthday are ineligible for the federal Chafee funds provided states to help foster youth transition successfully to adulthood. Foster care youth may access these funds for apartment rental deposits, transportation costs, and similar expenses. However, a youth in Tennessee who reaches adulthood in a juvenile justice detention facility is not eligible for assistance with higher education, housing, or job training expenses.

As a result, many are released from custody without any real means of support or prospects for becoming self-sufficient, and with an above-average risk of recidivism into the state’s adult correctional system. (See pages 21-23.)

The Children’s Plan calculations cause an inequitable loss of BEP funds for some school systems. Under T.C.A. 49-3-363, annual calculations result in the transfer of BEP funds among LEAs throughout the state and to DCS. The per diem amounts used in the calculations are unique to each system and include both state and local funds. Based largely on property taxes, local education funds vary widely across the state. Partly because of the variance among per diem rates and because systems with a greater array of services generally attract more custody placements, some LEAs with a higher per diem rate consistently lose funds when providing services to children from jurisdictions with lower expenditures per student. (See page 23-24.)

RECOMMENDATIONS

LEGISLATIVE

The General Assembly may wish to consider a resolution or law containing a unifying statement of purpose regarding the education of children in state custody.

The General Assembly should consider waiving postsecondary tuition fees at state institutions of higher education for young adults in or formerly in state custody.

The General Assembly may wish to require the Department of Children's Services to report annually specific outcome measures for youth educated in the state's Youth Development Centers and group homes with in-house schools, similar to the AYP calculations required of other public schools.

The General Assembly may wish to consider revising *T.C.A. 49-3-363* to make funding for children in state custody more equitable for school districts.

ADMINISTRATIVE

The Department of Children's Services should continue to make substantive changes identified by the Brian A Settlement Agreement and ongoing Technical Assistance Committee recommendations that will assist youth in custody to obtain a quality education.

The Department of Children's Services should consider revising the policy that creates the Child and Family Team Meeting process to include educators among the suggested participants.

The Department of Children's Services should increase transitional/independent living services for all youth aging out of the foster care and juvenile justice systems.

The Administrative Office of the Courts in coordination with the Department of Children's Services and the Department of Education should consider improving access to information, including information about education that would provide needed information to foster care review board members.

Local education agencies (LEAs) and school officials should ensure that teachers and other personnel understand the state's child welfare system and the difficulties that custody children and youth may experience in obtaining their education.

See pages 25-27 for further discussion of the legislative and administrative recommendations summarized above.

See Appendices G and H for response letters from the Commissioners of Children's Services and Education.

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INTRODUCTION

Education is often considered the best hope for improving the lives of children said to be “at risk.” Results from several studies demonstrate that high school graduates are more likely to enter college and obtain gainful employment than those who drop out of school. For children in state custody, however, barriers, such as changing schools frequently and lengthy school absences, often compromise that hope.

Children enter state custody generally because they have been neglected and/or abused or because they are delinquent. Being placed in custody means that children often move among a variety of placements, that they must appear in court when ordered to do so, and that their family relationships are often tenuous.

Amid this stress and uncertainty, children in state custody still must attend school. Most of the approximately 10,000 custody children in Tennessee attend public schools across the state. Others attend in-house schools located in the facilities where they reside. A recent article in *The Christian Science Monitor* confirms that although education historically has not ranked high on the list of child welfare agencies’ concerns – safety necessarily being the overarching concern –

...education, some are starting to realize, may be almost as fundamental a goal...When kids age out of the system, college, a high-school diploma, or basic job skills can mean the difference between achieving self-sufficiency and returning to a cycle of disadvantage.¹

Numerous national and state studies document dismal outcomes for children who grow up in state custody, suggesting a widespread lack of attention to the education of this population. A national study found that two-thirds of the 18-year-olds who left foster care within one year had not completed high school.² Further, only 35 percent of the more than 20,000 youth who aged out of foster care in the summer of 1998 graduated from high school – only 11 percent continued to college or vocational school.³

Other data show that foster children have higher rates of grade retention, lower academic skills according to standardized test results, higher absentee and tardy rates, and higher drop-out rates.⁴ One 2001 study in Washington State found that “a student’s foster care status alone is associated with a 7-8 percentile-point gap in standardized test scores.”⁵

The State of Tennessee is obligated to provide the children and youth legally placed in its care with opportunities to lead productive lives during and beyond their experiences in custody.⁶ The Tennessee Department of Children’s Services (DCS), like all state child welfare agencies, is responsible for tasks made difficult because they involve the fragility, vulnerability, and inherent complications of human beings. DCS continues to struggle with needed changes, some driven by litigation, including how best to educate children and youth who come into its care.

This study by the Comptroller’s Office of Education Accountability describes the educational services to which children in state custody are entitled; considers whether DCS, the Department of Education (DOE), and any other appropriate state agencies have achieved or are moving

¹ Amanda Paulson, “Fostering education,” *The Christian Science Monitor*, Feb. 22, 2005.

² Ronna J. Cook, et al., *A National Evaluation of Title IV-E Foster Care Independent Living Programs for Youth*, Phase 2 Final Report, Vol. 1, prepared by Westat, Inc. for the Department of Health and Human Services, 1991, p. 1-2.

³ Andrea G. Zetlin, Lois A. Weinberg, “Understanding the plight of foster youth and improving their educational opportunities,” *Child Abuse and Neglect* 28 (2004), p. 918.

⁴ Claire van Wingerden, John Emerson, Dennis Ichikawa, *Education Issue Brief: Improving Special Education for Children with Disabilities in Foster Care*, Seattle, WA: Casey Family Programs, June 2002, p. 2.

⁵ Mason Burley and Mina Halpern, *Educational attainment of foster youth: achievement and graduation outcomes for children in state care*, (Olympia, WA: Washington State Institute for Public Policy, 2001), p.15.

⁶ *Tennessee Code Annotated* 37-5-102.

toward making needed improvements in the delivery of these services; and recommends ways that the system may further be improved.

Methodology

During the research phase of this study, OEA staff reviewed:

- Tennessee state statutes related to child welfare and juvenile justice
- Related attorney general's opinions
- Pertinent policies adopted by the Department of Children's Services and the Department of Education
- The *Brian A.* lawsuit and resulting Settlement Agreement
- Documents developed by DCS as a result of the lawsuit
- Study of DCS in-house schools as required by *Brian A.* Settlement Agreement
- Select data from TCCY's Children's Program Outcome Review Team (CPORT) 2004 report
- Select data requested from DCS and the Department of Education
- Other states' practices and research regarding the education of children in state custody
- Articles and studies from education and child welfare journals regarding the education of children and youth in state custody

In addition, staff interviewed:

- Select DCS and Department of Education staff
- Tennessee Commission on Children and Youth (TCCY) staff
- Members and staff of the Select Committee on Children and Youth (SCCY)
- Staff at The Oasis Center, a nonprofit youth agency
- Staff at Tennessee Association for Child Care, an advocacy group for troubled children and their families
- Local finance directors at select school systems
- Personnel in charge of surrogate parent programs at select school systems
- Staff at The Child and Family Policy Center at the Vanderbilt Institute for Public Policy Studies
- Tennessee School Superintendents Study Council

See Appendix B for a list of all persons consulted.

BACKGROUND

At any one time, approximately 10,000 children and youth are in Tennessee state custody.⁷ Exhibit 1 shows the number of children committed to state custody from each county as well as the number placed in each county on December 31, 2005. For the purposes of this report, 'children in state custody' means:

- Children and youth in foster care, who are placed either in foster families or in residential facilities. This population of children came into state custody either because they were abused or neglected, or because they were judged "unruly," which means they committed non-criminal offenses such as truancy or running away. These children make up the "Brian A. class" of children, the group on whose behalf the Brian A. lawsuit was brought in 2000.⁸ (See the next section for more about the lawsuit.)
- Children and youth who have committed criminal acts. This population generally is placed in one of the secure DCS Youth Development Centers or in other secure facilities. The Brian A. lawsuit and settlement agreement do not pertain to this population.

How has litigation affected the education of children and youth in state custody?

In May 2000, education surfaced as one of several issues in a lawsuit filed against the state of Tennessee on behalf of all children in state custody. The *Brian A.* lawsuit described the education of children in DCS custody as "routinely inadequate" and specifically cited the following as issues:

- Failure to provide therapeutic and educational services to address behavior and emotional problems frequently suffered by children in DCS custody.
- Inadequate schooling in emergency placements, such as shelters, with one or two teachers overseeing large numbers of children with wide variations in age, educational development, and ability.
- Failure to identify children in custody in need of special education services and frequent failure to ensure that children who have been identified receive access to the appropriate educational services.⁹

In July 2001, after lengthy negotiations, the lawsuit culminated in a settlement agreement, which remains in effect although subsequently modified by a stipulation agreement in December 2003. Because of the settlement agreement:

- Many more children in state custody attend public school rather than residential schools.
- DCS hired education consultants to act as liaisons between DCS and schools on behalf of children in custody.

The Analysis and Conclusions section contains more specific information about these and other changes DCS made since the settlement agreement.

⁷ Estimates taken from Tennessee Department of Children's Services Annual Report FY2003-04.

⁸ The Settlement Agreement's definition: "All foster children who are or will be in the legal custody of the Tennessee Department of Children's Services. "Foster children" shall mean all children who are or will be in the legal custody of the Tennessee Department of Children's Services, excluding children who are or will be in the legal custody of the Department of Children's Services upon an allegation or adjudication of a delinquent or criminal act. Children who are or will be in the custody of the Department of Children's Services upon an allegation or adjudication of an unruly or status offense shall be included in the class, and children who are or will be in the custody of the Department of Children's Services upon an allegation of a delinquent or criminal act and which allegation is subsequently dropped or fails to result in an adjudication of a delinquent or criminal act and who remain in the legal custody of the Department of Children's Services, shall be included in the class."

⁹ *Brian A. v. Sundquist*: No. 3-00-0445, U.S. District Court, Middle District of Tennessee, Nashville Division, filed May 10, 2000.

Exhibit 1: Commitments and Placements of Children by County on December 31, 2005

County	Resident Children Committed to Custody	Custody Children Placed In County	County	Resident Children Committed to Custody	Custody Children Placed In County
Anderson	186	109	Lauderdale	78	49
Bedford	71	37	Lawrence	66	39
Benton	30	4	Lewis	19	46
Bledsoe	5	134	Lincoln	34	44
Blount	143	145	Loudon	56	35
Bradley	187	121	Macon	81	52
Campbell	60	52	Madison	156	181
Cannon	33	14	Marion	36	24
Carroll	26	29	Marshall	60	52
Carter	55	35	Maury	91	175
Cheatham	52	42	McMinn	66	50
Chester	11	3	McNairy	16	28
Claiborne	71	39	Meigs	28	15
Clay	16	19	Monroe	78	73
Cocke	172	77	Montgomery	226	145
Coffee	100	59	Moore	4	3
Crockett	16	15	Morgan	27	52
Cumberland	82	78	Obion	26	13
Davidson	1038	1623	Overton	39	44
Decatur	2	9	Perry	22	42
Dekalb	64	25	Pickett	11	13
Dickson	169	89	Polk	28	15
Dyer	43	31	Putnam	159	156
Fayette	21	108	Rhea	14	20
Fentress	25	34	Roane	72	39
Franklin	58	49	Robertson	127	36
Gibson	116	50	Rutherford	97	120
Giles	47	26	Scott	53	42
Grainger	45	15	Sequatchie	24	7
Greene	180	250	Sevier	126	71
Grundy	17	18	Shelby	1141	1160
Hamblen	161	97	Smith	38	24
Hamilton	530	570	Stewart	25	14
Hancock	10	14	Sullivan	261	327
Hardeman	71	42	Sumner	233	142
Hardin	17	8	Tipton	46	13
Hawkins	98	48	Trousdale	13	8
Haywood	43	31	Unicoi	31	8
Henderson	35	18	Union	42	24
Henry	31	28	Van Buren	5	12
Hickman	41	33	Warren	84	46
Houston	10	12	Washington	178	205
Humphreys	47	59	Wayne	27	88
Jackson	16	23	Weakley	43	42
Jefferson	90	167	White	86	55
Johnson	16	13	Williamson	97	53
Knox	535	572	Wilson	106	114
Lake	2	4	Out of State		133

Source: DCS Stock and Placement Spreadsheet, Dec. 31, 2005.

Who makes decisions about the educational needs of and services for children and youth in state custody?

Since the Brian A. lawsuit and resulting settlement agreement, DCS policies reflect a stronger emphasis on engaging families in all decisions that must be made about a custody child's future. Parents of a child in custody retain the right to make decisions regarding their child's education unless the state terminates their parental rights.

When a foster child is taken into state custody, DCS policy calls for a Child and Family Team Meeting (CFTM), which requires participation of any child who is 12 years of age or older (and may include participation by a child younger than 12 in at least part of the meeting) and the assigned case worker. Other key persons invited to participate include all known parents (including legal, biological and alleged fathers, as well as incarcerated parents), specialized DCS staff persons (such as education consultants, juvenile justice staff, legal staff, and adoption liaisons), extended family members and other persons considered important by the family, therapists, court appointed special advocate (CASA) volunteers, community partners (subject to the parents' consent), attorneys, and interpreters as needed. Participants in a CFTM collectively determine where a child will be placed and the outcome goals (such as reunification) for that child and his or her family.¹⁰ A child's placement once in state custody determines in large part where he or she will receive educational services.

