



# Addressing the Education Needs of Youth in Foster Care and on Probation

# Logistics

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- Webinars will be recorded and archived at <http://kids-alliance.org/webinars/>
- All attendees will be on mute – type any questions you have into the chat box or if you experience technical difficulties email Shanti Ezrine at [s.ezrine@kids-alliance.org](mailto:s.ezrine@kids-alliance.org)
- A certificate of participation will be posted online after the webinar at <http://kids-alliance.org/webinars/>
- We will be answering your questions – please submit questions using the “chat” function on your GotoWebinar dashboard

# Today's Speakers

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- Michelle Lustig, Ed. D, MSW, PPSC  
Director, Foster Youth Services Coordinating Program & Homeless Education Services  
San Diego County Office of Education
- Loc Nguyen, DrPH, MSW  
CCR/ICWA Consultant  
County Welfare Directors Association
- Deirdre Skelton  
Caregiver
- Alaina Moonves-Leb, Esq.  
Senior Staff Attorney  
Alliance for Children's Rights



# Overview of Topics

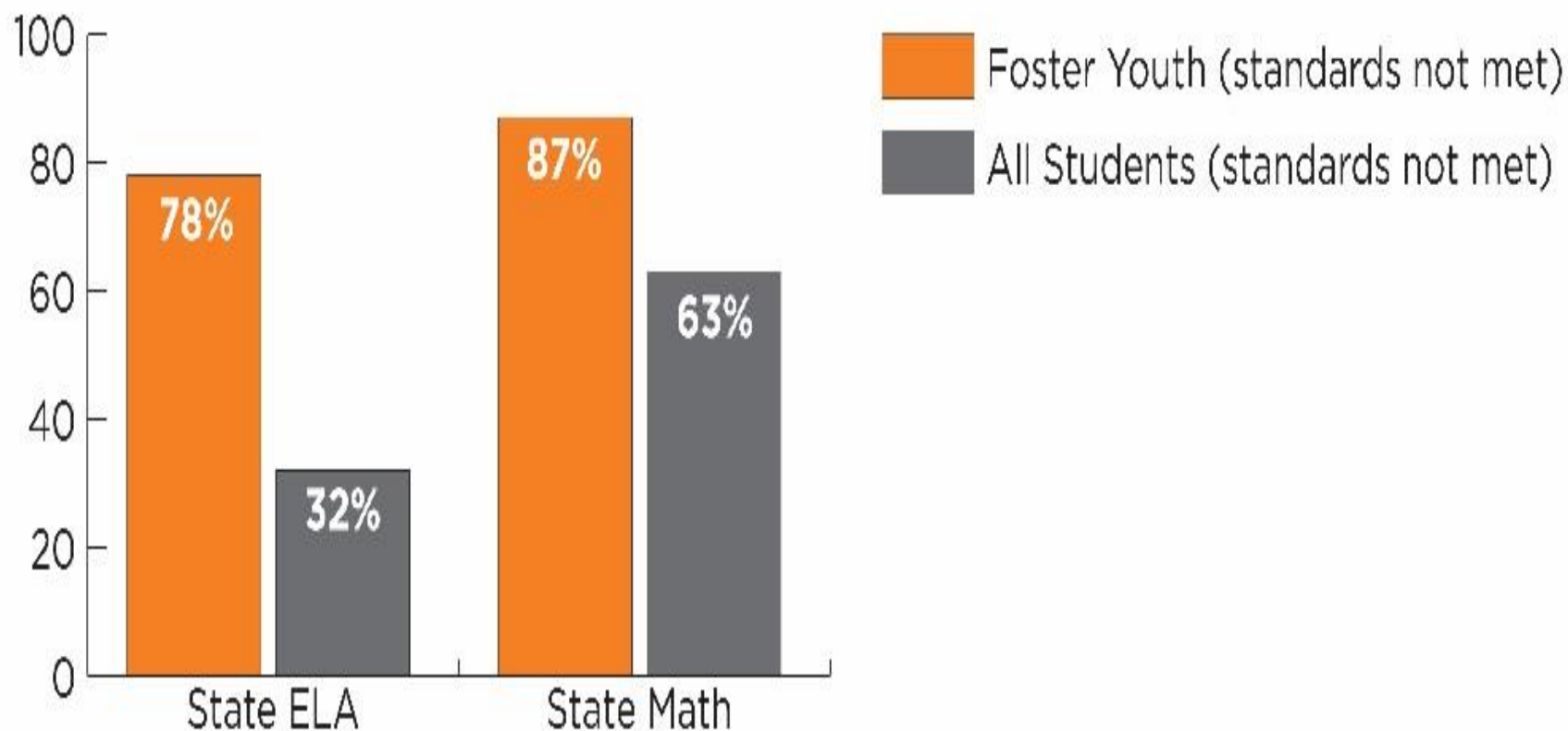
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- Education Outcomes of Youth in Care
- Challenges Unique to Youth in Care
- Education Rights of Youth in Care
- Importance of Collaboration

