

Memorandum of Understanding Tucson Unified School District and National Center for Youth Law

This Memorandum of Understanding (MOU) is entered into between Tucson Unified School District (hereinafter “TUSD”) and FosterEd, an initiative of the National Center for Youth Law (hereinafter “NCYL”), located at 405 14th Street, 15th Floor, Oakland, California 94612. TUSD finds that NCYL’s services promote the educational function of the school district.

SCOPE OF WORK:

1. NCYL is a California-based non-profit operating in Arizona whose mission is to help low-income children achieve their potential by transforming the public agencies that serve them. FosterEd is an initiative of NCYL focused on improving the educational experiences and outcomes of students in foster care.
2. NCYL has operated in Pima County, Arizona since 2013, and will be expanding into Maricopa County, Arizona beginning in summer 2017.
3. NCYL will work with students enrolled in TUSD providing both “intensive” and “responsive” level services. Intensive services are long-term, provided for approximately 18-24 months, with the goal of helping students graduate high school with a plan for their future. Responsive services are shorter-term, provided for approximately 1-6 months, to resolve difficult issues and remove barriers to school success.
4. NCYL has agreed to provide such a program on the terms and conditions set forth below, based on eligibility criteria described below.
5. The purpose of this MOU is to set forth a summary of the understandings that both TUSD and NCYL are making.

RESPONSIBILITIES OF TUCSON UNIFIED SCHOOL DISTRICT AND ITS SCHOOL CAMPUSES:

1. Provide, on an in-kind basis, a TUSD liaison who will meet quarterly with the NCYL supervisor to review student progress.
2. Provide assistance and access to appropriate data regarding individual student grades, including progress reports, report cards and transcripts. Allow for Education Liaisons to attend parent teacher conferences, IEP meetings, etc. with the parent’s permission. Permission will be given in writing using TUSD approved documentation.
3. Assist in communication with parents (through TUSD liaison), especially in gaining parent/guardian support and consent for each student as needed.

4. Work with FosterEd staff to identify students who are eligible to receive NCYL services and make referrals accordingly.
5. Provide office space consistent with what is described in the “Locations To Be Served, Office Space, and Technology” section below.

RESPONSIBILITIES OF NCYL:

1. NCYL will provide supports to students in foster care through the FosterEd program. These supports fall into two categories, “responsive” and “intensive,” and are centered around the goals of ensuring that students are (a) supported by education champions, (b) supported by education teams, and (c) have student-centered education plans. FosterEd Education Liaisons will serve as advocates and coaches for students, and partner with the district. See *Attachment A* for additional information regarding the FosterEd program.
1. NCYL will provide a FosterEd introduction and training to relevant TUSD staff to orient them to referral criteria, referrals processes, and the supports provided by NCYL.
2. NCYL will recruit, train, and match volunteers with individual students to provide specific, targeted supports to students, when helpful and appropriate.
3. NCYL will maintain student confidentiality and safeguard student information. Additionally, NCYL staff assigned to the designated school will view any FERPA related training videos provided by the TUSD.
4. All NCYL staff members will complete the background clearance process in accordance with TUSD’s standards.
5. NCYL, its staff members, and its program participants will at all times comply with any applicable TUSD Governing Board Policies to the extent that said Policies would apply to a community member or unpaid employee, in addition to any applicable local, state, federal statute, rule, code, or order.
6. NCYL will carry public liability insurance at least in the amount of \$1,000,000 per occurrence and will provide a Certificate of Insurance naming TUSD as additional insured.

LOCATIONS TO BE SERVED, OFFICE, SPACE, AND TECHNOLOGY:

1. NCYL may serve students from Catalina High School and Rincon High School through referral / eligibility criteria.
2. Up to 2 NCYL Education Liaisons will be located at Catalina High School, 3645 E. Pima St. Tucson, AZ 85716 and Rincon High School.

3. NCYL Education Liaisons' will be provided access to the school site workspaces by TUSD during site hours of operation.
4. Training will be provided on TUSD building procedures, rules, codes of conduct, etc. that will apply to NCYL Education Liaisons to be adhered to during hours of service.
5. TUSD will supply a workspace with furniture to NCYL Education Liaisons during working hours.
6. NCYL-issued laptops will connect to the District / school site internet network via Guest access. Education Liaisons' technology access includes office printer(s), copy machine, scanner via District equipment.
7. NYCL Education Liaisons will gain ParentVue access given a Consent for Education Liaison Access to Parental Portal form is completed to grant permission by student's parent/guardian.
8. Access to US Postal Service mail will be established via Student Support Services offices at Rincon and Catalina sites.
9. NCYL Education Liaisons will first attempt to meet with students during their advisory/conference periods, and when that is not possible, will meet with a TUSD Liaison to review the student's class schedule to identify appropriate times.