In addition to birth parents who retain their rights, a number of individuals and groups involved in the life of a child in state custody have an opportunity to ensure that the child is receiving the educational services needed to progress academically and socially, including:

- foster parents;
- DCS education consultants and attorneys;
- caseworkers;
- juvenile court judges and attorneys in juvenile court;
- guardians ad litem (lawyers appointed by the court to advocate for the best interests of a child in neglect, abuse, and dependency proceedings); and
- foster care review boards (citizen boards created by federal and state law and convened by juvenile courts to periodically review and assess the care of children in state custody).

Custody children needing special education services. In parental rights termination cases that involve children needing special education, federal law provides a mechanism for school systems to appoint a surrogate parent, who has the same legal rights as a child's natural parents expressly limited to the child's education.¹¹ For example, a surrogate parent has the right to examine the child's school records and to attend and participate in Individualized Education Plan (IEP) team meetings on behalf of the child. (Federal law mandates the creation and maintenance of an IEP for every special education child.) Tennessee school systems administer surrogate parent programs and may receive technical assistance from the state Department of Education's Division of Special Education.

In addition to birth parents who retain their rights, surrogate parents, and members of a child's IEP team, the same individuals and groups listed above may act to ensure that the child is receiving appropriate special education services.

¹⁰ State of Tennessee Department of Children's Services, Administrative Policies and Procedures: 31.7, Effective date: 05/01/03, Revision date: 04/01/05, and 16.46-BA, Effective date: 09/15/01, Revision date: 12/01/03.

¹¹ A surrogate parent may also be appointed when a school system has made a diligent but unsuccessful attempt to locate the parent of a special education student. A surrogate parent cannot be appointed in the event that a parent is considered by the school system to be difficult and uncooperative. Tennessee Department of Education, Division of Special Education, *Educational Surrogate Training Manual*, 2001, p. 6

Where do children in state custody receive educational services?

Children and youth in state custody attend public schools or in-house schools that are located in group residential or institutional facilities. In addition, some may attend private schools or specialized treatment programs, such as wilderness training, that require their educational services be provided on site. Older youth who qualify may attend college or technical schools.

Because most children in state custody reside with foster families, most attend public schools. In addition, since implementation of the Brian A. Settlement Agreement, many more children in state custody attend public schools than in the past. The settlement agreement stated: "Children shall be placed in community schools whenever possible." By April 2005, the Technical Assistance Committee – a group of five child welfare experts established by the agreement to serve as a resource to DCS in developing and implementing the required reforms – acknowledged in its monitoring report that a significantly large number of children in custody had been shifted from in-house to public schools.

After DCS assesses children who come into custody, they are classified as Level 1, 2, 3, or 4, which refers to varying concentrations of treatment and structure the children need to progress. In 2002, DCS moved all Level 1 students (those with less serious treatment needs) from in-house schools to public schools. In 2003, DCS evaluated all Level 2 students to determine the most appropriate educational setting for them – most transferred to public school. DCS followed the same process in 2004 with Levels 3 and 4 students.

According to DCS, the numbers in Exhibit 2 represent custody students placed in residential programs who attend public and in-house schools as of January 2005. In 2001-02, 66 facilities with in-house schools served students in custody – by 2005, the number had decreased to 39. DCS also reduced the number of state-operated group home schools in an attempt to place more students in family settings and public schools. In 2004, DCS evaluated the residents of the group homes and by 2005 moved 15 of them to public schools, vocational schools, or colleges, while 46 residents remained at in-house schools.¹²

Exhibit 2: Numbers of state custody children in residential programs attending public schools and in-house schools by levels, wilderness programs, and primary treatment centers, January 2005

	Attend public school or not of school age	Attend in-house school
Level 1	704	0
Level 2	1363	263
Level 3	371	468
Level 4	8	70
Wilderness	0	94
Primary Treatment Centers (30 days or less)	0	32

Source: Letter from DCS Director of Education Mary Meador to two Technical Assistance Committee consultants dated January 21, 2005.

The DCS 2005 Provider Policy Manual lists examples of reasons that a child may need to be served in an in-house school rather than public school,¹³ including:

- Current identified alcohol and drug treatment issues that require a self-contained treatment program
- Identified sexual offending treatment issues that require a self-contained program

¹² Letter from DCS Director of Education Mary Meador to two Technical Advisory Committee consultants, dated January 21, 2005.

¹³ Tennessee Department of Children's Services, *DCS Provider Policy Manual, 2005*. Accessed Feb. 27, 2006, at www.tennessee.gov/youth/policies/providersManual0106.pdf.

- Zero-tolerance issues that prohibit enrollment despite involvement and efforts of the DCS education consultant and/or the DCS attorney (see page 17 for information about DCS education consultants and education attorneys)
- Placement in wilderness programs in which the treatment regime is so integrally related to the educational program that attendance at public school would disrupt treatment
- A crisis requiring intensive supervision due to community or child-safety treatment needs, or a crisis such that the child is at imminent risk of disruption of placement
- Public school placement would cause the youth to lose academic credits

Exhibit 3 shows the number and percent of children in custody by placement settings.

Exhibit 3: Children in Custody by Placement Settings on June 30, 2004

Placement Program Name	No. of Children	Percent
Alcohol & Drug Program	55	0.6
Diagnostic, Evaluation, and Assessment	78	0.8
Detention	156	1.6
Emergency/Temporary Shelter	44	0.4
Foster Family Home*	6480	65.7
Group Home	363	3.7
In-Home	261	2.6
Mental Health / Medical Treatment	146	1.5
Residential Treatment	601	6.1
Runaway	437	4.4
Supervised Independent Living	61	0.6
Trial Home Visit	650	6.6
Wilderness Program	48	0.5
Youth Development Center	476	4.8
<i>Total</i>	<i>9856</i>	<i>100.0</i>

Source: DCS Division of Research and Development.

*DCS Foster Homes = 4194 (65.7%), Other Agency Foster Homes = 2286 (34.3%).
Relative Foster Homes = 1319 (20.4%), Non-Relative Foster Homes = 5142 (79.6%).

How are in-house schools for children in custody organized and run?

DCS is responsible for overseeing the educational services provided by in-house schools, whether in DCS or contract facilities, but the schools are subject to approval by the Tennessee Department of Education.¹⁴ T.C.A. 37-5-119 defines the DCS-administered schools as a Tennessee special school district, which subjects them to school approval requirements established by the Tennessee State Board of Education and qualifies them for applicable federal grant monies.

DCS runs five Youth Development Centers (YDCs) across the state, all residential and hardware-secure. Each provides education, vocational skills, medical services, recreational programs, and independent living skills, as well as various types of therapeutic treatment programs.

- Mountain View (in Jefferson County about 30 miles from Knoxville) serves up to 144 males ages 13-18. It also operates a 24-bed sex offender program and a 12-bed Level III alcohol and drug program.
- Taft (in Bledsoe County close to Pikeville) serves up to 156 males ages 16-19. This center is the most restrictive and serves older, more serious offenders. Youth at Taft

¹⁴ For DCS-run schools, the authority is T.C.A. 37-5-106 and DCS Administrative Policies and Procedures 21.1 (rev. 12/01/04). For contract providers, the requirement appears in the DCS 2005 Provider Policy Manual on page 43.

usually have adult sentences, serious delinquent offenses, are serving a third commitment, or have exhibited severe behavior problems at another YDC.

- Wilder (in Fayette County) serves up to 144 males. It contains a Behavior Management Unit, which serves students with special mental health needs who are unable to control their behavior enough to participate in the regular treatment program.
- Woodland Hills (in Davidson County) serves up to 144 males between ages 13 and 19.
- New Visions (also in Davidson County), the newest facility, is the only YDC to serve females only. As of early January 2006, it was serving 24 females, with expectations of expanding to 36.

In addition, DCS runs 12 group homes across the state, seven containing in-house schools, which serve youth determined appropriate for community placement. (See Appendix D for a list of the DCS YDCs and group homes.)

Contract facilities administered by private providers with in-house schools must provide educational programs that are “substantially similar to that provided to other students in the school district.” In its 2005 Provider Policy Manual, DCS mandates that in-house schools:

- be approved by the Tennessee State Department of Education.
- employ teachers who are qualified according to state requirements with at least one full-time special educator on staff.
- use educational texts and curriculum that are current, state approved, and rotated at regular intervals.
- provide a 6.5 hour school day as required by the Tennessee Department of Education and a school schedule that allows a high school student to earn at least five credits during a given school year.
- provide students’ access to computers and library/research materials comparable to those provided in public schools.
- provide special education and related services for individual students as required by the federal Individuals with Disabilities Education Act (IDEA) and the state of Tennessee.

The DCS Provider Policy Manual lists detailed educational standards that providers must follow, including thoroughly assessing the educational needs of each child and enrolling them whenever possible in the local school system rather than an in-house school. The agency must appoint a staff member to act as “school liaison” who is responsible for developing a collaborative relationship with the public school system and for coordinating all involved parties to ensure each child receives the appropriate educational services.

The DCS Provider Policy Manual also details the providers’ responsibilities when a child or youth has special education needs, significant discipline problems, and/or appears unable to function in public school, or is suspended from school. Providers are required to maintain an education file separate from the clinical treatment file, containing communication about the child’s educational needs and documentation of the child’s educational progress. The DCS education consultants monitor these agencies throughout the year and report their findings to the DCS Division of Education. Noncompliance with any of the standards could result in closure of a facility’s educational program, if noted deficiencies are not corrected.

At the end of any 30-day period during which a child receives educational services in-house, the provider agency must convene a meeting coordinated with the DCS education consultant and with appropriate staff (which may include the DCS case manager, agency representatives, foster parents, and other appropriate persons). The meeting’s purpose is to consider the child’s educational progress so that the child may be enrolled in public school as soon as possible. If the consensus is to continue services in-house, participants must document the treatment the child requires and project a date the child may be able to return to public school. If consensus cannot be reached, the regional administrator may decide.

If the meeting participants determine that the child should return to public school, the agency school liaison in coordination with the DCS home county case manager should contact the appropriate school to determine the educational records needed to enroll the child.

How are the educational services for children in custody funded?

Educational services for children and youth in state custody are funded through a combination of federal and state dollars, though the majority of funds are state dollars. The federal funds flow through the Tennessee Department of Education. The table in Exhibit 4 lists the funding sources and a brief explanation of how the funds are applied. In addition, a general explanation follows describing the sources of education funding for the various possible placements of children in custody: in public schools, in YDCs and DCS in-house group homes, and in private providers' in-house schools.

Exhibit 4: DCS Education Division Funding Sources

FEDERAL FUNDS		
Source	2005-06 Allocation	Purpose
IDEA, Part B (Special Education Grant)	\$646,000	Funds salaries for three education consultants, half of four education consultants at YDCs, supplemental instructional supplies and materials for YDCs and Group Homes, and an annual allocation to each contract in-house school
Title I, Part D	\$333,000	Partially funds the salaries of eight teachers from four YDCs. Also funds DCS transition initiatives.
Title II, Part A	\$2,600	Partially funds professional development activities for teachers in YDCs.
Title IV, Part A	\$1,200	Funds library improvements at each YDC.
Title V, Part A	\$3,400	Funds supplies, materials, and/or training related to Safe and Drug-Free Schools.
STATE FUNDS		
For DCS Education division	\$1,145,700	Funds salaries, travel, general operating expenses, textbooks for DCS schools, limited other instructional supplies and materials.
For Youth Development Centers	\$8,489,100	Funds salaries and other expenses.
For DCS group homes	\$1,028,700	Funds salaries and other expenses.

Sources: DCS Education Division and Doug Swisher, Fiscal Division, DCS, e-mail to author, 2/1/06.

Children and youth in custody who attend public schools. State law constitutes the Department of Children's Services as a local education agency (LEA). DCS receives some BEP funding, but does not generate funds in the same manner as other LEAs through the Basic Education Program (BEP), the state education funding formula. Tennessee state law holds the state responsible for the education of children in custody:

Whenever any child is placed in the custody of the state of Tennessee or the education of the child shall become the state's direct responsibility for any reason, the Commissioner of Education shall pay to the state agency responsible for the child or as may be otherwise directed in the general appropriations act, an amount equal to the state funds, plus the local funds which would otherwise be expended on the child had the child not

been placed under state care. The total amount of such payments shall be deducted by the commissioner from the total state payments which would otherwise be made under this part to the LEA which would be responsible for the child's education had the child not been placed under the state's direct responsibility.¹⁵

An interdepartmental task force comprised of staff from the Departments of Education and Children's Services created the methodology to implement the requirements under this section of state law, in use since FY 1993-94. In July 1998, the Department of Education's Office of Local Finance published the methodology in a document titled *Calculation of LEA Funding for Children in State Custody Process Manual*. The manual details the responsibilities of both departments in compiling data and calculating funding adjustments in the state's education funding formula, the Basic Education Program (BEP), for each LEA that serves children in state custody.

Generally, DCS identifies all custody children attending public schools during a specific school year and sends the data to DOE. The data is broken down into categories of "LEA of origin" and "LEA of current service." The LEA of origin is the school system where the child originally attended school (or would have attended school when they reached kindergarten age) and which retains the responsibility for paying for the child's education. The LEA of current service is the school system where the child is placed once in state custody and which is responsible for educating the child. Because children in state custody often must change schools, and sometimes school systems, LEA funding for them is calculated on a per diem basis. Each LEA receives and/or pays a unique per diem per child in state custody, which includes both state and local funds. After the school systems check the DCS-generated lists against their enrollment data and make corrections, the Department of Education calculates and electronically transfers the appropriate amount of BEP funds to or from each LEA annually.