# EDUCATION OUTCOMES

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# California Assessment of Student Performance and Progress (CASPP) 15/16



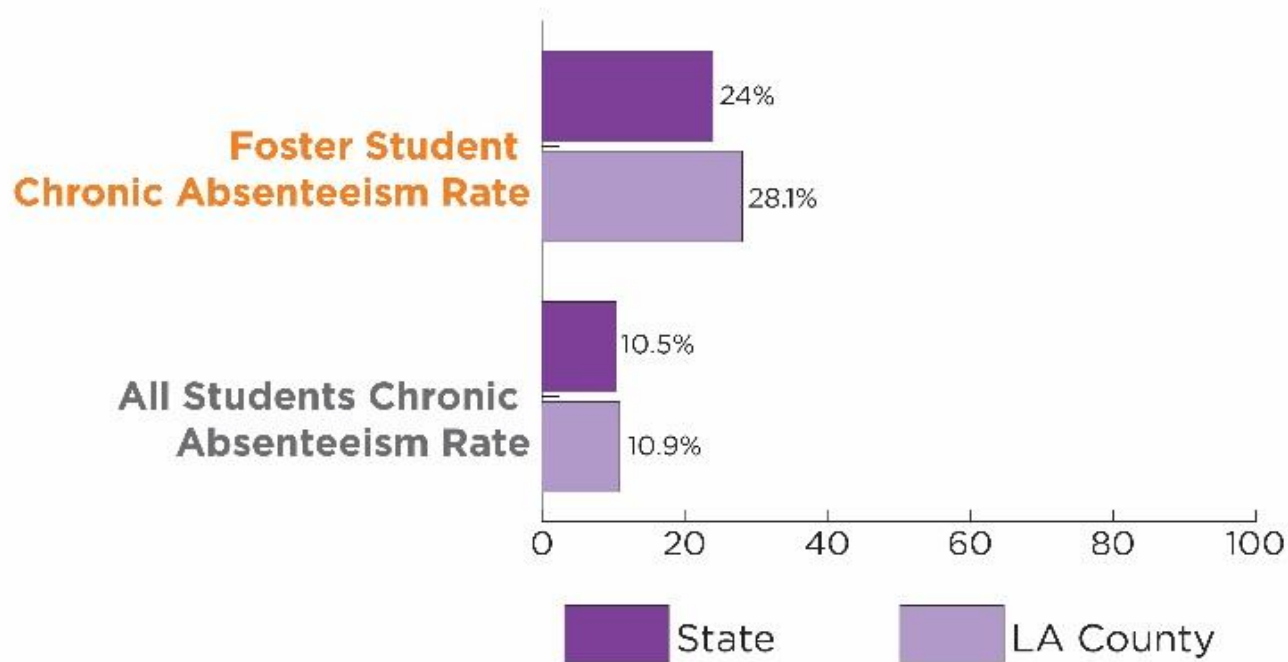
2015-16 is the most recent year for which data is available. See [caaspp.cde.ca.gov](http://caaspp.cde.ca.gov).

# Drop Out/Graduation Rates in a 4 Year Cohort 2015-16



2015-16 is the most recent year for which data is available. See [dq.cde.ca.gov/Dataquest](http://dq.cde.ca.gov/Dataquest).