TERMS AND CONDITIONS:

1. This MOU may be terminated for conflict of interest pursuant to the terms of A.R.S. § 38-511.
2. Both NCYL and TUSD reserve the right to terminate the MOU, subject to thirty (30) days written notice, in whole or in part at any time, when in the best interests of TUSD or NCYL without penalty or recourse.
3. Nothing in this MOU is intended to create an employer-employee or supervisor-supervisee relationship between TUSD and NCYL staff.
4. This MOU shall be construed under the laws of the state of Arizona.
5. The undersigned on behalf of NCYL and its officers, directors and employees acknowledges and accepts that there are risks associated with being on a district campus. As an express condition of the use of the facilities, the undersigned hereby agrees that NCYL and each of its officers, directors and employees agree to hold harmless TUSD and its officers, directors and employees from loss of liability arising from the sole acts or mission of employees of NCYL during the use of TUSD district facilities

6. As mandated by Arizona Revised Statutes 41-4401, Tucson Unified School District is prohibited after September 30, 2008 from awarding a contract to any contractor who fails, or whose subcontractors fail, to comply with Arizona Revised Statutes 23-214.A. By signing this agreement, NCYL warrants compliance with the Federal immigration and Nationality Act and all other Federal immigration laws and regulations related to the immigration status of its employees. By entering into an agreement with TUSD, NCYL agrees to obtain statements from its subcontractors certifying compliance and shall furnish the statements to the Procurement Officer upon request. These warranties shall remain in effect through the term of the Agreement. NCYL and its subcontractors shall also maintain Employment Eligibility Verification forms (I-9) as required by the U.S. Department of Labor's Immigration and Control Act, for all employees performing work under this Agreement.

7. The District and NCYL recognize that student educational records are protected by the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g). FERPA permits disclosure of student "educational records" to "school officials" that have a "legitimate educational interest" in the information. The federal Family Policy Compliance Office has recognized that institutions can designate other entities, including vendors and consultants, as "other school officials." NCYL FosterEd staff will be designated as "other school officials" for purposes of this Agreement. No NCYL FosterEd staff shall disclose student educational records it receives under this agreement to any third party, except with the prior written consent of the student or as permitted by law. Any disclosures to NCYL will comply with the definition of "legitimate educational interest." NCYL agrees and warrants that it shall use student educational records received under this provision solely to accomplish its obligations under this agreement, and for purposes of NCYL's program evaluation, and solely in a manner and for purposes consistent with the terms and conditions of this agreement and District policies and procedures. NCYL agrees and warrants that it shall not make any disclosures of student educational records received under this provision without prior notice to and consent from the District. If any designated representative discloses or misuses any educational record, the District and/or NCYL will take appropriate action against the designated representative that is similar to action the District would take against one of its employees who disclosed or misused the educational records of its students.

Term: August 28, 2017 to June 30, 2018

 Dr. Gabriel Trujillo
 Superintendent
 Tucson Unified School District

 Date

 Jesse Hahnel
 Executive Director
 National Center for Youth Law

 Date

ATTACHMENT A



BACKGROUND

Students in foster care experience many barriers to their educational success, including high rates of school mobility, the impact of trauma, and the lack of a consistent adult decision maker. As a result, their educational outcomes – including attendance rates, high school completion rates, and college matriculation rates – are significantly lower than those of their peers. A recent report that examined education and child welfare data in Arizona found that (a) students in foster care constituted an at-risk subgroup that was distinct from low-socioeconomic status students, (b) students in foster care were more likely than other students to change schools during the school year, and (c) students in foster care were more likely than the statewide student population to be enrolled in low-performing schools (WestEd, 2015)¹.

FosterEd, a multi-state initiative of the National Center for Youth Law, is one of just a handful of efforts recognized by the Center for the Study of Social Policy as helping foster youth thrive. We partner with state and local education, child welfare and judicial agencies to develop and implement policies and practices that ensure foster youth succeed in school.