Children and youth in custody who attend in-house schools in DCS Youth Development Centers and group homes. Although DCS does not generate funding in the same manner as other LEAs, it receives BEP monies for those children it has a direct responsibility to educate, i.e., those in the YDCs, DCS in-house group homes, and some private schools. This calculation is included in the Children's Plan adjustments described above. The BEP generates monies for the LEAs that children in the YDCs, DCS group homes, and private schools would have attended if not in state custody; the Department of Education subsequently deducts those monies from the LEAs and transfers them to DCS. In addition, DCS receives some federal monies, described in Exhibit 4, for use in the YDCs and DCS group homes.

Children and youth in custody who attend in-house schools in privately operated group homes. The amounts paid for educational services provided children in privately operated group homes with in-house schools are contained within the per diem amounts these providers receive along with the costs for treatment, room and board, and other expenditures. The amounts expended for education vary depending on the level of service provided. According to DCS staff, the 2005 expenditures for educational services range from \$10.63 to \$18.34 per day. For example, a provider serving a Level II Special Populations child receives a total of \$108 per day—of that amount, \$15.93 is currently allocated for that child's educational services.¹⁶ The percentages of the total rates allocated for various expenditures, such as education, are determined every three years when DCS undertakes a time and cost study of the residential providers' services. From that study, DCS determines the percentage expended for each area of service.

DCS staff emphasize that these amounts expended for educational services do not represent the true cost of educating children in custody at these facilities. Per diems are paid daily for each child even on days when educational services are not provided, such as weekends and holidays. Of the estimated \$160 million spent annually in residential payment per diem, DCS staff indicate that roughly \$8 million funds the private providers' educational services.

¹⁵ T.C.A. 49-3-363.

¹⁶ Telephone interview with Doug Swisher, Department of Children's Services, Fiscal Division, Oct. 12, 2005.

A mixture of state and federal dollars fund private contractors' per diems. The BEP money allocated to DCS through the Children's Plan also funds the educational portions of the residential providers' per diem payments. Some federal monies are recouped when DCS bills the appropriate federal agency or fund, such as Medicaid, for eligible children. Additionally, in-house schools receive an annual allocation from the federal funds that flow through the Department of Education to DCS for special education. (See Exhibit 4.)

Other sources of funds that affect the educational services of children in custody. The Tennessee Association for Child Care (TACC), a nonprofit agency, through a contract with the Tennessee Department of Education, maintains Title I funds for private agencies that provide educational services to children in state custody. Title I federal funds provide extra support for children who live in poverty and are considered neglected or delinquent. These monies are available in areas of the state where the local education agency does not provide educational services to the residential agencies within its jurisdiction. For a residential agency to qualify, the Tennessee Department of Education has an active letter on file from the LEA indicating it lacks the resources to provide the needed services. Title I monies can be used for tutoring, vocational classes, audio-visual equipment, reading materials, school supplies, and many other goods and services as long as they do not supplant basic funding.

A facility requesting a Title I grant must submit a detailed application to TACC, indicating how the agency plans to use the Title I money, documenting the needs of the residents, and indicating the expected project outcomes and how these will be evaluated. The agency does not receive the funds directly; instead, each agency submits reimbursement forms, which TACC processes periodically. TACC staff indicate that the amount of Title I monies it administers is decreasing because many more children in custody now attend public school than in previous years. Exhibit 5 shows the amount of the TACC contract for the most recent three fiscal years.

Exhibit 5: Amount of Title I Monies Distributed by The Tennessee Association for Child Care for Fiscal Years 2003-04, 2004-05, and to be distributed 2005-06

Amount of Title I Monies Distributed by TACC	
Contract for Oct. 1, 2003 – Sept. 2004	\$2,023,598
Contract for Oct. 1, 2004 – Sept. 2005	\$2,410,032
Contract for Oct. 1, 2005 – Sept. 2006	\$1,974,480

Source: Department of Education, Office of Federal Programs, Homeless Education, Rural Education Achievement Program, Neglected & Delinquent.

Also, the Division of Special Education within the Department of Education manages federal funds for very high cost children with disabilities. The division lists children placed in a school district by the Department of Children's Services as among those considered "Priority 1" for the purposes of acquiring these funds. The funds, however, are subject to federal availability and apply to those students placed by a state agency for only the first year of service in a school system. After the first year, those students generate federal and state dollars as do any other children with a disability in a school district.

What happens to youth in custody when they reach age 18?

When a foster child in state custody turns 18, he or she is emancipated from or "ages out" of the system. In FY 2005, 883 foster youth turned 18 while in DCS custody.¹⁷ No longer obligated by the requirements of state custody they may simply walk away. However, many of these youth have little or no support network beyond the foster care system.

¹⁷ Dave Aguzzi, Program Coordinator, Office of Independent Living, e-mail to analyst, 11/08/05.

Youth transitioning out of the foster care system experience low education attainment, unemployment, low wages, homelessness, and incarceration at alarming rates. According to the 2000 census, nearly four million young adults between the ages of 25 and 34 live with their parents as a result of economic necessity. Most former foster youth lack this safety net as they struggle to make it on their own. Additionally, young adults from the foster care system are often ill equipped for self-sufficiency. National studies tracking indicators of success in early adulthood in former foster youth during the last decade found:

- 50-55 percent failed to complete high school.
- 50-62 percent were unemployed 12 to 18 months after leaving state custody.
- 12-36 percent were homeless.¹⁸

A separate survey of homeless adults in 1994 found that 36 percent reported spending some time in foster care as a minor.¹⁹ Several state and local studies showed high rates of incarceration of former foster youth. In Wisconsin, 18 percent of former foster youth were incarcerated post-discharge, while 41 percent of youth from one county in Nevada reported spending at least one night in jail after leaving the state's care.²⁰ Other reports indicate that foster youth experience high rates of substance abuse.²¹ Young people aging out of the state foster care system have critical transitional service needs that, left unaddressed, can cause irreparable harm.²²

Federal and state transitional programs. Recognizing that all young adults need support as they seek self-sufficiency, federal and state laws allow eligible youth to remain in voluntary custody beyond 18 and receive transitional living assistance. The Department of Children Services' Office of Independent Living (OIL) provides services and assistance to youth in state custody as they approach adulthood.

Regional Independent Living (IL) program specialists work with case managers of children 14 and older to develop and implement an Independent Living plan to be incorporated into the child's permanency plan. Based on the results of the Daniel Memorial Independent Living Assessment (DMA), IL specialists outline youths' life skills abilities and goals in areas such as housing, education, and employment. As of November 2005, IL specialists have 573 active post-custody cases with 98 young adults receiving transitional services.

Available under authority of the federal Chafee Foster Care Independence Act of 1999 and funded through the federal government as a block grant with a state match, the Chafee Foster Care Independent Living Program (CFCILP) provides money for IL specialists, Independent Living Skills training classes, and transitional expenses. Chafee funds can be used for a variety of items, depending on the individuals' needs such as rental deposits, ongoing housing assistance, utilities, transportation, and costs associated with high school activities and graduation. In addition, the federal Education and Training Voucher (ETV) program provides money for tuition, supplies, and living expenses to young adults who choose to attend a post-secondary institution or trade school. (See Appendix E for a list of IL incentives.)

Program eligibility. Youth adjudicated unruly or delinquent and housed in and emancipated directly from YDCs are not eligible for CFCILP or ETV funds. Youth from DCS group homes are

¹⁸ Ronna Cook, et al., *A National Evaluation of Title IV-E Foster Care Independent Living Programs for Youth*, Rockville, MD: Westat, Inc., 1991; M. Courtney and I. Pilivian, "Foster Youth Transitions to Adulthood: Outcomes 12-19 months after leaving out-of-home care," Madison, WI: University of Wisconsin. 1998.; T. Reilly, "Transitions from Care: Status and outcomes of youth who age out of foster care," *Child Welfare*, vol. 82, 2003, pp. 727-746, as cited in Roxana Torrico, "Child Welfare League of America Independent Living Coordinator Questionnaire Results," Child Welfare League of America, 2004, pp. 1-2.

¹⁹ N.P. Roman and N. Wolfe, "Web of Failure: The relationship between foster care and homelessness." Washington, D.C.: National Alliance to End Homelessness, 1995.

²⁰ Roxana Torrico, "Child Welfare League of America Independent Living Coordinator Questionnaire Results," Child Welfare League of America, 2004, p. 2.

²¹ N. Goodman, et al., "It's My Life: A framework for youth transitioning from foster care to successful adulthood," Seattle, WA: Casey Family Program, 2001.

²² Torrico, p.2.

eligible only if they are "IV-E eligible."²³ Independent or transitional living services and funds are available to eligible youth ages 14-23 in state custody to help meet the goals of the individual's independent living plan. While the majority of states (32) cap eligibility for independent living services at or before age 21, Tennessee is one of only five that extend services through age 23.²⁴

These programs are optional for youth deciding to remain in voluntary care after 18 in order to receive assistance. Former foster children can return to voluntary care anytime until they turn 21 and receive transitional living assistance until turning 23. In FY 2005, 8,491 total children and youth exited state's custody; of those, 883 aged out. IL Specialists currently serve 573 as active post-custody cases, and 98 receive Transitional Living services via contracts with providers or, in some cases, DCS staff. Additional custody youth ages 14-18 received IL incentives and services such as Life Skills training in preparation for leaving custody as adults.²⁵ Tennessee received \$2.4 million in CFCILP and \$833,000 in ETV funds from the federal government in FY 2005. States are required to put forth a 20 percent match in cash or in-kind services.²⁶

Grant-funded transitional assistance. In addition to the statewide CFCILP and ETV programs, the Child and Family Policy Center in the Vanderbilt Institute for Public Policy Studies (VIPPS) received a three-year grant in 2002 as a part of the national Jim Casey Foundation Youth Opportunities Initiative. The Tennessee program focuses on Davidson County and the Mid-Cumberland region and has three components: 1) a Youth Advisory Council, 2) a Community Partnership Board, and 3) the Opportunity Passport program. The Youth Advisory Council is a group of current and former foster youth ages 16-24 who reside in the greater Nashville area. The group serves as advisors to state and local policymakers as well as community agencies. The Community Partnership Board (CPB) consists of government and nonprofit agencies that serve youth as well as area businesses. Charged with providing support for the youth as they transition to self-sufficiency, the CPB takes direction from the Youth Advisory Council as to the community supports youth need to succeed.²⁷

The final piece of the Youth Opportunity Initiative, the Opportunity Passport program has three components:

- *Individual Development Account* - a savings account matched dollar for dollar up to \$1,000 a year for approved assets such as cars, rent deposits, educational or medical expenses, or investments.
- *Debit Account* - a personal debit account to be used to pay for short-term expenses.
- *Door Openers* - Program that cultivates community ties, opportunities, and "open doors" for former foster youth including information on businesses to patronize, housing availability, and job opportunities.

To qualify for enrollment to the Opportunity Passport a youth must be between 18-24, have been in foster care after age 14, and live in Davidson County. In addition they must attend financial management classes and complete all required paperwork for VIPPS, the bank, and the participant survey.

²³ The term "IV-E eligible" refers to eligibility criteria under federal law as applied to foster children on whose behalf federal reimbursement is available to states. Generally, to qualify for state reimbursement, the child's family must meet the July 16, 1998, AFDC program requirements, and there must be appropriately documented judicial determination that the child was appropriately removed from the home and that reasonable efforts are made to eliminate the need for removal or to return the child to the family, among other criteria. See also DCS Policy 16.35.

²⁴ Torrico, p. 6. and interview with David Aguzzi, Program Coordinator, Office of Independent Living, Department of Children Services, 6/28/05.

²⁵ David Aguzzi, Program Coordinator, Office of Independent Living, Department of Children Services, e-mail to analyst 11/08/05.

²⁶ Anidolee Melville-Chester, Director, Office of Independent Living, Department of Children Services, e-mail to analyst 2/07/06.

²⁷ Interview with Kim Crane and Andy Shookhoff, Vanderbilt Institute for Public Policy Studies, Child and Family Policy Center 9/28/05, and The Casey Youth Opportunities Initiative, "The Opportunity Passport," The Jim Casey Foundation.

ANALYSIS AND CONCLUSIONS

Custody children often experience multiple risk factors that affect their academic achievement.

Many children in Tennessee custody experience multiple risk factors that may keep them from succeeding in school. Many of these factors exist before children come into state custody; paradoxically, others are exacerbated by the fact that they are in custody.

Data collected and analyzed by the Tennessee Commission on Children and Youth (TCCY) for the 2004 Children’s Program Outcome Review Team (CPORT) report show that:

- Many custody children come from families where parents lack a high school education.
- One in two custody children had a formal mental health diagnosis.
- In 93 percent of all cases the child or a parent had either a mental health diagnosis and/or substance abuse issues.
- 88 percent of the children adjudicated delinquent had mental health diagnoses/issues.
- 66 percent of the children reviewed had parents who were or had been incarcerated.
- 43 percent of children were from families living below the poverty level.
- 42 percent of the children allegedly had been physically or sexually abused.

Additionally, children in custody often change schools because they are moved from one placement to another. In some cases, placement changes are frequent. CPORT data shows that in 2004 among those children who changed placements more than twice, the number of placements ranged from three to 28. The median number of changes was four. Exhibit 6 uses data from the 2004 CPORT to illustrate the percentage of custody children placed more than two times, as well as the average and median number of placements, by DCS region.

Exhibit 6: Custody children placed more than two times according to CPORT 2004 sample by DCS region

DCS Region	Percent of children in CPORT sample placed more than 2 times	Average number of placements	Median number of placements
Davidson	44	9	5
East TN	57	6	4
Hamilton	62	7	5
Knox	49	8	5
Mid Cumberland	61	6	4
Northeast	53	9	6
Northwest	42	5	4
South Central	57	6	4
Shelby	59	3	3
Southeast	54	4	3
Southwest	56	4	3
Upper Cumberland	37	5	5

Source: CPORT 2004, Appendix F: System Observations by Region. (See also CPORT methodology beginning on page 18.)