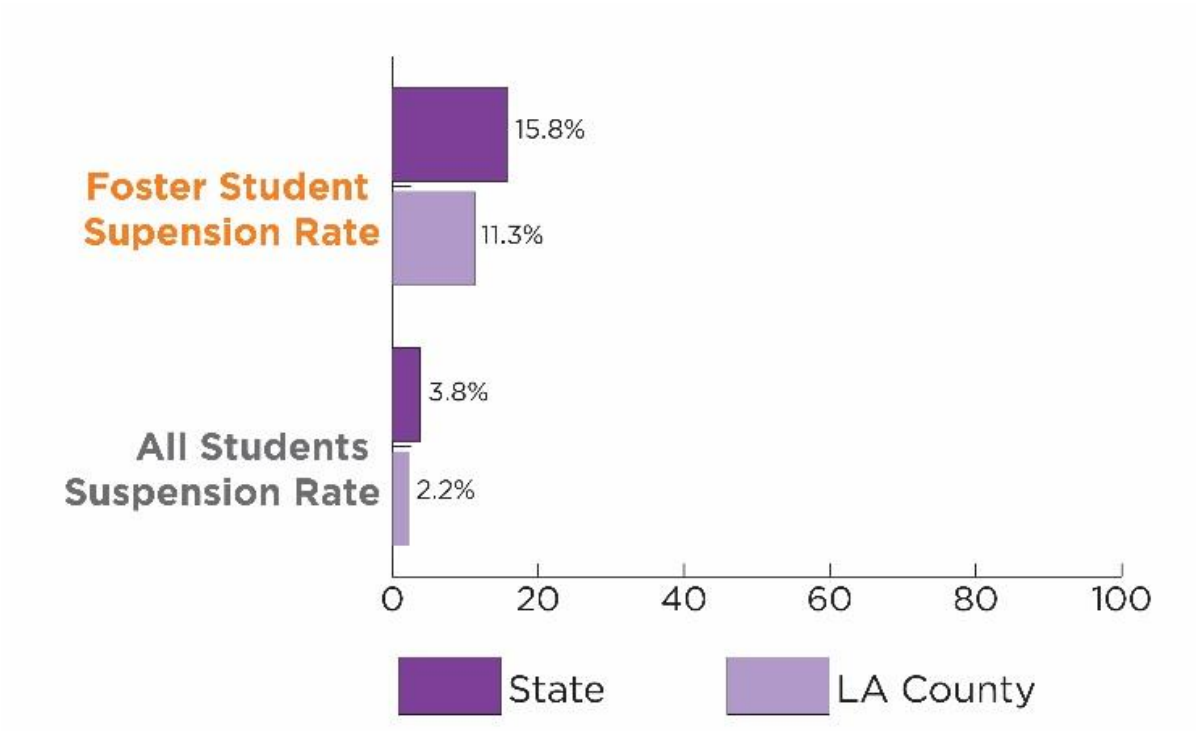
# Attendance and Absenteeism Rates 2016-17



See [dq.cde.ca.gov/Dataquest](http://dq.cde.ca.gov/Dataquest).



# Suspensions 2016-17



See [dq.cde.ca.gov/Dataquest](https://dq.cde.ca.gov/Dataquest).

# Comparing Foster Youth Data to Other “At Risk” Subgroups under LCFF

- Even when you hold constant socio-economic status and English language learner status, foster youth still perform more poorly.
- We have known this since the “Invisible Achievement Gap,” and the most recent state data shows the same patterns.

# CHALLENGES UNIQUE TO YOUTH IN CARE

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# Trauma and Youth in Care

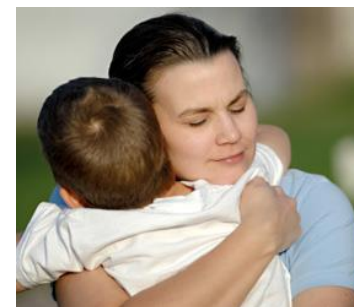
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- All youth may experience trauma, but foster youth have a higher likelihood of experiencing:
  - Physical, sexual or emotional abuse
  - Witnessing domestic or other violence in the home, community, or at school
  - Neglect
  - Criminalization of 'normal' adolescent behavior
  - Broken Social Contracts
- The trauma experienced by foster youth before removal is exacerbated by:
  - The experience of being removed from their biological parents
  - The additional trauma with each home placement and school change. Foster youth change schools an average of **8 times while in care**.
  - The trauma of building and establishing relationships with each change of school and home.
- Foster youth have rates of Post Traumatic Stress Disorder that are more than twice that of U.S. War veterans

# Trauma & Education for Foster Youth

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- Over 70% of foster youth aged 7 and above present with trauma and/or mental health symptoms.
- 20-25% of adolescent foster youth present with significant externalizing behaviors.
- 10-15% of adolescent foster youth present with significant internalizing behaviors.



