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**FOSTER CARE & EDUCATION**



AMERICAN BAR ASSOCIATION  
Center on  
Children and the Law

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# Education Stability and Success for Children in Foster Care

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*ABA Center on Children and the Law*

*Legal Center for Foster Care & Education*

*March 2017*

# ABA Center on Children and the Law



- ❑ **Goal:** to promote access to justice for children and families
- ❑ Nonprofit grant-funded program of the American Bar Association that uses the law to help child welfare and court systems work more effectively
- ❑ Informs and improves legal practice through technical assistance, training, research, and other efforts, making access to justice real for the nation's children and families



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AMERICAN BAR ASSOCIATION

Center on  
Children and the Law



Juvenile  
Law advancing the rights and  
well-being of children in jeopardy  
Center

[www.fostercareandeducation.org](http://www.fostercareandeducation.org)

# Legal Center for Foster Care and Education

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- ❑ **Work at all levels (federal, state and local)**
- ❑ **Support needed law and policy**
- ❑ **Facilitate multisystem conversations and collaboration to align policy and practices across systems**
- ❑ **Focus on courtroom attention to education; judicial leadership**
- ❑ **Create timely tools and resources, and provide technical assistance**
- ❑ **Support data collection, sharing and use**
- ❑ **Facilitate national network of advocates and practitioners**



**FRAMEWORK FOR EDUCATIONAL SUCCESS**

Blueprint for Change: Education Success for Children in Foster Care is a tool for change.

[Learn More](#)



**RESEARCH & STATISTICS**

Download National factsheet on the educational outcomes of children in foster care

[Download the factsheet](#)



**SEARCHABLE DATABASE**

Search by keyword or by the 8 "Blueprint for Change" goals.

[Learn More](#)



**Tweets** by @FosterEdSuccess

 **Legal Center**  
@FosterEdSuccess

Commentary: A fresh start for former foster-care youths  
[philly.com/philly/opinion...](http://philly.com/philly/opinion...) via [@phillydotcom](https://twitter.com/phillydotcom)

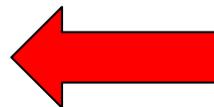


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Keyword search:



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State:



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\* - priority items

Filter results by keyword:

Title	Published	State	Save
 Chafee Educational and Training Voucher (ETV) Program: Six States' Experiences	2007	CA, ME, MT, NY, NC, WY	

Showing 1 to 1 of 1 entries



# Agenda

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- Foster Care and Education: The Background
  - Barriers & Data
  - Blueprint for Change: Education Success for Children in Foster Care
  
- Federal Laws that Support School Continuity and Success
  - Uninterrupted Scholars Act (2013)
  - Fostering Connections Act (2008)
  - Every Student Succeeds Act (2015)
  
- Additional Resources

# Education Barriers Experienced by Children in Foster Care

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- ❑ Lack of placement stability = school instability
- ❑ Delayed enrollment
- ❑ Credit transfer issues & graduation requirements
- ❑ Children with special education needs are not identified or fail to receive services
- ❑ Disproportionate rates of suspension and expulsion
- ❑ Over-representation in alternative education programs
- ❑ Inferior on-site educational programs

# Voices of Youth

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“Education was one of the few stabilities I had in my life. My hope would be that a family would fill that role, but for me, it was education. That was the greatest gift. Everything else was taken away from me, but education wasn’t. Even though it was a battle and a roller coaster, it was a sense of normalcy for me. It made the difference. For foster youth, who lose their culture, sense of self, and identity, education is their ticket out. It’s one of the few things no one can take away from them.”

*National Conference of State Legislatures (March 2008)*

Stuart Foundation Video:  
It Gets Awesome

<https://vimeo.com/user9020769/review/51964222/953311af7d%22>

# What the Research Shows

## Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care

January 2014

### Why Education Matters to Children in Foster Care

When supported by strong practices and policies, positive school experiences can counteract the negative effects of abuse, neglect, separation, and lack of permanency experienced by the nearly 400,000 U.S. children and youth in foster care. Education provides opportunities for improved well-being in physical, intellectual, and social domains during critical developmental periods and supports economic success in adult life. A concerted effort by child welfare agencies, education agencies, and the courts could lead to significant progress in changing the consistent and disheartening picture about educational outcomes for children in foster care the research portrays. The promising programs and interventions highlighted below represent innovative efforts to address a wide range of factors influencing the disparities in education outcomes. With cross-system collaboration, we are positioned to build on what is being learned, bring about change, and promote success for all children and youth in foster care.