Research indicates that any one of these factors can be damaging to a child's healthy development – having more than one present in a child's life creates more complex obstacles.²⁸ Many children and youth in custody do not complete high school or obtain a GED, which in turn can lead to a high rate of unemployment and incarceration.

A high percentage of custody children need special education.

DCS staff estimate that 35 to 40 percent of all children and youth in Tennessee custody qualify for special education services, a much higher percentage than the estimated 12 percent of children identified in Tennessee public schools.^{29, 30} Other states provide similar estimates. An article from the American Academy of

Pediatrics suggests several possible reasons for this difference, noting that more “young children with complicated, serious physical health, mental health, or developmental problems are entering foster care during the early years when brain growth is most active.”³¹ The article further states:

The nerve connections and neurotransmitter networks that are forming during these critical years are influenced by negative environmental conditions, including lack of stimulation, child abuse, or violence within the family. It is known that emotional and cognitive disruptions in the early lives of children have the potential to impair brain development.³²

Both nationally and in Tennessee, the two most common categories of disability in the juvenile justice population are specific learning disability and emotional disturbance.³³ National data suggests that youth with disabilities are three to five times more likely than other youth to be incarcerated in a juvenile correctional facility.³⁴ Research also “consistently identifies a strong relationship between negative school outcomes and delinquent behavior among youth with disabilities,” although having a disability does not cause a child to be delinquent.³⁵ One report states that “[t]he most common characteristics among incarcerated individuals are school failure and illiteracy.”³⁶

A 2001 review of the academic characteristics of incarcerated youth, most ranging in age from 13 to 17, found that generally:

- (1) their intellectual functioning has been assessed at the low-average to average range;
- (2) their academic achievement levels range from fifth to ninth grade;
- (3) they have significant deficits in reading, math, written language, and oral language compared with non-incarcerated students;

²⁸ See Appendix C for research studies linking these risk factors to educational difficulties.

²⁹ The DCS estimate is in keeping with other state estimates. DCS is unable to be precise about this number because of a technical problem with the education field in the TnKids database, which contains information about every child in DCS custody. Staff indicate that the information is in each child's Permanency Plan, but data is not easily extracted from that for the entire population of children in custody.

³⁰ The 12 percent estimate was made by staff in the Division of Special Education in the Tennessee Department of Education by excluding the gifted category and other categories above those required by federal law.

³¹ American Academy of Pediatrics, Committee on Early, Childhood, Adoption and Dependent Care, “Developmental Issues for Young Children in Foster Care,” *Pediatrics*, Vol. 106, No. 5, November 2000, p. 1145.

³² *Ibid.*

³³ Sue Burrell and Loren Warboys, “Special Education and the Juvenile Justice System,” *Juvenile Justice Bulletin*, Office of Juvenile Justice and Delinquency Prevention, NCJ 179359; Department of Children's Services, Division of Education, Table 1, Children Who Received Free Appropriate Special Education Services By the School System, Report Date, 6/1/05.

³⁴ Heather Griller-Clarck, “Transition Services for Youth in the Juvenile Justice System,” *Focal Point*, Portland State University, Research and Training Center on Family Support and Children's Mental Health, Spring 2001, Vol. 15 (1), pp. 23-25.

³⁵ *Ibid.*

³⁶ Peter E. Leone, Christine A. Christle, Michael Nelson, Russell Skiba, Andy Frey, and Kristine Jolivet, *School Failure, Race, and Disability: Promoting Positive Outcomes, Decreasing Vulnerability for Involvement with the Juvenile Justice System*, EDJJ: The National Center on Education, Disability, and Juvenile Justice, Oct. 15, 2003, p. 14.

- (4) those who recidivate have significantly lower levels of intellectual and academic functioning than those who do not; and
- (5) school failure is a common experience.³⁷

Some custody children are not receiving the special education services they need.

One in five children in custody who needs special education services does not receive them. The 2004 CPORT report notes as a strength and an improvement that most children in state custody – four out of five – who need special education services are receiving them. However, that one in five children does not receive special education services remains a concern. None of the 12 regional reports indicate that 100 percent of the children who needed special education services were receiving them; the percent of those served ranged from 73 percent of cases to 94 percent. The 2004 CPORT review also found that only 80 percent of juvenile offenders in secured state facilities who need special education services were receiving them.³⁸

Children who need special education services are more likely to progress academically once they receive appropriate services. However, sometimes problems within the special education system may delay appropriate services – for custody children in particular these may include:

- (1) lack of parental advocacy in a complex educational system. Obtaining the appropriate special education services for a disabled child frequently requires parental diligence and tenacity – elements often lacking in the lives of children in state custody.
- (2) uncertainty about who is responsible for making education-related decisions about a custody child. Many individuals have the opportunity to examine and raise concerns about a custody child’s educational needs, but no one person or entity is held accountable for the outcome.

In addition, moves to new placements requiring school changes may be even more problematic and disruptive for children needing special education services.

The DCS Division of Education seems focused on making substantive improvements in custody children’s educational experiences.

DCS has refocused its Division of Education to better organize and govern the schools under its authority. The Brian A. Settlement Agreement contained some specific requirements for DCS concerning the educational services provided to children in custody, including an in-house school study, moving many students to public schools, and hiring education consultants and attorneys. Beyond the Settlement Agreement’s explicit directives, DCS developed a policy to make the school transfer process easier for students and school personnel and adopted an assessment tool to determine students’ initial educational levels and academic progress. Collectively and over time, these changes may improve custody students’ academic achievement by introducing more stability into their educational experiences.

Staff indicate that prior to the in-house school study, they knew few details about the schools run by private providers. Before Brian A., DCS apparently placed less emphasis on educational services provided to children in custody, not unlike other states. The DCS November 2003 publication titled *Standards of Professional Practice for Serving Children and Families: A Model of Practice* states:

³⁷ Regina M. Foley, “Academic Characteristics of Incarcerated Youth and Correctional Educational Programs: A Literature Review,” *Journal of Emotional and Behavioral Disorders*, 10634266, Winter 2001, Vol. 9, Issue 4.

³⁸ Tennessee Commission on Children and Youth, Children’s Program Outcome Review Team (CPORT) Report. 2004 Evaluation Results.

Recognizing the centrality of education to a child's success, child welfare and juvenile justice agencies around the country have begun to develop plans to advocate for the educational needs of children in care. DCS has made it a priority to advocate for children's educational needs...[R]egional education specialists and attorneys work as advocates for students in State custody. This advocacy and technical assistance is needed because education remains an important part of a child's life while in custody and is an integral component of his/her Permanency Plan.³⁹

The settlement agreement under Brian A. required DCS to:

Evaluate all in-house schools located in group, residential, or institutional facilities "to determine if such schools are providing children in foster care with access to a reasonable and appropriate education, including special education services..., and to determine if such schools are providing educational services as required by law." The ensuing evaluation found that some schools did not provide all the special education services to which students were entitled, employed teachers who were not properly certified, and had little communication with the public school systems. In response to the agreement, in school years 2002-03 through 2004-05, DCS moved approximately 900 children in custody from residential in-house schools to public schools. As a result, many in-house schools closed permanently.

A revised DCS policy requires that all children and youth in state custody attend public schools unless they "have an identified and documented treatment need that would justify service at a provider agency in-house school or a DCS group home in-house school" or unless they are placed at a secure facility for juveniles adjudicated delinquent.⁴⁰ (See the section titled "Where do children in state custody receive educational services?" for more details about the move to public schools.)

Hire 12 education consultants and 12 education attorneys to act as liaisons and improve communication between the DCS regional offices and the public schools. In 2002, a year after the first hiring, DCS added two education consultants for the east and west regions. All education consultants are former educators and many were previously employed by the public school systems within which they now work on behalf of DCS. Many also hold Master's degrees in Special Education.

The education consultants assist in ensuring that school records for children in state custody transfer whenever a placement change causes a change in school, an issue cited as a problem in Tennessee. They also attend Child and Family Team Meetings, advocate for children in custody who may have difficulties in school, and monitor the quality of contract providers' educational services. DCS Policy 21.16 also designates the education consultant as the contact when a school system proposes to suspend or expel a student for 10 or more days, or when a school system files a juvenile court petition against a student. During the research phase of this report, the education consultants received consistently high marks from those knowledgeable about the child welfare system in Tennessee.

The DCS Office of Education does not oversee the work of the education attorneys, who are part of the DCS Division of Legal Services. The DCS education attorneys, originally dedicated almost completely to education, have had other types of DCS cases added to their caseloads. However, they also remain active in the education area, training other DCS attorneys and caseworkers, particularly in special education legal issues, and acting as a resource for all DCS staff about education. According to staff, most of their interaction with LEAs occurs when a school system

³⁹ *Standards of Professional Practice For Serving Children and Families: A Model of Practice*, Prepared for Tennessee Department of Children's Services, Submitted by M&B Consulting, Final Recommendations for TDCS Practice Model, Nov. 2003, p. 89.

⁴⁰ State of Tennessee Department of Children's Services, Administrative Policies and Procedures: 21.14, Effective date: 05/01/03, Revision date: 04/01/05.

has demonstrated a resistance to providing special education services to a child in custody or to integrating delinquent youth back into public school.⁴¹

DCS also completed other changes not required by the Settlement Agreement, including:

Revision of a policy to alleviate difficulties related to the student records transfer. DCS Policy 21.14, currently being pilot tested, creates for each child in custody (excluding those in YDCs) an Education Passport to be compiled initially and maintained by the DCS Home County Case Manager. The passport, to be in both paper and electronic form, contains student transfer information, such as copies of vital records, academic history (including last report card, transcript of all completed coursework, and TCAP scores where applicable), attendance records, discipline records, complete special education file if applicable, and health information, including treatments and medications needed during school hours. It also includes contact information for the student, parents, and case manager, as well as the previous school's records contact. DCS plans to implement the policy statewide.

Use of the ThinkLink Assessment Series developed by Vanderbilt University researchers to determine the educational level of each student placed in state custody upon entering the system and estimate their academic progress periodically during their time in custody. According to ThinkLink developers, the assessments are linked to state standards and allow teachers to monitor each student's progress toward state mandated goals.⁴²

Using ThinkLink, the DCS Division of Education can generate detailed reports that estimate the average grade level gain for students, individually and collectively, to determine their strengths and weaknesses in each subject.

See Appendix F for a list of activities completed by the DCS Division of Education for school years 2001-02 through 2004-05.

Those involved in the education of custody children may not be working together as well as they should.

Insufficient collaboration among agencies and groups involved in the education of children and youth in Tennessee custody remains a concern. Many research reports about children in state custody address the importance of collaboration and coordination among the various agencies involved in custody children's lives. In a Casey Family Programs report titled *A Road Map for Learning: Improving Educational Outcomes in Foster Care*, authors note that

collaboration and cross-training among the child welfare, education, and judiciary systems is "critical at the local, state, and national levels."

Researchers describe collaboration as different from cooperation or coordination in that it is meant to change *relationships* among agencies. More than agencies meeting or planning together, collaboration involves:

- (1) jointly developing and agreeing to a set of common goals and directions;
- (2) sharing responsibility for obtaining goals; and
- (3) working together to achieve the goals.⁴³

⁴¹ Telephone interview with Nancy Clark, General Counsel, Department of Children's Services, Oct. 26, 2005.

⁴² See www.thinklinklearning.com, About ThinkLink, Company Overview. Accessed 02/10/06.

⁴³ Peter Leone, Ph.D., Mary Magee Quinn, Ph.D., David M. Osher, Ph.D., *Collaboration in the Juvenile Justice System and Youth Serving Agencies: Improving Prevention, Providing More Efficient Services, and Reducing Recidivism for Youth with Disabilities*, report supported by the U.S. Department of Education, Office of Special Education Programs; the Office of Correctional Education, Office of Vocational and Adult Education; and the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, July 2002, p. 9.

The lack of meaningful collaboration among agencies and groups involved in the education of children in Tennessee custody is most evident in the following relationships:

Between DCS, the Department of Education, and public schools. In 2002, DCS and the Department of Education issued a joint memorandum to heads of both public and DCS schools attempting to clarify school districts' responsibility to enroll children in state custody, including those who had been suspended or expelled by another district.⁴⁴ The memorandum also introduced to the LEAs the newly hired DCS education consultants. Although DCS and the Department of Education reportedly have improved communication at the state level, several persons interviewed for this report indicated that some schools still attempt to avoid enrolling custody children. Conversely, some school officials assert that DCS does not routinely inform schools prior to juveniles' return to school.

In part, the 2001 hiring of education consultants and attorneys was designed to address enrollment difficulties and improve the overall relationship between DCS and public schools. DCS education consultants view the building of a relationship with the schools as a major and ongoing part of their function.

Another more subtle indicator of the relationship between DCS and public schools concerns the Child and Family Team Meeting (CFTM) process, which DCS administrators describe as the "driving force" for decisions made about each child in custody. According to the April 2005 *Monitoring Report of the Technical Assistance Committee in the Case of Brian A. v. Bredesen*, the several CFTMs observed generally occurred

during normal DCS working hours, generally at DCS offices....and with the majority of participants being DCS staff.⁴⁵

DCS policy 31.7, which describes the CFT meetings, does not specifically include educators among those who should attend. Consequently, educator attendance at CFTMs does not appear to be the norm. The policy refers to 'Engaging Families' in "helping relationships that will support the achievement of safety, permanency and well-being for children." That educators are not routinely included in this important meeting of persons involved in a custody child's life suggests a weakness in the relationships among DCS, the Department of Education, and public schools.