Jim Casey Youth Opportunities Initiative: Issue Brief #5, *Trauma-Informed Practice with Young People in Foster Care*, available at: <http://www.aecf.org/resources/trauma-informed-practice-with-young-people-in-foster-care/>

# Placement Changes

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- Youth in care change placements an average of **8 times**. Each school change leads to **4-6 months of lost learning**.
- Youth must rebuild relationships at home and at school.
- Youth often must start learning from a new book, and/or at a different place than they were before. Or youth might be in an entirely different class that they must catch up in.
- Each placement may struggle to discover a youth's unique needs and address them before another move is required. This may lead to unaddressed special education needs.

# Inconsistent Caregivers

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- For youth who are changing placements regularly, there may be no one able to notice gaps in their development or signs of potential learning disabilities.
- If there is no one actively involved with the right to make education decisions, then even identified concerns may not be addressed.

# Rights and Resilience

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- None of these characteristics are determinative in the lives of youth in care.
- Youth and extremely resilient and there are incredible examples of success for youth who have faced the most extreme challenges.
- However, it is vital that those of us working with you make sure that we are leading them down the path to success with recognition of the challenges they may face.
- Resiliency is: *“The Deep Belief that at one time you really mattered to another human being”* - Vincent Felitti , M.D.



# EDUCATION RIGHTS OF YOUTH IN CARE

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# Education Rights Holders (ERH)

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- ERHs are individuals with the legal authority to make education decisions and access education records. All youth must have an ERH, including kids ages 0-5.
- ERHs have a right to written notice of and to make decisions regarding:
  - School enrollment, including transfers to alternative schools
  - School of origin
  - High school graduation, including AB 167/216
  - Special education, including decisions regarding assessments and consenting to an Individualized Education Program (“IEP”)
  - Early intervention, including decisions regarding assessments and consenting to an Individualized Family Service Plan (“IFSP”) and
  - School discipline
- For more information on ERHs, see Foster Youth Education Toolkit pages 7-9

# Education Rights Holders (ERH)

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- A biological parent holds education rights until the court limits or revokes these rights.
- A court may limit the education rights of a biological parent if the parent is unwilling or unavailable to make education decisions, or to otherwise protect the child.

# Who Can and Can't be the ERH?

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- If the biological parents cannot serve as ERHs, the court can appoint any of the following people:
  - Foster parent
  - Relative caregiver
  - Court Appointed Special Advocate (CASA)
  - Community member with a relationship to the youth
- The following persons can NEVER serve as an ERH:
  - Group home staff
  - Case-carrying social workers
  - Probation officers
  - Other professionals involved with the youth (e.g., education attorneys)

# Education Rights Holders

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- Children need an education rights holder from birth until their 18th birthday, when they hold their own education rights.
- Co-ERHs
  - What if a biological parent wants to retain education rights but is not currently available to make decisions or attend meetings?
  - The court may appoint a second person to hold education rights together with the biological parent.

# SB 233 (Beall): Foster Children Records

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- **Main Purpose/Intent:** Clarified the education records a caregiver, FFA, or STRTP can access when they are not the education rights holder in order to promote more support of a child's educational needs and goals.
- **Notable Provisions:**
  - Expands access to educational records by a FFA, STRTP, and caregivers who are not the education rights holder for the purposes of monitoring the educational progress of the child and ensuring the child has access to proper educational services.
  - Expands foster child's case plan to include the contact information of the person holding the educational decision rights of the child.
  - Updates training requirements to highlight the importance of caregivers to have access to educational records of the foster child.
  - See California Education Code Sections 49069.3, 49076; Welfare and Institutions Code Sections 361, 361.5, 366, 16010, 16501.16, 16519.7.

# Enrollment Rights

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- **Enrollment Rights:**

- Right to attend the local comprehensive school (foster youth have a right to be educated in the least restrictive environment, similar to special education students) unless:
  - They are attending their school of origin
  - Their IEP requires a different placement
  - Their ERH determines in writing that the child's best interests requires a different educational placement
- Right to immediate enrollment, even without normally required documents
- Right to enrollment in same/equivalent classes, even if they are transferring mid-semester
- Cannot be forced to attend a continuation, independent, or other alternative educational setting, even if they have failing grades, are credit deficient, or have behavioral problems

- For more information, see Foster Youth Education Toolkit pages 11-15

# Enrollment Rights

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- Equal access to all the supports and services on the school campus available to other students.
- This includes:
  - Academic Resources (e.g., tutoring, A-G/Honors courses)
  - Services (e.g., mental health)
  - Extracurricular activities (e.g., sports, arts/drama/music)
  - Enrichment activities (e.g., field trips, college fairs)
- This is regardless of try out or sign up deadlines
- For more information, see Foster Youth Education Toolkit page 11