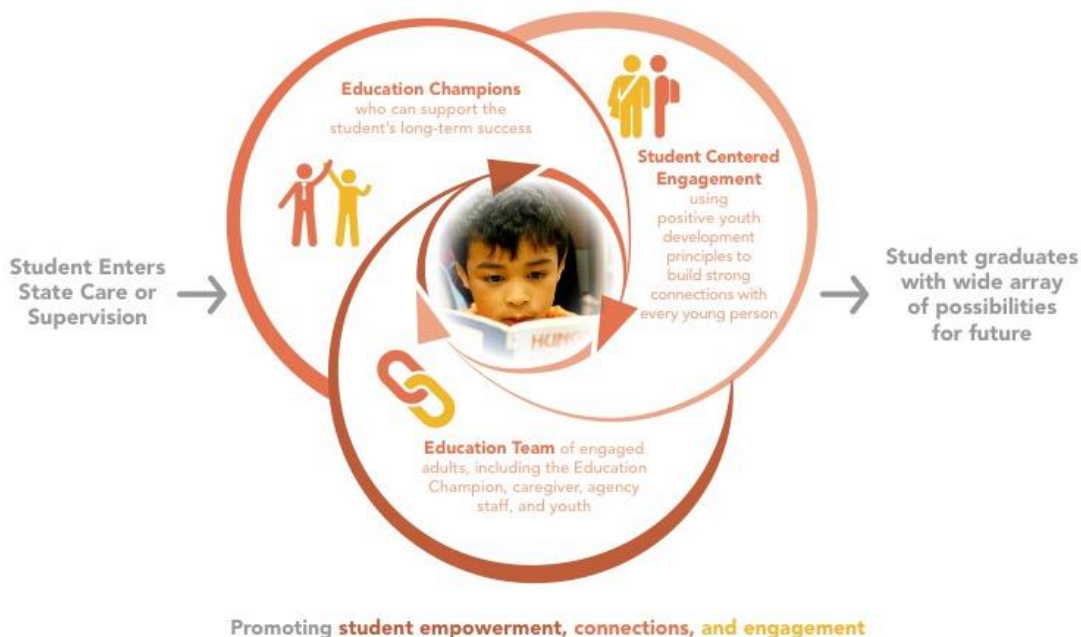
FosterEd began working in Arizona with the initial support by the ACCIO Education Fund through the Arizona Community Foundation and Helios Education Foundation as well as support from the Nina Mason Pulliam Charitable Trust. After numerous conversations with state agency leadership, FosterEd committed to working on behalf of Arizona foster children in July 2012. Consistent with our practice elsewhere, we assembled a State Leadership Team responsible for supporting and guiding the project.² Rather than roll out a statewide program all at once, the State Leadership Team decided to implement the new policies and practices in one locality, using it as the basis for an eventual statewide program. In fall 2012, the State Leadership Team chose Pima County as the location of FosterEd: Arizona's demonstration project. In 2013, we developed the infrastructure and conducted the trainings necessary to support the project.

PIMA COUNTY DEMONSTRATION SITE

¹https://www.azfoundation.org/Portals/0/Uploads/Documents/AZ_Invisible_Achievement_Gap_FINAL.pdf

² The State Leadership team includes senior staff from the Administrative Office of the Courts, Attorney General's Office, Department of Behavioral Health Services, Arizona Department of Education, Department of Child Safety, Governor's Office, and State Board of Education.

Implementation of the Pima County demonstration site began in January 2014 with a project director and a team of three Education Liaisons embedded within child welfare agency offices, and a Volunteer Coordinator joining the staff a year later. The Education Liaisons' work centers around ensuring that students in foster care are supported by an educational champion and strengthened by an education team of professionals, family members, and caregivers working to develop and implement plans for school success.



HB 2665 AND EXPANSION INTO MARICOPA COUNTY

Over the course of 2014 and 2015, with the support of the Arizona Community Foundation, FosterEd and WestEd partnered to produce *Arizona's Invisible Achievement Gap*, a report that for the first time documented the extent to which Arizona's foster youth struggle in school even as compared to other at-risk student subgroups. The report was released in fall 2015.³ In conjunction with the report's release, Pete Hershberger, Director of FosterEd: Arizona, held numerous group and one-on-one meetings with leadership at ADE, DCS, the Governor's Office and in the Legislature, educating stakeholders about the foster youth achievement gap, FosterEd's success in Pima County, the wisdom of creating a statewide FosterEd program and strategies for publicly funding such a program.

In January 2016, the Governor's Office, together with leadership in the House and Senate, introduced House Bill (HB) 2665. The bill, signed by the Governor on May 11, garnered the support from more than twenty bipartisan sponsors. Its purpose is to expand the FosterEd

³ See [Arizona Invisible Achievement Gap](#) report.

program statewide, supported with \$1 million in state funding and \$500,000 in additional state funding contingent on private matching funds, potentially bringing program budget to \$2 million.