Between DCS and Juvenile Courts. In 2005, DCS created a new division of juvenile justice, following increasing criticism from Tennessee's juvenile court judges who had endorsed the removal of the juvenile justice component from the agency. Some of the juvenile courts' criticisms involved the high rate of runaways from DCS facilities and failure to work closely with juvenile court judges.⁴⁶

Although the juvenile courts have criticized DCS handling of certain juveniles after adjudication, the 2005 Administrative Office of the Courts' (AOC) report documents inconsistencies among juvenile courts' reviews of permanency plans, the development of which is overseen by DCS. State law requires that the court ratify a child's permanency plan within 60 days of placement into custody "if the court finds it to be in the best interests of the child."⁴⁷ To make such a finding the court should review whether the goals, services, and responsibilities described in the plan are appropriate for the child. According to the AOC report, 58 percent of the juvenile court judges reported only "occasionally" or "rarely" making changes to a permanency plan when it is inappropriate.

⁴⁴ On August 21, 2003, the Attorney General issued Opinion No. 03-105 in response to the Commissioner of Education, explaining that a school system could not refuse to enroll a child in DCS custody who had been suspended or expelled by another LEA unless the offense had been a state-defined zero tolerance offense listed in T.C.A. 49-6-3401(g).

⁴⁵ *Monitoring Report of the Technical Assistance Committee in the Case of Brian A. v. Bredesen*, April 13, 2005, p. 49.

⁴⁶ Sheila Burke, "DCS creates division to oversee children in detention," *The Tennessean*, 03/23/05.

⁴⁷ T.C.A. 37-2-403.

The data suggests the courts may need to review the plans more closely for appropriateness. This is consistent with one attorney's perception that 'the court needs to be more involved in the services provided by DCS – the monitoring of the case regarding services...Once the child is in state custody, the court often rubber stamps an inadequate permanency plan.'⁴⁸

Relationship of Foster Care Review Boards to children in custody. Foster care review boards (FCRBs), comprised of volunteer citizens, assist juvenile courts in overseeing cases involving children and youth in custody. According to the AOC, 88 counties have one or more foster care review boards. State law requires counties to create boards with members appointed by juvenile court judges; however, judges can choose not to appoint such boards and may conduct their own case reviews.⁴⁹ The law requires case reviews within three months of a child entering custody, again at nine months, and every six months thereafter, as long as the child remains in custody. The courts and FCRBs may also review cases more frequently.

Members of FCRBs are granted full access to custody children's confidential records, including their educational records, and the authority to interview all parties in a child's case. *The Tennessee Court Improvement Program for Juvenile Dependency Cases: Training Manual for Foster Care Review Boards* instructs FCRB members that they can assist the court in several ways, including:

Adding necessary information to the record which the caseworker has been unable to obtain from another system or jurisdiction (obtaining missing information such as psychological report or individual education plan).

Opening doors to services the caseworker is powerless to access (bringing school personnel before the board to work out plans with the caseworker...)⁵⁰

However, Tennessee's Final Report of the federal Child and Family Services Review found that

the Foster Care Review Boards lack resources to support their efforts. Additionally, each Foster Care Review Board is independent of the others, and they lack a statewide perspective as they see only those issues that are of concern in their county.⁵¹

The 2005 AOC report found that foster care review boards often do not have a quorum in their regularly scheduled meetings, which could indicate a lack of commitment on some members' parts. In addition, the report indicated that attorneys and guardians ad litem, both of whom represent the child's interests, rarely attend the review board meetings and that most hearings last between 10 and 19 minutes, which the report suggests probably does not allow participants the opportunity to engage in meaningful discussion about the child's progress. Such findings point toward a possible lack of attention by some foster care review boards to the educational needs of children in custody.

The academic progress of juvenile offenders deserves greater attention.

Juvenile offenders receiving educational services in DCS Youth Development Centers are not included in the state's adequate yearly progress (AYP) calculations under No Child Left Behind. As a result, these students' progress receives less scrutiny than that of public school students. The federal No Child Left Behind Act

⁴⁸ Administrative Office of the Courts, Tennessee Court Improvement Program of the Tennessee Supreme Court, *A Re-Assessment of Tennessee's Judicial Process in Foster Care Cases*, Volume 1, June 2005, pp. 52-53.

⁴⁹ T.C.A. 37-2-406.

⁵⁰ Administrative Office of the Courts, Tennessee Court Improvement Program for Juvenile Dependency Cases of the Tennessee Supreme Court, *Training Manual for Foster Care Review Boards*, Third Edition, 2004, p. 56.

⁵¹ U.S. Department of Health and Human Services, Administration for Children and Families, Tennessee Child and Family Review, Final Report, V. Case Review System, Item 26, . Accessed 02/27/06 at <http://www.tennessee.gov/youth/federal/TN%20Final%20Report%208-2002.PDF>.

(NCLB) requires that states evaluate the academic performance of all public school students to determine whether schools, school districts, and the state have made adequate yearly progress (AYP). NCLB requires that states assess students' annual academic performance in mathematics, reading or language arts, and science. Most states' juvenile justice education programs, including Tennessee's, receive funding from Title I, Part D of NCLB, which describes as its purpose:

- (1) to improve educational services for children and youth in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State academic content standards and challenging State student academic achievement standards that all children in the State are expected to meet;
- (2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and
- (3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

Tennessee Department of Education staff indicate that the U.S. Department of Education does not require those students to be included because the schools within the YDCs are under the control of DCS, a non-education agency, and not the Tennessee Department of Education. Further, the U.S. Department of Education's policy guidance for Title I, Part D, which refers to the State Agency Program for Neglected and Delinquent Children, also advises that

...State definitions of adequate yearly progress may not provide an appropriate indication of progress for programs that serve children and youth in institutions for neglected and delinquent children. Because of high turn-over and limited length of stay in many of these institutions, State agencies and LEAs may not be able to use the same measures that are applied to children attending a school in a more traditional setting. Frequently, students in these institutions are not available during the period in which the assessments are given and it is very difficult to measure progress over time.⁵²

According to a 2004 survey conducted by staff at Florida State University's Juvenile Justice Educational Enhancement Program (JJEPP), 30 states calculate AYP for their juvenile justice students and 19 do not (Hawaii did not participate).⁵³ JJEPP staff suggest that AYP calculations for this population are probably not as revealing, however, as some other measures. Federal law authorizes, but does not mandate, that states require juvenile justice facilities to demonstrate an increase over time in the number of children and youth:

- returning to school after exiting the juvenile justice system,
- obtaining a secondary school diploma or its equivalent, or
- obtaining employment after release.

Juvenile offenders get less help transitioning back into the community.

Youth leaving state custody from juvenile justice facilities cannot access critical independent living services that help other state custody youth transition into adulthood. Youth adjudicated delinquent and residing in a secure facility on their 18th birthday are ineligible for the federal Chafee funds provided states to help foster youth transition successfully to adulthood. (See pages 12-13 for the ways Chafee funds

⁵² U.S. Department of Education, Legislation, Regulations, and Guidance, Policy Guidance for Part D. Accessed Oct. 11, 2005, at www.ed.gov/print/programs/titlepartd/guidance.html.

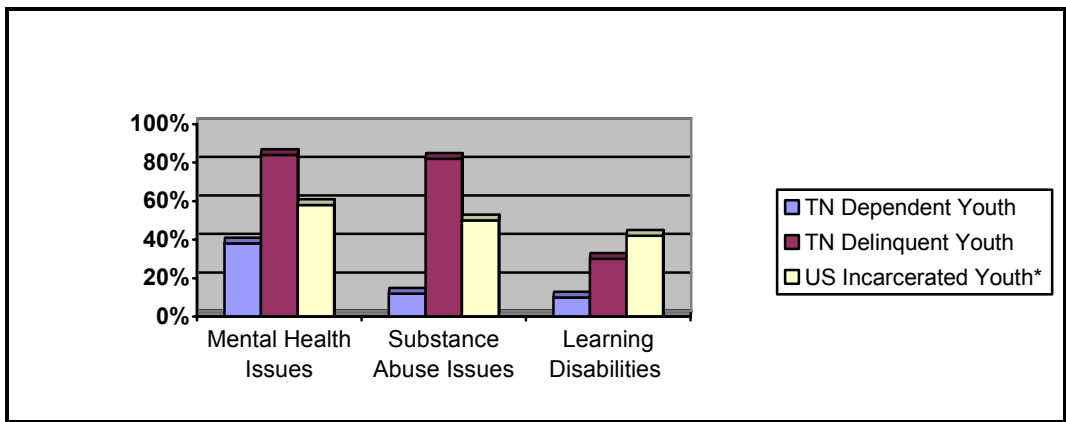
⁵³ State of Florida, Juvenile Justice Educational Enhancement Program, 2004 Annual Report to the Florida Department of Education, pp. 82, 86-87. Accessed 02/27/06 at www.jjepp.org/annual2004/chapter6ar04.pdf.

may be used and the eligibility criteria.) As of November 2005, of the 4,279 youth between the ages of 14 and 18 in state custody, 1,588 have juvenile justice adjudications – of those, 534 are ineligible for CFCIP services because of their placement type.⁵⁴

Child welfare advocates, including staff of the Tennessee Commission on Children and Youth, note many similarities between foster care and juvenile offender populations. High percentages of both groups experience critical family issues, including poor relationships with parents, domestic violence, and parents with mental health diagnoses, substance abuse issues, and/or having been incarcerated. In Tennessee, a greater percentage of those adjudicated delinquent than those who are dependent (84 percent vs. 67 percent) have a mental health diagnosis. A much greater percentage of those delinquent (81 percent vs. 40 percent) have substance abuse issues. Youth in both groups also experience frequent diagnosis of a learning disability, and many come from families living below the poverty level and in high crime areas.⁵⁵ See Exhibit 7 for a comparison of selected risk factors for both delinquent and dependent youth.

Young adults with a history of incarceration are less likely to achieve self-sufficiency once released. Prior confinement is the strongest predictor of future incarceration with recidivism rates between 50 and 75 percent among youth released from state juvenile facilities. While incarcerated, youth are far less likely to gain educational credentials essential to successful employment and financial stability. One research study found that the majority of juvenile offenders over 16 failed to return to school after being released. Not surprisingly, this same population worked three to five weeks less a year than their counterparts in the general foster care population. The impact of incarceration on unemployment is greater than living in a high unemployment area, greater than being a regular high school drop-out, and appears to be persistent for years after a youth is released.⁵⁶

Exhibit 7: Comparison of Risk Factor Prevalence in Tennessee Custody Youth



Source: Kids Count 2004 and TCCY CPORT 2004. * US percents based on estimated ranges.

Although most independent living funds are federal, Tennessee provides state funds that all foster youth may access for high school related expenses such as yearbooks, equipment and fees for extracurricular activities, and rewards for good grades. The independent living funds address in part the difficulties young adults face with little or no available family support. Foster care youth may access these funds for apartment rental deposits, transportation costs, and similar expenses.

⁵⁴ David Aguzzi, Children’s Services Program Coordinator, Office of Independent Living, e-mail to analyst 11-07-06.
⁵⁵ Linda O’Neal, Tennessee Commission on Children and Youth, Justice for Juveniles Task Force, “Needs of Children Adjudicated Delinquent in DCS Custody: Similarities to D/N/A Children,” PowerPoint presentation, Nov. 30, 2004.
⁵⁶ J. Zeidenberg and B. Holman, “Dangers of Detention,” (draft), The Justice Policy Institute, Washington, D.C., 2004, as cited in “Essay: Moving Youth from Risk to Opportunity,” *Kids Count 2004 Data Book Online*, The Annie E. Casey Foundation, accessed 2/06/2006 at www.aecf.org/kidscount/databook/essay.htm.

However, a youth in Tennessee who reaches adulthood in a juvenile justice detention facility is not eligible for assistance with higher education, housing, or job training expenses. Even though juveniles in YDCs may have received some beneficial vocational training, their prospects of succeeding on their own with no additional monetary support are dim. As a result, many are released from custody without any real means of support or prospects for becoming self-sufficient, and with an above-average risk of recidivism into the state's adult correctional system.

The transfer of funds among school systems for educating custody children is complex.

The Children's Plan calculations cause an inequitable loss of BEP funds for some systems. Under current state law, annual calculations result in the transfer of BEP funds among LEAs throughout the state and to DCS. The per diem amounts used in the calculations are unique to each system and include both state and local funds. Based largely on property taxes, local education funds vary widely across the state. Partly because of the variance among per diem rates and because systems in parts of the state with a greater array of services generally attract more custody placements, some LEAs with a higher per diem rate consistently lose funds when providing services to children from jurisdictions with lower expenditures per student. Exhibit 8 illustrates the shifting of children among counties for placement.

Exhibit 8: Comparison of Children Committed to Custody from a County to Children Placed in a County as of December 2005

Ten Counties with Greatest Excess of Children Placed				Ten Counties with Greatest Deficit of Children Placed			
County	Resident Children in Custody	Custody Children Placed in County	Difference	County	Resident Children in Custody	Custody Children Placed in County	Difference
Davidson	1038	1623	585	Sevier	126	71	-55
Bledsoe	5	134	129	Hamblen	161	97	-64
Fayette	21	108	87	Bradley	187	121	-66
Maury	91	175	84	Gibson	116	50	-66
Jefferson	90	167	77	Anderson	186	109	-77
Greene	180	250	70	Dickson	169	89	-80
Sullivan	261	327	66	Montgomery	226	145	-81
Wayne	27	88	61	Robertson	127	36	-91
Hamilton	530	570	40	Sumner	233	142	-91
Knox	535	572	37	Cocke	172	77	-95

Source: DCS Stock and Placement Spreadsheet December 31, 2005

According to the Director of the Department of Education's Office of Local Finance, the present method of calculation is "complex, time-consuming (for all agencies, Department of Education, Department of Children's Services and LEAs), and difficult to understand."⁵⁷ Exhibit 9 shows a few systems' adjustments made in FY 2002-03 and 2003-04 as a result of the Children's Plan calculations for children in state custody. See Appendix A for a list that includes adjustments for all LEAs in FY2002-03 and FY2003-04.