# School of Origin Laws

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## Overview of the Law:

- Foster youth have a right to remain in their school of origin if it is in their best interest, as determined by their ERH.
- **Definition of School of Origin:** A youth's school of origin may be:
  - (1) the school the youth attended at the time they entered the foster care system;
  - (2) the school the youth most recently attended; or
  - (3) any school the youth attended in the preceding 15 months with which they have a connection (e.g., sports team, relationships with peers or teachers).
- **Feeder Patterns:** If youth are transitioning between elementary and middle or middle and high school, then school of origin includes the next school within the school district's feeder pattern.

# School of Origin: Statement from a Caregiver

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- Importance of Attending School of Origin for Youth in Care
- Challenges When Trying to Enable that Transportation

# SAN DIEGO COUNTY FOSTER YOUTH SERVICES COORDINATING PROGRAM

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Michelle Lustig, Ed.D, MSW, PPSC

Director, Foster Youth Services Coordinating Program  
and Homeless Education Services

Student Support Services

Student Services & Programs



SAN DIEGO COUNTY  
OFFICE OF EDUCATION

# SDCOE, FYSCP: Collaborating Across Systems to Increase Stability and Outcomes

- County Offices of Education are support agencies
- The FYSC Programs exist to ensure cross system collaboration and to build the capacity of all stakeholders in the lives of students in foster care
- Aligned with LCFF and LCAP and ESSA\*
- Local Efforts include:
  - School Success Project: co-located/co-funded staff
  - Cross system Executive Advisory Council (Chaired by PJ)
  - Interagency Agreement-current 2016-2021
  - Foster Youth Student Information System (in redesign)
  - Tutor Connection
  - Transportation Program
  - Volunteer ERH program
  - College Connection

# School Success Project

- Co-funded by SDCOE and SD County Child Welfare Services :
  - 8 co-located, out-stationed Education Liaisons
    - Subject matter experts
    - Strong focus on school stability
      - Responsible for vetting transportation referrals
    - Attending CFTs
    - Supporting Dual Calendar and EFC court rooms
    - Engaged with placement units
    - Staffing the 10 Day Assessment Center
    - Assisting with referrals to academic supports, before and after school programs, transportation plans, enrollment, records requests, and access to all entitlements
    - Consulting on special education, IEP/504 and school discipline issues
    - Specialized support to EFC Unit and Dual Calendar
    - Tracking of data

# Countywide ESSA Cost Sharing Transportation Program

- The agreement, which lends itself to inclusion in Local Control and Accountability Plans, will go into effect July 1, 2018, for the 2018-19 school year.
- Child Welfare Services will contribute \$350,000 to cover one-third of the transportation costs when the student goes between two districts, and half of the costs within one-district boundaries. CWS funding can support SDCOE contracted services or LEA provided services.

# Countywide ESSA Cost Sharing Transportation Program, cont'd

- SDCOE will:
  - Contract with transportation providers (Bid to be released Spring 2018)
  - Provide staff to vet all referrals and exhaust all other options prior to referral
  - Provide administrative support for
    - tracking
    - billing
    - record keeping, etc.
  - Staff a full-time manager to coordinate all contracted transportation services and communicate to LEAs the cost associated with this service to allow LEAs to determine if it is the most cost-effective approach.
  - Cover all indirect costs associated with funds contributed by Child Welfare Services and LEAs.

# Countywide ESSA Cost Sharing Transportation Program, cont'd

- LEAs will choose to participate and will determine if they will utilize SDCOE contracted service providers or their own transportation resources.
- If utilizing SDCOE contracted service providers, they will contribute one-third of transportation costs when the student goes between two districts and half of the cost when within one-district's boundaries.
- When an LEA uses its own resources to transport a student, the LEA can invoice SDCOE for \$3.13 per mile to recoup excess costs from CWS.