### Fast facts from national and multi-state studies\*

Number of children and youth in foster care on September 30, 2012	399,546
Average number of living arrangements during first foster care stay	2.8
Number of foster children of school age	249,107
Likelihood of being absent from school	2x that of other students
Percent of foster youth who change schools when first entering care	56%-75%
Percent of 17-18 year olds in care who have experienced 5+ school changes	34%
Likelihood of 17-18 year old foster youth having an out-of-school suspension	2x that of other students
Likelihood of 17-18 year old foster youth being expelled	3x that of other students
Average reading level of 17-18 year olds in foster care	7th grade
Likelihood of foster youth receiving special education	2.5 - 3.5x that of others
Percent of foster youth who complete high school by 18	50%
Percent of 17-18 year old foster youth who want to go to college	84%
Percent of foster youth who graduated from high school who attend college	20%
Percent of former foster youth who attain a bachelor's degree	2 - 9%

\* All Fast Facts are referenced elsewhere in this document. These facts were compiled based on findings from multiple studies where a consistent picture is emerging that points to widespread deficits on a number of markers of educational progress or success. Data points represented here are either from national studies or multiple studies conducted in different states (in which case a range is provided for the data point).

## 2014 National Working Group on Foster Care and Education

[http://www.fostercare  
andeducation.org/Data  
base.aspx?EntryId=193  
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e](http://www.fostercareandeducation.org/DataBase.aspx?EntryId=1937&Command=Core_Download&method=inlin<br/>e)

# Fast Facts from National Datasheet

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<b>Fast Facts from national and multi-state studies</b>	
Number of school aged foster children (Sept 30, 2012)	249,107
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<b>Likelihood of youth receiving special education</b>	<b>2.5-3.5x higher</b>

# Research Shows Poorer Outcomes Than Other Vulnerable Students

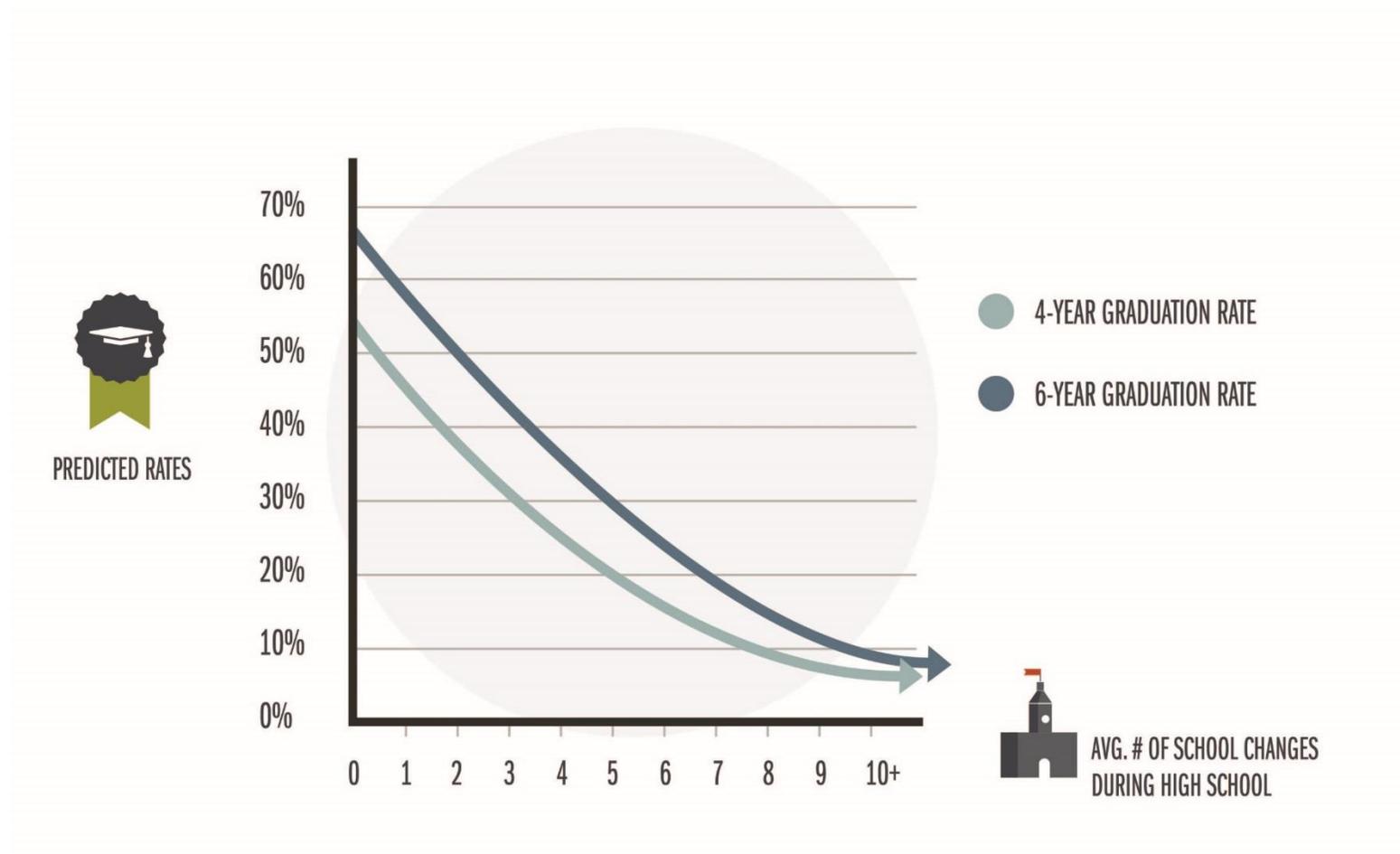
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- A California statewide study showed students in foster care:
  - Performed worse than their low-SES (socioeconomic status) peers, special education students, English Language Learners.
  - Were consistently more likely than the general student body to attend the lowest-performing schools.
  - Were more likely to be enrolled in a nontraditional school.
  - Were nearly four times more likely to attend a nontraditional school than both the low-SES and general student population.