The Department of Education's Director of the Office of Local Finance recently proposed eliminating the transfer of funds among LEAs and requiring that the state assume the educational cost only for those children who become the direct educational responsibility of DCS. Such a change would require revision of current law. Under this proposal, DCS would continue to receive

⁵⁷ Memorandum to Mary Meador, Director of Education, Department of Children's Services, from David W. Huss, M.Ed., CPA, Executive Director, Division of Resources and Support Services, Office of Local Finance, Department of Education, dated September 30, 2005, re: Children's Plan/ Calculations/ Adjustments/ Suggestions.

BEP funds for children and youth educated in the YDCs and DCS group homes who would otherwise have attended school in various LEAs.

Exhibit 9: Select LEA Adjustments Through the Children’s Plan

LEA	FY2002-03 Credits or (Deficits)	FY2003-04 Credits or (Deficits)
Oak Ridge City	(\$216,231)	(\$165,706)
Metro Nashville / Davidson	(\$1,331,175)	(\$1,851,908)
Greene County	\$131,032	\$95,150
Hamilton County	(\$285,090)	(\$310,694)
Shelby County	\$330,967	\$415,520
Memphis City	(\$690,577)	(\$763,274)
Rutherford County	\$7,245	\$61,737

Source: Tennessee Department of Education, Children’s Plan report 2004. See Appendix A for complete table.

RECOMMENDATIONS

LEGISLATIVE

The General Assembly may wish to consider a resolution or law containing a unifying statement of purpose regarding the education of children in state custody. Such a statement should address the importance of effective collaboration among the agencies and groups that serve custody children. Although the DCS Division of Education has made several changes and plans further improvements, the multiple agencies and stakeholders involved do not always cooperate to support the education of children in state custody.

Development and planned public discussion of such a unifying statement could:

1. Inform the various agencies, groups, and individuals involved of their overarching purpose and imbue them with a sense of urgency about the educational needs of children and youth in custody.
2. Demonstrate to the children and youth in state custody that the quality and completion of their education, and thus their future, is important and valued.
3. Advise the public about the importance of the educational success of this population. Addressing the public is important because the move toward working with families of children in custody necessarily involves creating greater community supports as well.

The General Assembly should consider waiving postsecondary tuition fees at state institutions of higher education for young adults in or formerly in state custody. Several studies indicate that an alarmingly low percentage of youth formerly in foster care attend or complete college or vocational school. Waiving tuition fees might encourage and enable more youth in state custody to complete high school and further their education.

According to the National Conference of State Legislatures, in recent years at least 11 states have adopted tuition waiver policies, including Florida, Hawaii, Kentucky, Maine, Maryland, Minnesota, Oklahoma, Texas, Utah, Virginia, and West Virginia. Most waive tuition for the entire length of most undergraduate and associate degree programs at state colleges and universities. Some also waive associated fees.⁵⁸

Kentucky's tuition waiver extends to certain juvenile justice youth as well.⁵⁹ Kentucky also considers its tuition waiver statute an incentive for some families to adopt older youth, often considered more difficult to place in adoptive homes.⁶⁰ Under Florida's program, eligible students are exempt from fees for any noncredit classes they must take to bring their skills up to acceptable levels.⁶¹

Five other states have policies similar to a tuition waiver, but with varying structures. Alaska, Illinois, and Rhode Island waive tuition for a limited number of former foster students. Iowa has a tuition waiver pilot program that uses interest earnings from student aid reserve accounts to waive tuition for a limited number of former foster youth. Connecticut provides tuition and related expenses but extends assistance for private universities as well as state institutions.⁶²

Ten states offer scholarships for foster students who successfully complete high school and want to pursue higher education: Alabama, Delaware, Iowa, Massachusetts, Nevada, New Jersey, North Carolina, Oregon, South Dakota, and Wisconsin. Details vary greatly among the states:

⁵⁸ Christine Eilertson, *Independent Living for Foster Youth*, National Conference of State Legislatures, Feb. 2002, p. 29.

⁵⁹ KRS 164.2847.

⁶⁰ Kelly Mack, "Educational Opportunity for Youth in Care," Children's Voice Article, Child Welfare League of America, May/June 2002. Accessed 11/2/05 at www.cwla.org/articles/cv0205youthcare.htm.

⁶¹ Ibid.

⁶² Eilertson, p. 29.

amounts range from \$500 per year to full tuition; some are competitive, some are limited in number, and some are available to all qualifying youth.⁶³

Senate Bill 1667 / House Bill 1087, proposing a tuition and fees waiver for youth in or formerly in custody, was introduced during the 2005 legislative session.

The General Assembly may wish to require the Department of Children's Services to report annually specific outcome measures for youth educated in the state's Youth Development Centers and group homes with in-house schools. Such a report would help to improve accountability for the education of children in state custody. The data should include outcomes appropriate for this population, such as the NCLB-suggested measures concerning the number of youth who return to schools, obtain a diploma or GED, or obtain employment after release. DCS already collects some of this information because of federal grant requirements. Other related measures should be added, such as the juvenile recidivism rate, a measure DCS calculates but does not publicize. The information could be added to the DCS Annual Report or presented separately. Because the juvenile justice population educated in these facilities is not included in the state's AYP calculation, another method for accountability is needed. The outcome information about the students in these facilities should be as easily available to the public as is the information the Department of Education supplies in the annual Statewide and School Report Cards.

DCS should properly frame such information, noting that most of the students are below grade level in school when they come into custody and that a great many require special education services. DCS alone is not responsible for the education of this population nor for their future success. Current research and trends suggest that community supports are vital to ensuring the successful reintegration into society of children and youth in custody.⁶⁴ Therefore, DCS should communicate clearly both the educational progress and needs of this population.

The General Assembly may wish to consider revising T.C.A. 49-3-363 to make funding for children in state custody more equitable for school districts. The Department of Education recently proposed requiring the transfer of BEP funds only for those children in custody whose education becomes the direct responsibility of DCS (i.e., those placed in the YDCs, DCS group homes, and some private schools). Current law suggests that the state is responsible for the education of all children in state custody; however, most are educated by local education agencies (LEAs). According to the Director of the Department of Education's Office of Local Finance, the present method of calculation is "complex, time-consuming (for all agencies, Department of Education, Department of Children's Services and LEAs), and difficult to understand."⁶⁵

In addition, the shifting of local funds is not equitable. Some school systems, generally those in and around urban areas, such as Metro-Nashville and Memphis City, consistently lose money because they have higher per diem costs than most other systems and tend to attract larger numbers of placements. Under this proposal DCS would still receive BEP funds for the children under the department's direct educational responsibility in placements such as YDCs and group homes with in-house schools.

⁶³ Eilertson, pp. 28-29.

⁶⁴ Margaret Beale Spencer and Cheryl Jones-Walker, "Interventions and Services Offered to Former Juvenile Offenders Reentering Their Communities: An Analysis of Program Effectiveness," *Youth Violence and Juvenile Justice*, Vol. 2, No. 1, January 2004, p. 91.

⁶⁵ Memorandum to Mary Meador, Director of Education, Department of Children's Services, from David W. Huss, M.Ed., CPA, Executive Director, Division of Resources and Support Services, Office of Local Finance, Department of Education, dated September 30, 2005, re: Children's Plan/ Calculations/ Adjustments/ Suggestions.

ADMINISTRATIVE

The Department of Children's Services should continue to make substantive changes that will assist youth in custody to obtain a quality education. The Brian A. Settlement Agreement required DCS to make many changes regarding education. The agency should monitor closely the effectiveness of changes such as the Education Passport. It should also make use of existing data, such as the information contained in the annual CPORT review, to determine policy effectiveness. DCS should consider collecting additional data that would allow continued systematic and informed decision-making about the educational services provided to children in state custody.

The Department of Children's Services should consider revising the policy that creates the Child and Family Team Meeting process to include educators among the suggested participants. Because education is fundamental to children's lives, educators should be an important part of the planning process for each child in state custody. Any such revision should be followed by a joint memorandum from the Commissioners of Children's Services and Education to superintendents and principals encouraging DCS staff to include educators and encouraging educators to participate. Such a policy could also be another means of improving collaboration between DCS and schools.

The Department of Children's Services should increase transitional/independent living services for all youth aging out of the foster care and juvenile justice systems. Federal law prohibits the use of federal IL funds for youth aging out of "locked facilities." However, administrative steps could be taken with proper planning to expand the number of youth eligible for housing and education/training assistance such as examining the appropriateness of changing placement type before age 18.

The Administrative Office of the Courts in coordination with the Department of Children's Services and the Department of Education should consider improving access to information, including information about education that would provide needed information to foster care review board members. Although the AOC has conducted some training for foster care review board members in recent years, a large portion of members indicated in a 2005 AOC survey that they need training about special education in particular.

Actions taken in some other states to improve statewide coordination and communication among foster care review board members include creating and coordinating a state review board (usually comprised of local board chairs), publishing a regular newsletter, and developing a web site. A state review board that meets regularly could help give Foster Care Review Board (FCRB) members a statewide perspective. A newsletter or web site would provide a fairly inexpensive way to communicate with FCRB members and provide resources they could consult as needed.

Local education agencies (LEAs) and school officials should ensure that teachers and other personnel understand the state's child welfare system and the difficulties that custody children and youth may experience in obtaining their education. Educators may not always be aware of the intricacies of the child welfare system and the events that may affect a child's ability to engage positively in school. Because the DCS education consultants have backgrounds in teaching and special education, as well as experience working with children in custody, they are a good resource for training and information in this area.

**APPENDIX A: CHILDREN’S PLAN ADJUSTMENTS BY
LOCAL EDUCATION AGENCIES**

LEA	FY2002-03 Credits or (Deficits)	FY2003-04 Credits or (Deficits)
Anderson County	(\$13,150)	\$15,190
Clinton City	\$4,694	\$1,508
Oak Ridge City	(\$216,231)	(\$165,706)
Bedford County	(\$128,881)	(\$116,951)
Benton County	(\$31,176)	(\$33,152)
Bledsoe County	(\$2,394)	\$11,579
Blount County	\$59,763	\$65,244
Alcoa City	\$17,132	\$6,243
Maryville City	\$38,451	\$65,742
Bradley County	\$35,865	\$73,768
Cleveland City	(\$3,443)	\$4,040
Campbell County	\$46,310	\$57,419
Cannon County	(\$21,590)	(\$27,912)
Carroll County	N/A	N/A
Hollow Rock/Bruceston SSD	(\$8,873)	(\$5,473)
Huntingdon SSD	\$14,381	\$17,676
McKenzie SSD	(\$14,544)	(\$18,271)
So Carroll County SSD	\$0	\$4,100
West Carroll County SSD	\$1,026	\$0
Carter County	\$74,350	\$41,229
Elizabethton City	\$3,983	\$10,343
Cheatham County	(\$8,947)	(\$18,002)
Chester County	\$21,264	\$44,926
Claiborne County	(\$77,448)	(\$29,266)
Clay County	\$16,959	\$18,388
Cocke County	(\$53,243)	(\$61,470)
Newport City	(\$7,102)	\$5,323
Coffee County	(\$3,274)	\$17,780
Manchester City	(\$2,126)	(\$2,850)
Tullahoma City	(\$23,637)	(\$37,170)
Crockett County	(\$5,532)	(\$14,147)

Alamo City	\$4,550	(\$1,709)
Bells City	(\$2,344)	\$3,290
Cumberland County	(\$82,819)	(\$74,855)
Metro Nashville/Davidson	(\$1,331,175)	(\$1,851,908)
Decatur County	\$522	(\$3,365)
DeKalb County	(\$15,734)	\$27,491
Dickson County	(\$205,152)	(\$227,546)
Dyer County	\$1,188	\$27,405
Dyersburg City	(\$27,862)	(\$49,046)
Fayette County	(\$87,437)	(\$46,378)
Fentress County	\$28,902	\$28,021
Franklin County	(\$77,664)	(\$34,948)
Humboldt City	(\$31,052)	(\$80,740)
Milan SSD	(\$32,450)	(\$45,320)
Trenton SSD	(\$12,324)	\$3,443
Bradford SSD	\$0	(\$4,915)
Gibson County SSD	(\$17,084)	\$18,932
Giles County	(\$36,304)	\$74,888
Grainger County	(\$8,554)	(\$28,778)
Greene County	\$131,032	\$95,150
Greeneville City	\$94,969	\$134,849
Grundy County	\$5,509	(\$14,080)
Hamblen County	(\$108,407)	(\$101,493)
Hamilton County	(\$285,090)	(\$310,694)
Hancock County	\$18,887	\$8,982
Hardeman County	\$7,265	\$4,970
Hardin County	\$3,919	(\$19,384)
Hawkins County	\$95,768	\$175,920
Rogersville City	\$3,680	(\$5,636)
Haywood County	(\$32,572)	(\$44,183)
Henderson County	(\$35,148)	(\$7,475)
Lexington City	(\$7,810)	(\$1,526)
Henry County	\$4,461	\$6,505
Paris SSD	(\$14,668)	(\$11,140)
Hickman County	\$8,554	(\$13,403)
Houston County	(\$11,688)	\$1,262