# Impact/Success: San Diego County School Stability Data

School Stability	2017-18 (partial year)	2016-17	2015-16	2014-15	2013-14	2012-13
Number of youth with foster placement change within the year	475	616	831	948	321	419
Number of youth who maintained same school based on best interest determination	296	388	523	606	300	334
Percentage of youth who remained in school of origin	62%	63%	63%	64%	93%	80%

# San Diego County School Stability Data

School Stability	2017-18 (partial year)	2016-17	2015-16	2014-15	2013-14	2012-13
Number of youth who changed school based on best interest determination	81	144	179	228	138	144
Percentage of youth changing schools based on best- interest determination	17%	23%	21%	24%	42%	34%

# San Diego County School Stability Data

School Stability	2017-18 (partial year)	2016-17	2015-16	2014-15	2013-14	2012-13
Number of youth who changed schools based on extenuating circumstances	141	105	129	191	67	91
Percentage of youth changing schools based on extenuating circumstances	29%	17%	15.5%	20%	21%	22%

# HIGH SCHOOL GRADUATION REQUIREMENTS

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# Partial Credits

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- Right to partial credits when transferring high schools mid-semester
- Sending school duties
  - Award partial credits based on check-out grades determined as of the last day of actual in-seat attendance
- Receiving school duties
  - Accept partial credits and apply them to the same/equivalent graduation requirement
  - Student cannot be required to retake a course if it would throw them off-track of high school graduation
  - Right to enroll in same/equivalent courses
  - Right to take/retake A-G courses or any other courses that other students are eligible to take
- For more information, see the Partial Credit Model Policy in the Foster Youth Education Toolkit pages 44-48

# Graduation

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- Why do different options exist?
- Special concerns to consider when talking about this option:
  - Which schools are included?
  - Which youth are eligible?
  - Which youth are appropriate?
  - Who decides?

# AB 167/216 Graduation

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- Foster youth who transfer high schools after their second year may graduate by completing minimum state graduation requirements if, at the time of transfer, they cannot reasonably complete additional local school district requirements within four years of high school.
- For more information, see Foster Youth Education Toolkit page 49

# AB 167/216 Graduation

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- **Who Qualifies:** AB 167/216 graduation applies to any youth in foster care or on probation who is either removed from their home under WIC § 309 or subject to a petition under WIC § 300 or 602, regardless of where they live.
- **Transfer Schools After Second Year:** To determine whether a youth completed their second year of high school, schools must use either the length of enrollment or the number of credits earned, whichever method will make the youth more likely to be eligible.



# AB 167/216 Graduation

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- **Graduation Options:**

- (1) Accept the exemption and graduate using minimum state requirements;
- (2) Reject the exemption and graduate using school district requirements;
- (3) Remain in high school a 5<sup>th</sup> year to complete all school district requirements. Youth have a right to remain in high school for a 5<sup>th</sup> year even if they turn 19 years old; or
- (4) Acknowledge eligibility but defer decision until a later date. Regardless, youth graduate receiving a normal high school diploma.

# AB 167/216 Graduation

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- **Length of Eligibility:** Once a youth is found eligible, they remain eligible, even if they transfer schools again, return to their biological parents' care, or their court case closes.
- **Reconsideration:** If a youth is found ineligible for AB 167/216 graduation when they transfer schools, they can request that the school reconsider the decision at any later time.

# AB 167/216 Graduation

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- **Notification Requirements:** The new school district must determine whether a foster youth is eligible to graduate under AB 167/216 within 30 days of the youth's transfer into a new school. This determination, as well as the impact of AB 167/216 graduation on admissions to a four-year university, must be provided in writing to the youth, their ERH, and social worker/probation officer within 30 days of the enrollment. The legal duty to determine eligibility and provide notification still exists, even if a school district missed their 30 day notification timeline and even if a youth's case is later closed.

# AB 167/216 Graduation

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- **Who Decides:** Only the ERH or a youth who is over 18 years old can determine whether graduating under AB 167/216 is in the youth's best interest. An ERH can change their decision of whether or not to graduate under AB 167/216 at any time prior to the youth's graduation.
- **Military Service:** AB 167/216 diplomas constitute normal high school diplomas and should allow students to fall into priority enlistment categories for Military Service.
- **NOTE:** Additional resources for youth transitioning out of foster care or off probation (e.g., housing, employment, finances, college) can be found on our website:

[KnowB4UGo.org](http://KnowB4UGo.org)

# Graduation from Juvenile Court Schools

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- Recently modified by AB 1124 (See California Education Code Sections 48645-48645.7).
- Similar to AB 167/216, allowing youth attending juvenile court schools, or former juvenile court pupils to graduate by utilizing state minimum criteria.
- Youth may defer issuance of a diploma to participate in ongoing educational pursuits.