[www.stuartfoundation.org](http://www.stuartfoundation.org) - Invisible Achievement Gap

[https://www.wested.org/wpcontent/files\\_mf/1400283692Invisible Achievement Gap Full Report.pdf](https://www.wested.org/wpcontent/files_mf/1400283692Invisible_Achievement_Gap_Full_Report.pdf)

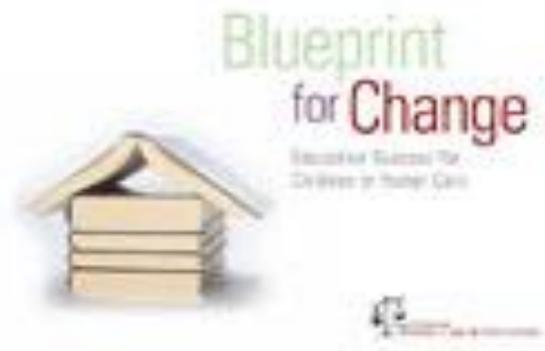
# Colorado Research Shows Link Between Mobility and Graduation



<http://www.unco.edu/cebs/foster-care-research/>

# Blueprint for Change: Education Success for Children in Foster Care

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- ❑ **8 Goals** for Youth
- ❑ **Benchmarks** for each goal indicating progress toward achieving education success
- ❑ National, State, and Local **Examples**

[www.fostercareandeducation.org/  
AreasofFocus/BlueprintforChange  
.aspx](http://www.fostercareandeducation.org/AreasofFocus/BlueprintforChange.aspx)



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**Goal 1: Youth are entitled to remain in their same school when feasible.**



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**Goal 2: Youth are guaranteed seamless transitions between schools and school districts when school moves occur.**



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**Goal 3: Young children enter school  
ready to learn.**



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**Goal 4: Youth have the opportunity and support to fully participate in all aspects of the school experience.**



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**Goal 5: Youth have supports to prevent school dropout, truancy, and disciplinary actions.**



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**Goal 6: Youth are *involved and engaged* in all aspects of their education and educational planning and are *empowered to be advocates* for their education needs and pursuits.**



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**Goal 7: Youth have an adult who is invested in his or her education during and after his or her time in care.**



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**Goal 8: Youth have supports to enter into, and complete postsecondary education.**