Humphreys County	(\$48,573)	(\$17,589)
Jackson County	\$25,871	\$90,561
Jefferson County	(\$71,326)	(\$121,037)
Johnson County	(\$24,480)	\$16,982
Knox County	(\$162,251)	(\$178,954)
Lake County	(\$12,242)	(\$8,572)
Lauderdale County	(\$119,851)	(\$67,112)
Lawrence County	\$3,485	\$39,426
Lewis County	\$678	\$19,455
Lincoln County	(\$36,225)	\$14,122
Fayetteville City	(\$5,888)	(\$5,909)
Loudon County	(\$8,394)	\$42,100
Lenoir City	\$4,680	(\$30,470)
McMinn County	\$15,925	\$56,348
Athens City	\$25,722	\$44,819
Etowah City	\$6,802	\$7,858
McNairy County	\$25,701	\$33,462
Macon County	(\$1,333)	(\$45,807)
Madison County	(\$124,335)	(\$199,418)
Marion County	(\$27,672)	(\$37,216)
Richard City SSD	(\$4,928)	(\$6,709)
Marshall County	(\$84,189)	(\$37,325)
Maury County	(\$111,485)	(\$115,906)
Meigs County	(\$39,063)	\$1,189
Monroe County	\$12,943	\$50,977
Sweetwater City	(\$1,846)	\$13,477
Montgomery County	(\$127,021)	(\$19,746)
Moore County	\$8,291	(\$2,805)
Morgan County	\$10,306	\$45,663
Obion County	(\$33,255)	(\$20,157)
Union City	\$7,222	(\$10,780)
Overton County	\$30,440	\$69,652
Perry County	(\$29,159)	(\$21,918)
Pickett County	(\$1,891)	\$8,029
Polk County	\$11,831	(\$890)
Putnam County	\$54,359	\$127,027

Rhea County	(\$6,353)	\$65,019
Dayton City	(\$1,852)	(\$7,830)
Roane County	(\$6,377)	(\$26,327)
Harriman City	(\$41,948)	\$0
Robertson County	(\$165,810)	(\$196,417)
Rutherford County	\$7,245	\$61,737
Murfreesboro City	\$5,723	(\$5,037)
Scott County	(\$8,590)	\$16,182
Oneida SSD	\$18,242	(\$5,191)
Sequatchie County	(\$9,343)	(\$28,880)
Sevier County	(\$133,682)	(\$155,418)
Shelby County	\$330,967	\$415,520
Memphis City	(\$690,577)	(\$763,274)
Smith County	(\$33,909)	(\$21,854)
Stewart County	(\$4,842)	\$18,023
Sullivan County	\$9,903	(\$38,642)
Bristol City	(\$109,216)	(\$81,844)
Kingsport City	(\$326,425)	(\$368,158)
Sumner County	(\$219,606)	(\$215,678)
Tipton County	\$5,044	(\$6,083)
Covington City	(\$7,986)	\$0
Trousdale County	\$36,547	\$33,914
Unicoi County	(\$21,152)	(\$68,876)
Union County	(\$41,301)	(\$57,158)
Van Buren County	(\$17,954)	\$13,961
Warren County	(\$158,976)	(\$201,539)
Washington County	\$31,052	\$28,673
Johnson City	(\$146,843)	(\$192,526)
Wayne County	(\$15,587)	(\$43,573)
Weakley County	\$42,780	\$4,172
White County	(\$62,351)	(\$62,140)
Williamson County	(\$38,537)	(\$136,595)
Franklin SSD	(\$3,858)	(\$2,887)
Wilson County	(\$73,849)	\$65,159
Lebanon SSD	(\$13,492)	\$2,447
Statewide Total	(\$5,045,609)	(\$4,665,579)

Source: State Department of Education, Office of Local Finance.

APPENDIX B: PERSONS CONSULTED

Department of Children's Services

Dave Aguzzi
Program Coordinator, Independent Living

Anidolee Chester
Director, Independent Living

Nancy Vickery Clark
Senior Counsel on Juvenile Justice and
Education Matters

Audrey Corder
Executive Director, Family and Child Well-
Being

Steve Hornsby
Deputy Commissioner, Juvenile Justice

Petrina Jones-Jesz
Research and Development

Mary Meador
Director of Education

Susan Mee
Assistant General Counsel

James Sandridge
Principal, Wilder Youth Development Center

Ken Steverson
Executive Director, Office of Juvenile Justice

Douglas Swisher
Fiscal Division

Tarol Wells
Education Consultant, Shelby County
Region

Kelli Williams
Education Consultant, Davidson County
Region

Department of Education

Christy Ballard
General Counsel

David Huss
Executive Director, Local Finance

Janice Routon
Project Director, Homeless, Rural, and
Neglected & Delinquent Education

Tennessee Commission on Children and
Youth
Linda O'Neal
Executive Director

Patricia C. Wade
CPORT Director

Others

David Fry
Finance Director
Kingsport City Schools

Jessica Hooper
Juvenile Court Specialist
Administrative Office of the Courts

Troy Logan
Finance Director
Blount County Schools

Kim Crane Mallory
Project Director, Jim Casey Youth
Opportunities Initiative
Vanderbilt Institute for Public Policy Studies

Michael McSurdy
Program Director
Oasis Center

Dorisann Pell-McClean
Family Outreach Specialist
Tennessee Voices for Children

Cindy Perry
Director, Select Committee on Children and
Youth
Tennessee General Assembly

George Pesta
Research Coordinator
Juvenile Justice Educational Enhancement
Program
Florida State University

Andy Shookhoff
Associate Director
Vanderbilt Child and Family Policy Center

APPENDIX C: RESEARCH LINKING SELECT RISK FACTORS TO ACADEMIC DIFFICULTIES

Frequent school changes. Moving from one school to another can cause academic difficulties for any student. A 1994-95 study conducted in Minneapolis Elementary Schools showed that, for students in the study, the more times a student moved, the lower his or her average reading score. The study found that average reading scores for those with three or more moves were half those of students who did not move. Students who changed schools but stayed within the same district also scored lower than students who did not change schools—they scored almost five points lower on reading and eight points lower on math.⁶⁶

The results of a California study published in 1999 show that students who changed high schools even once were “less than half as likely as stable students to graduate from high school, even controlling for other factors that influence high school completion.”⁶⁷

Locating all school records for students with a high rate of mobility can also be problematic. Inability to locate all records may result in the loss of school credits for some students. A study of group home children in California found that “[y]outh who experienced the most home placement mobility and school transfers were most likely to have records that were lost or were not sent from school to school and to have missing attendance or performance data (e.g., high school credits not transferred).”⁶⁸

Poor attendance/truancy. Attendance, often related to mobility, is also important—the less students move, generally the better their attendance rates, according to a Minneapolis study. The same study found that students with almost perfect attendance made significant one-year gains, but those students with an attendance rate of 85 percent did not achieve those gains.⁶⁹

Parent level of education. A report on America’s Kindergarteners published in 2000 by the National Center for Education Statistics (NCES) linked mothers’ level of education to their children’s academic achievement:

Children’s performance in reading, mathematics and general knowledge increases with the level of their mothers’ education. Kindergarteners whose mothers have more education are likely to score in the highest quartile in reading, mathematics and general knowledge than all other children.⁷⁰

Parent history of incarceration. A study published by the University of Missouri-Columbia School of Social Work found several significant differences between delinquent youth with a parental history of incarceration and delinquent youth without such a parental history.⁷¹ The study indicated that those with a history of parental incarceration:

- were more likely to fail or have low academic performance;
- often had a recognized substance abuse problem and/or had a parent with a history of substance abuse;
- had behavior problems. “If a parent was incarcerated at the time a child was in school, the child’s immediate emotional response and behavior may reflect the

⁶⁶ Kids Mobility Project Report, Executive Summary, no date provided. Accessed September 16, 2005 at www.fhfund.org/dnld/reports/kids.pdf.

⁶⁷ Russell W. Rumberger, Katherine A. Larson, Robert K. Ream, and Gregory J. Palardy, *The Educational Consequences of Mobility for California Students and Schools*, Berkeley, CA: Policy Analysis for California Education, Feb. 1999, p. ix.

⁶⁸ Andrea G. Zetlin, Lois A. Weinberg, “Understanding the plight of foster youth and improving their educational opportunities,” *Child Abuse and Neglect* 28 (2004), p. 919.

⁶⁹ Kids Mobility Project Report.

⁷⁰ Kristin Denton and Elvira Germino-Hausken, *America’s Kindergarteners*, U.S. Department of Education, National Center for Education Statistics, NCES 2000-070, (Washington, D.C.: 2000), p. vii.

⁷¹ Anne Dannerbeck, Ph.D., *Differences Between Delinquent Youth with and without a Parental History of Incarceration*, University of Missouri-Columbia School of Social Work, no date provided, pp. 10-13.

trauma s/he is experiencing. These reactions may evolve into long-term school problems if the child does not have the resources to cope.”⁷²;

- often reported negative peer influences; and
- often rated lower on interpersonal skills.

Mental health diagnosis. The 1999 Report of the Surgeon General on Mental Health cites research that links mental illness in children to impaired social and cognitive functioning. The report also suggests a relationship between “stressful life events...and the onset of major depression in young children, especially if they occur in early childhood and lead to a permanent and negative change in the child’s circumstances.”⁷³ Clearly, the circumstances under which children come into state custody qualify as “stressful life events.”

Experts estimate that between 40 and 85 percent of children in foster care have mental health disorders⁷⁴—the wide disparity in the figures may be due to definitional differences. According to Columbia University’s TeenScreen Program web site, children with mental health problems, including depression, anxiety, suicidal behavior, substance and alcohol use and abuse, and post traumatic stress disorder, perform poorly in school compared to other children.⁷⁵

⁷² Ibid.

⁷³ U.S. Department of Health and Human Services, *Mental Health: A Report of the Surgeon General*, Chapter 3, Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, National Institutes of Health, National Institute of Mental Health, 1999, p. 132.

⁷⁴ Lisette Austin, “Mental Health Needs of Youth in Foster Care: Challenges and Strategies,” *The Connection*, Quarterly Magazine of the National Court Appointed Special Advocate (CASA) Association, Winter 2004, Vol. 20, No. 4, p. 6.

⁷⁵ Columbia University’s TeenScreen Program is a national mental health and suicide risk screening program for youth. “TeenScreen: Adolescent suicide and mental health screening programs.” Accessed 9/20/05 at www.teenscreen.org.

APPENDIX D: LIST OF DCS YOUTH DEVELOPMENT CENTERS AND GROUP HOMES WITH IN-HOUSE SCHOOLS

Youth Development Centers

Mountain View Youth Center
Dandridge, TN

New Visions Youth Center
Nashville, TN

Taft Youth Center
Pikeville, TN

Wilder Youth Center
Somerville, TN

Woodland Hills Youth Center
Nashville, TN

Group Homes

Bradley County Group Home
Cleveland, TN

Inman Group Home
Tullahoma, TN

Johnson City Boys Group Home
Johnson City, TN

Johnson City O&A Center
Johnson City, TN

Nashville Transition Center
Nashville, TN

Peabody Residential Treatment Center
Memphis, TN

West View Center
Knoxville, TN

APPENDIX E: LIST OF DCS INDEPENDENT LIVING INCENTIVES

Subject	Incentive	Who is eligible?
Stipend for Independent Living Classes	\$50 upon completion of IL classes	Those who complete entire IL workshop
Household furnishing	Up to \$850 (one time only)	Youth 18-21 receiving voluntary services and attending college/training program
Child Care Assistance	Up to \$140 (until services can be obtained from DHS – not to exceed eight weeks)	Youth 18-21 receiving voluntary services and attending college/training program
Tools/Equipment (Technical/Vocational Programs)	Cost to be determined	Youth receiving voluntary services and attending technical school
Other special needs – unique to youth services	Based on individual case	Youth in foster care/voluntary services – needed to help prepare youth for self-sufficiency
Driver's Education Class	Up to \$350 (one time only)	Youth in foster care/voluntary services
Driver's Testing Fees	Actual cost	Youth taking tests
Testing fees (SAT, ACT, GED)	Actual cost	Youth taking tests
Good Grades Incentive	Up to \$60 per year	Youth 14 and up in foster care / volunteer services attending elementary, junior, or high school
Tutoring	Up to \$45 per hour	Youth in foster care / voluntary services (DCS asks that schools where students attend be asked whether they already provide this service)
Summer school or High School AP courses	Actual cost	Youth in foster care / voluntary services – high school.
Honor/ Senior Class Trip	Up to \$400 (one time only)	Youth in foster care / voluntary services – high school/ college
Yearbooks	Actual cost	Youth in foster care / voluntary services – high school/ college
Membership/activity fees for extracurricular activities	Up to \$500 (State Funds)	Youth in foster care / voluntary services – high school/ college
Uniforms / clothing for extracurricular activities	Up to \$600 (State Funds)	Youth in foster care / voluntary services – high school/ college
Materials / Uniforms for Vocational Studies	Actual cost	Youth in foster care / voluntary services
Interview clothes / uniforms	Up to \$100 (one time only)	Youth in foster care / voluntary services
Housing application/fees for Post Secondary	Actual Costs	Youth receiving voluntary services and attending college / training program
Car insurance	Up to \$600 (lifetime limit)	Youth in foster care / voluntary services (youth must be 18 yrs or older)

Car repairs	Up to \$750 (annually)	Youth in foster care / voluntary services (youth must be 18 yrs or older)
Deposits (phone, utilities, rental)	Up to \$500 (one time only)	Youth 18-21 receiving voluntary services (youth must be 18 yrs or older)
College Kick-off	\$200 Gift Card (one time only)	Youth receiving voluntary services and attending college/ university for the first time
Personal Expense Grant	\$150 / mo. (while school is in session)	Youth receiving voluntary services in an educational program (HS, GED, College, Training Program) (Youth are not eligible if receiving a board payment/living allowance)
Transportation grant	Up to \$60/mo.	Youth receiving voluntary services & commuting to school and/or work. Youth are not eligible if residing on college campus.
Rental assistance	Up to \$600/mo.	Youth receiving voluntary services and attending HS, GED, College, Training Program (must provide progress report verifying satisfactory progress)
Apprenticeship/ Internship	Actual cost	Youth receiving voluntary services and attending HS, GED, College, Program training
Application / registration fees for Post Secondary Institutions / Programs	Up to \$175	Post-secondary school / training program
Completion of job readiness training	\$35 (one time only)	Youth in foster care / voluntary services
Job start-up costs	\$35 (one time only)	Youth in foster care / voluntary services
SENIOR INCENTIVES		
Graduation Package (senior pictures, graduation, announcements/invitations, and class ring)	Up to \$350 (state funds)	Youth in foster care / voluntary services (graduating junior / senior only) (Youth in YDCs or DCS Group Homes are eligible.)
Celebration of Excellence Award: Honors students that completed or graduated from high school, vocational/ technical program, GED, college or university	\$250 (one time only)	One time only cash payment after successful completion of high school, GED, vocational/ technical program, or college/ university to be presented at the Celebration of Excellence Banquet. (Youth in YDCs or DCS Group Homes are <u>not</u> eligible.)