# Enforcement of Rights: AB 379

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- It makes all foster/probation youth education laws more easily enforceable
- The process for enforcement is the Uniform Complaint Procedures Act
  - Think special education compliance complaints or Williams complaints

# Complaint Process

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- Complainants (students/ERHs) must first file their complaint with the LEA
- Investigation must include an opportunity for complainant or their representative to present evidence to support the allegation
- LEA has 60 days to complete investigation and prepare a written decision
- Districts must notify complainant of the right to appeal the LEA's decision to the CDE and that the appeal to CDE must occur within 15 days of receipt of the written LEA decision

# CHILD WELFARE PERSPECTIVE

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# County Welfare Directors Association of California (CWDA)

**Loc H. Nguyen, DrPH, MSW**

Continuum of Care Reform (CCR)/Indian Child Welfare Act (ICWA)  
Consultant

# County Welfare Directors Association of California (CWDA)

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- We are a non-profit representing the human services directors from each of the 58 California counties.
- Our mission is to promote a human services system that encourages self-sufficiency of families and communities, and protects vulnerable children and adults from abuse and neglect.

# Every Student Succeeds Act of 2015 (ESSA)

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- Included a set of mandates to improve educational outcomes for foster youth.
- Compelled school districts to work with child welfare to come up with and implement plans – to get foster youth to their “school of origin.”
- Deadline was December 10, 2016.

# Continuum of Care Reform (CCR)

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- Fundamental concept that children should be in a home or home-like setting while in foster care.
- One major concept are Child and Family Teams (CFTs) which drives case plans and placement decisions.
- Education is a major component that is discussed in a CFT.

# Commercially Sexually Exploited Children (CSEC)

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- SB 794 requires county child welfare agencies to address issues of CSEC youth and youth at risk for CSEC.
- This includes county MOUs and workgroups that should include education.
- ACL 16-85 requires that child welfare shall investigate a situation where child is identified or at-risk of CSEC.

# Data Sharing

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- ESSA, CCR, and CSEC all must have some aspect of data sharing to succeed.
- LCFF requires that CDSS share info with CDE, which in turn, has to share info with local school districts.
- Foster Focus originally developed through Sacramento COE and Child Welfare Collaboration and draws info from CWS/CMS, School District SIS, and CalPADS.

# RESOURCES

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# Foster Care Education Law fact Sheets

- First created by the Foster Youth Education Task Force in 2007, most recently updated in June 2017
- Covers key education laws impacting youth in care



Sixth Edition, June 2017

[http://www.cfyetf.org/publications\\_19\\_421458854.pdf](http://www.cfyetf.org/publications_19_421458854.pdf)



# Foster Youth Services Coordinating Program Resources

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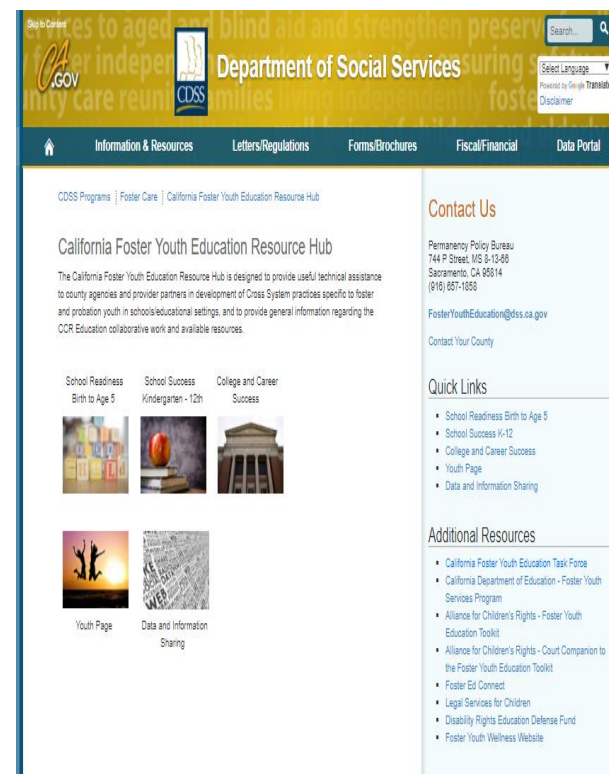
- California Department of Education resource page
- Variety of resources from elementary through college



<https://www.cde.ca.gov/ls/pf/fy/resources.asp>

# California Foster Youth Education Resource Hub

- Hosted by the California Department of Social Services
- Created by the CCR Education Workgroup
- Designed to provide useful technical assistance to county agencies and provider partners in development of Cross System practices specific to foster and probation youth in schools/educational settings, and to provide general information regarding the CCR Education collaborative work and available resources.