In addition to continuing the work in Pima County, FosterEd is preparing to expand to begin serving youth in Maricopa County. Under the guidance of a Maricopa County Leadership Team, FosterEd is developing the infrastructure necessary for this expansion, and plans to hire a team of Education Liaisons to begin serving youth in Maricopa County in late August or early September 2017. Co-locating these Education Liaisons within Tucson Unified High School District will be critical to their work directly serving youth and working with them towards their educational goals.

PROGRAM DESIGN

FosterEd Arizona is creating a future where each and every young person in foster care graduates from high school with a wide array of possibilities for their future. We believe young people need three key things to succeed:

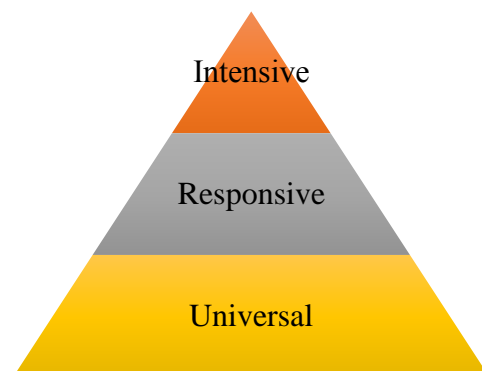
1. **Effective and committed education champions.** System-involved youth, like all youth, need strong educational advocates who have the knowledge, skills, and resources necessary to effectively support the youth's education.
2. **Well-coordinated education teams.** System-involved youth are much more likely to succeed in school when the adults involved in their lives – social workers, teachers, therapists, CASAs, etc. – are working together in a coordinated, collaborative manner.
3. **Student-centered education plans and engagement.** Positive engagement and empowerment at school starts with putting the student at the center of their education decision-making. Giving students “voice and choice” in shaping every element of their education leads to educational success, particularly for system-involved youth who have experienced the trauma and loss of control associated with involvement in the child welfare and juvenile justice systems.

We will approach this work using a tiered system of interventions and supports.

Intensive Education Liaisons provide individualized and long-term intensive interventions serving highest-needs students.

Responsive Education Liaisons provide short-term (1-6 month) youth-level interventions triggered by a pressing student need putting them at risk of school failure.

Successful implementation of system-level policies and practices ensuring youth are accessing academic and SEL interventions intended for all students.



We provide direct support to students in foster care through the Intensive and Responsive Tiers.

Program	Intensive Tier	Responsive Tier
Description	FosterEd Liaisons work directly with youth and partner with child welfare workers, teachers and school staff, caregivers, and community partners to help youth graduate high school with a plan for their future.	FosterEd Liaisons collaborate with child welfare workers, school staff, caregivers, and community partners to resolve difficult issues at school and to remove barriers to school success.
Who do we serve?	This program serves high school aged youth in Pima and Maricopa Counties.	This program serves children and youth in K-12 th grade in Pima and Maricopa Counties who are NOT served by FosterEd’s Intensive Program.
Eligibility	Youth must have an open dependency case, be in out-of-home care, and attend high school in one of FosterEd’s partner school districts at the time of initial referral.	Youth must have an open dependency case, be in out-of-home care, and attend K-12 in Pima or Maricopa Counties.
Referral Process	Referrals to the Intensive Program may be made by child welfare workers or partner school districts.	Referrals to the Responsive Program may be made by child welfare workers. School staff and community partners may also refer students.
Length of Service	This program is designed as long term and once a youth is referred, FosterEd will continue serving the student through the first semester post high school regardless of change in dependency status.	This program is generally short term (1-6 months), but can be longer if needed to address the issue(s) of referral.

<p>Strategies</p>	<ul style="list-style-type: none"> • Work with youth to set and achieve their own goals through their Student-Centered Education Plan. • Identify Education Champions and coach and support them in advocating for the student. • Bring together Education Teams to support the student in goal achievement. • Remove barriers to school success in enrollment, school transitions, special education needs, and discipline. • Coach students on academic mindset, self-determination, self-advocacy and perseverance. • Connect youth to community and school-based education services. <p>Support youth’s efforts to explore and pursue college and career options.</p>	<ul style="list-style-type: none"> • Wrk with youth to set and achieve their own goals through the Centered Education Plan. • Identify Education Champions and coach and support them the student. • Bring together Education Teams to support the student in g • Remove barriers to school success in enrollment, school trans education needs, and discipline. • Coach students on academic mindset, self-determination, se perseverance. • Connect youth to community and school-based education se • Support youth’s efforts to explore and pursue college and car
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For more information about FosterEd Arizona, please contact Deputy Director Molly Dunn at mdunn@youthlaw.org.