Positive Start – Transitional Living Grant	Up to \$450 (special needs)	One time only grant to ensure that special needs young adults or parenting young adults have a positive start in their transition to adulthood and to prevent the parenting young adults' child from entering the foster care system. This grant is evaluated on a case-by-case basis. Youth in YDCs or DCS Group Homes are not eligible.
Special Senior Clothing	Up to \$150 (State Funds)	Youth in foster care/ voluntary services. Graduating junior/ senior only (i.e., prom attire, cap, gown)
Transportation	Up to \$30 (State Funds)	Youth in foster care/ voluntary services. Graduating junior / senior only.
POST-SECONDARY ASSISTANCE-ETV FUNDS		
4-yr school (tuition, housing, meal ticket, books/supplies)	Up to \$5,000/ yr.*	Youth receiving voluntary services and attending 4-yr. college
Community college (tuition, books/supplies, tools)	Up to \$5,000/ yr.*	Youth receiving voluntary services and attending 2-yr. college
TN Technology Centers (tuition, books, supplies, tools)	Up to \$5,000/ yr.*	Youth receiving voluntary services and attending technical program
Special technical schools	Negotiable	Youth receiving voluntary services and attending college/ training program
College/ training assistance for: <ul style="list-style-type: none"> • Youth adopted (age 16 or older) • Youth reunified with family • Youth in kinship placements 	Up to \$5,000/ yr.*	Youth adopted when 16 or older to assist with post secondary education or graining program only.
* Rates are subject to slight variances based on the number of youth who are eligible and apply, and the amount of Federal Chafee assistance available.		
Also: Monetary amounts are subject to change based on needs assessments and funding availabilities. (per DCS Policy 16.53, 16.54, revision date 7/1/05)		

Source: DCS Division of Independent Living.

APPENDIX F: LIST OF ACTIVITIES COMPLETED BY THE DCS DIVISION OF EDUCATION FOR SCHOOL YEARS 2001-02 THROUGH 2004-05

School year 2001-2002	Developed and maintained an accurate listing of in-house schools in contract agencies
	Provided statewide training about the new Interagency Agreement
	Developed database to track teacher licensure and ensure all teachers are properly endorsed
	Developed TNKIDS Engineering Change Proposal (ongoing 3-year project)
	Developed job plans and hired Education Specialists for each DCS Region
	Provided DCS and contract schools sessions at the annual Special Education Conference
	Provided bi-monthly trainings for Education Specialists
	Completed an independent evaluation of the on-site school programs (required by Brian A. settlement agreement)
	Formed textbook adoption committee to approve and purchase textbooks—now an annual process
	Created and implemented a technology certification program for students
	Adopted Special Education Automation Software (SEAS) in all DCS facilities
	Piloted PLATO curriculum delivery system in seven schools
	Participated in the development of the “Education Work Plan” to meet best practice and Brian A. standards
	Provided ongoing computer training for staff in all schools
	Implemented system for identifying gifted students
	Verified Children’s Plan adjustment inquiries from public schools (ongoing)
	With Department of Education, developed official policy for DCS and DOE to follow in the school approval licensure process
	Aligned vocational courses with DOE curriculum
	Implemented DOE Gateway Testing requirements
	Continued regular school system operations including: applying for federal funds under title programs and special education program; maintaining average daily membership and census data; evaluating teachers/principals; monitoring school programs; managing budget responsibilities; preparing DOE and federal reports; coordinating state and GED testing; coordinating diploma issuance; and assisting Education Specialists in their daily activities
School year 2002-2003	Transitioned Level I students to public school
	Re-organized schools in the DCS LEA
	Assisted in transitioning TPS students to public school and in locating teaching positions for TPS staff
	Increased professional development opportunities for staff
	Provided DCS and contract schools with sessions at the annual Special

	Education Conference
	Implemented a monitoring process for on site schools in contract facilities utilizing the Education Specialists and DCS Division staff
	Implemented a semi-annual monitoring schedule for DCS schools
	Improved Section 504 screening process on all levels
	Educational specialists added in the East and West regions
	Transition Coordinator added to staff to serve DCS Schools
	Transition program (SORTS) developed and implemented in YDCs
	Implementation and purchase of CareerScope (a vocational assessment program) in all YDCs
	Established system-wide list of approved textbooks
	Expanded PLATO curriculum delivery system to all schools
	Improved training materials and procedures for Microsoft Office Specialist training
	Investigated possibility of credit recovery and Gateway remediation for students
	Continued preparation for female facility
	Provided additional training for staff on PLATO
	Daniel Independent Living Assessment tool piloted at Taft
	Established System Technology Coordinator position
	Developed databases to collect and analyze testing data to improve student achievement
	Continued regular school system operations (as listed above)
School year 2003-2004	Transitioned appropriate students Level 2 to public schools from on site schools
	Provided DCS and contract schools sessions at the annual Special Education Conference
	Added Guidance Counselors in Youth Development Centers
	Assisted in archiving educational records from YDCs
	Began development of the Educational Passport
	Each school created and implemented a "school improvement plan" in accordance with DOE guidelines
	Updated all education forms to reflect changes made by DOE
	Developed new and systemic procedure to schools to apply for diplomas for students—particularly Diplomas of Specialized Education
	Implemented CareerScope in remaining DCS facilities
	Worked with central office committees to determine department's status in legal matters
	Continued regular school system operations (as listed above)

School year 2004-2005	Transitioned appropriate students Levels 3 and 4 to public schools from on site schools
	Developed plans to install a dedicated network to deliver content filtered Internet services to classrooms in DCS schools
	Implemented ThinkLink Assessment Program and developed database for tracking results
	Implemented a new GED testing policy
	Provided DCS and contract schools sessions at the annual Special Education Conference
	Assisted in the opening of the school in the female facility (New Visions)
	Began training and implementation of Education Passport
	Began a monitoring and advocating process for students suspended/expelled from public school—this included developing computer based training and a new policy
	Began preparations for a second evaluation of in-house schools per Brian A. Settlement Agreement
	Completed targeted reviews of YDCs to determine compliance with specific education policies
	Continued regular school system operations (as listed above)

Source: DCS Division of Education.

APPENDIX G: RESPONSE LETTER FROM THE COMMISSIONER OF CHILDREN'S SERVICES



STATE OF TENNESSEE

DEPARTMENT OF CHILDREN'S SERVICES

Phil Bredesen
Governor

Viola P. Miller
Commissioner

March 14, 2006

Ethel Detch, Director
Comptroller of the Treasury, Offices of Research and Education Accountability
505 Deadrick Street, Suite 1700
Nashville, TN 37243-0268

Dear Ms. Detch,

We have received the draft report regarding the education of students in state custody. We were glad to cooperate with your office in completing this study, and we appreciate your recommendations and the opportunity to respond to them. We are thankful that your report recognizes the efforts made by our Education Division and our Education Consultants as well as our Office of Independent and Transitional Living to improve the educational services for students in DCS custody. Below are our comments concerning the report.

- DCS continues to move forward in its compliance with the Brian A Settlement Agreement and in its efforts to make substantive changes that will assist youth in custody to obtain a quality education. Currently, we are working with a Technical Assistance Committee to complete an evaluation of our in-house school programs. This evaluation will include not only a review of case files, but also interviews with students, parents, school/agency personnel, and Local Education Agencies to determine the overall effectiveness of our educational programs. Educational progress is also being measured by our in-depth Quality Service Reviews. These reviews examine the total experience of children and their families during the state custody placement. Finally, the Education Division is in the process of developing Continuous Quality Improvement teams that will serve as a mechanism for monitoring the effectiveness of policy changes (such as the Education Passport) and for identifying and resolving problematic issues (such as the CPORT review).
- We support the inclusion of educators in Child and Family Team Meetings (CFTMs). While the policy cited in your report (Policy 31.7—Engaging Families) does not specifically indicate the involvement of educators in the CFTM process, our Education Policy 21.14 (Serving the Educational Needs of the Child-Youth in DCS Custody) does specify that the Educational Specialists (now Education Consultants) are to be invited to CFTMs to assist in developing the educational plan for students. In addition, the Local Education Agency is invited to send a representative to meetings when a student is being

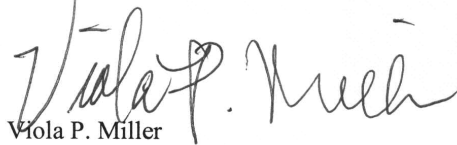
7th Floor, Cordell Hull Building, 436 Sixth Avenue North, Nashville, Tennessee 37243-1290
Telephone No. (615)741-9699

considered for public school placement. We would also add that our DCS Policies are currently being reviewed and modified so that they are more consistent in content and process.

- We agree that it is important for LEAs and other personnel to understand the state's child welfare system. Our Education Consultants are already providing training and consultation to the LEAs as requested. They are often invited to present information in statewide conferences and in local in-service programs as well. We certainly can add material related to the functions of the child welfare system and the events that affect school performances for students in custody.
- While youth who "age out" of custody from secure juvenile justice youth development centers are ineligible for federal Chafe funds, youth in other juvenile justice settings are eligible for these supports. Youth are eligible if they step down from a YDC prior to their 18th birthday or exit from a trial home visit status. And those that leave from secure facilities are eligible for other funding sources such as Pell Grants and scholarship opportunities if they meet required criteria.
- Transitional living assistance is time-limited for young adults not receiving post custody services and can be available until turning 23. It should also be noted that while regional Independent Living program specialist work in conjunction with case managers, provider agencies and others in the development of the independent living plan, all of this is done in the context of the child and family team process.
- Children are in "voluntary care" not custody (cited on page 13) beyond their 18th birthday and may receive transitional living assistance that promote self-sufficiency in the form of Federal assistance up to their 23rd, if they are making satisfactory progress (cited on page 12). We want our young people to understand that these services are not ongoing or limitless and this opportunity should be taken very seriously.

Once again, we appreciate your concern for students in state custody and hope this information will prove to be beneficial to you. If you have any questions, do not hesitate to contact my office at (615) 741-9699, Audrey Corder in the Office of Child and Family Well-Being at (615) 741-9206, Mary Meador in our Education Division at (615) 741-9211 or Anidolee Chester in our Independent and Transitional Living office at 253-0024.

Sincerely,



Viola P. Miller
Commissioner

VPM/AC/MM

pc: Audrey Corder

APPENDIX H: RESPONSE LETTER FROM THE COMMISSIONER OF EDUCATION



PHIL BREDESEN
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
6TH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

LANA C. SEIVERS, Ed.D.
COMMISSIONER

March 13, 2006

Ethel Detch, Director
Offices of Research and Education Accountability
Comptroller of the Treasury
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-0268

Dear Ms. Detch:

I am in receipt of the draft of your office's forthcoming report on the education of children in state custody. Appropriate staff within the Department of Education have reviewed the draft report and found no factual errors or technical inaccuracies in the report.

The recommendations pertaining to the Department of Education's role in providing education and related services to children in state custody are worthy. The Department of Education welcomes the opportunity to work with the Department of Children's Services and other state and local agencies in fulfilling our duty to provide the best possible education to children in state custody.

Sincerely,

A handwritten signature in cursive script that reads "Lana C. Seivers".

Lana C. Seivers
Commissioner

LCS/BW

Cc: Joseph Fisher, Assistant Commissioner
Division of Special Education

Offices of Research and Education Accountability Staff

Director

◆Ethel Detch

Assistant Director (Research)

Douglas Wright

Assistant Director (Education Accountability)

◆Phil Doss

Principal Legislative Research Analyst

◆Kim Potts

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Susan Mattson

Russell Moore

◆Bonnie A. Moses

Greg Spradley

Associate Legislative Research Analysts

◆Jessica Gibson

Nneka Gordon

Erin Lyttle

Mike Montgomery

Tim Roberto

Executive Secretary

◆Sherrill Murrell

◆Former student intern Shannon Metz also assisted with this report.

◆indicates staff who assisted with this project