<http://www.cdss.ca.gov/inforesources/California-Foster-Youth-Education-Resource-Hub>

# Foster Youth Education Toolkit

- Overview
- School District Guide for Addressing Foster Youth Education Needs
- Each section includes: 1) basics of the law; 2) best practice steps to implement the law; and 3) tools to make implementation easier
- Tools are downloadable in fillable PDFs or word format so districts can modify them any way they want
- The toolkit is designed to give you local control required by LCFF
- The Toolkit is a Blueprint that you can use to start a conversation

## Foster Youth Education Toolkit



ALLIANCE  
for CHILDREN'S  
RIGHTS

ASSOCIATION OF CALIFORNIA  
SCHOOL ADMINISTRATORS

CALIFORNIA DEPARTMENT  
OF EDUCATION

csba  
CALIFORNIA SCHOOL  
BOARD ASSOCIATION

CCSESA  
California County Superintendents  
Educational Services Association

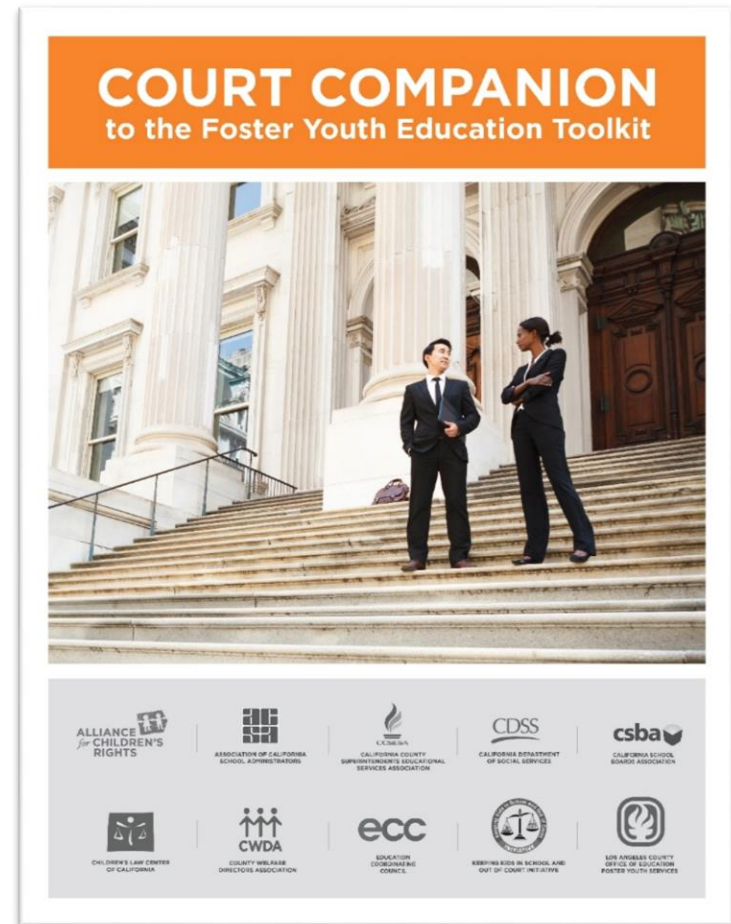
CWDA  
COUNTY WELFARE  
DIRECTORS ASSOCIATION

CHILD WELFARE COUNCIL

[www.kids-alliance.org/edtoolkit](http://www.kids-alliance.org/edtoolkit)

# Court Companion-New Resource!

- Overview
- Intended for those that support the education of youth in care outside of schools
- Each section includes: 1) basics of the law; 2) best practice steps to implement the law; and 3) tools to make implementation easier
- Role-specific tools such as checklists and report/order language
- The Toolkit is a Blueprint that you can use to encourage collaborations and start a conversation



[www.kids-alliance.org/edtoolkit](http://www.kids-alliance.org/edtoolkit)

# Review

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- Education Outcomes of Youth in Care
- Challenges Unique to Youth in Care
- Education Rights of Youth in Care
- Importance of Collaboration

# Questions?

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- The PowerPoint slides, webinar recording, and a certification of participation will be posted at [www.kids-alliance.org/webinars](http://www.kids-alliance.org/webinars)

- Alaina Moonves-Leb

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