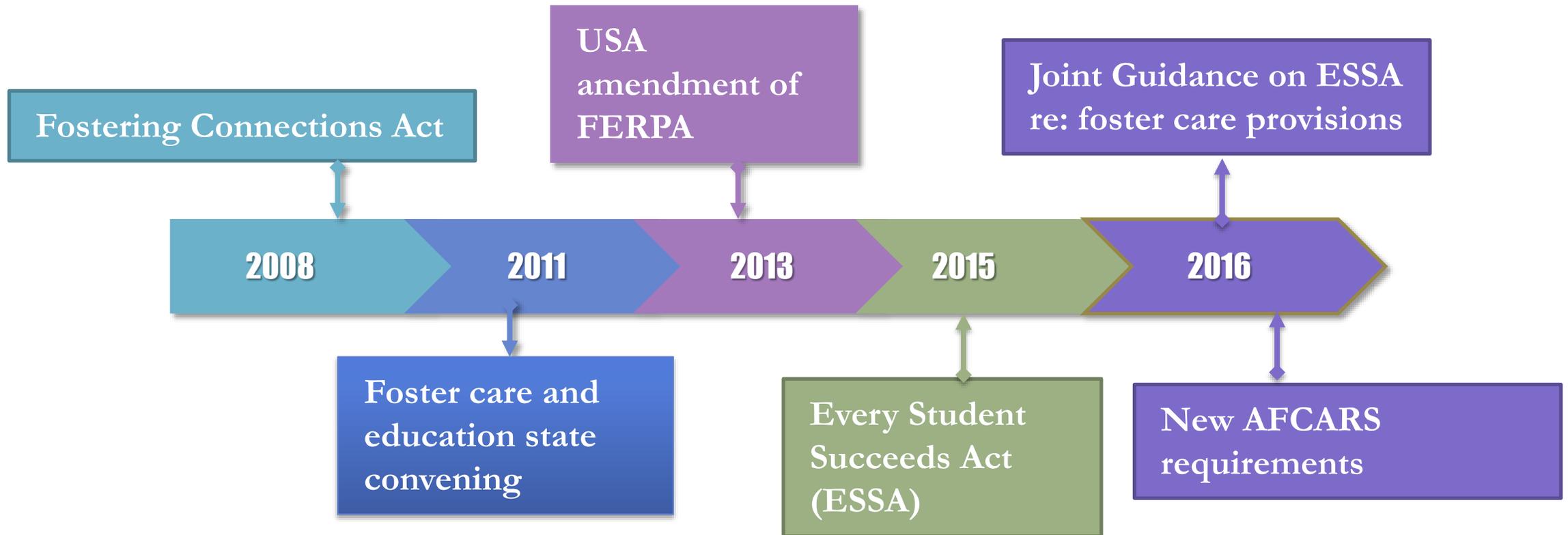
extracurriculars  
enhancements  
compassion permanency  
understanding  
consistency  
xtra new advocate  
**stability** good tutoring  
advocacy tutor  
activity support school connections counseling  
educated

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**FEDERAL LAWS THAT SUPPORT  
SCHOOL STABILITY AND CONTINUITY  
FOR CHILDREN IN FOSTER CARE**

# Federal Policy Highlights

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# Three Laws Highlighted Today

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- ❑ Family Educational Rights and Privacy Act (FERPA)
- ❑ Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections)
- ❑ Every Student Succeeds Act (ESSA)

# Family Educational Right and Privacy Act

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- **Protect privacy interests of students' education records.**
- Prohibits schools from disclosing **personally identifiable information** from students' education records **without the written consent of a parent** or eligible student, unless an exception to general consent rule applies.

20 U.S.C. § 1233g; 34 CFR Part 99

# Uninterrupted Scholars Act of 2013

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- Information can be released without parental consent to:
  - “an **agency caseworker or other representative** of a State or local child welfare agency, or tribal organization... who has the **right to access a student's case plan**
  - when such agency or organization is **legally responsible**, in accordance with State or tribal law, for the **care and protection** of the student
  - provided that the education records, or the personally identifiable information contained in such records, of the student will **not be disclosed ... except to an individual or entity engaged in addressing the student's education needs....**

# How Others Access Education Records

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CASAs, Child attorneys, other advocates:

- ❑ Parental Consent
- ❑ Child welfare agency
- ❑ Court order

# Fostering Connections Act

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- ❑ (P.L. 110-351) signed into law on October 7, 2008
- ❑ Amends Title IV-E and Title IV-B of the Social Security Act
- ❑ Addresses issues of guardianship and kinship care, tribal provisions, health, older youth **and education**

# School Stability in Fostering Connections

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## Education Stability Plan (in child's case plan):

- ❑ Each placement takes into account the **appropriateness of the current education setting** and the **proximity to the school** in which the child is enrolled at the time of placement.
- ❑ Child welfare agency has **coordinated with appropriate local education agencies ... to ensure** that the **child remains enrolled in the school** in which the child was enrolled at the time of placement.
- ❑ **If not in best interest to remain**, child welfare agency must ensure **immediate and appropriate enrollment** in a new school, **with all of the education records** of the child provided to the school.

# Every Student Succeeds Act

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- ❑ Enacted December 10, 2015
- ❑ Reauthorized the Elementary and Secondary Education Act (ESEA) (Originally enacted in 1965 and last reauthorized as the No Child Left Behind Act in 2002)
- ❑ For the first time, it contains key protections for students in foster care to promote school stability and success, and required collaboration with child welfare partners

# Overview of the Foster Care Provisions

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- ❑ **School Stability Protections** (remaining in same school; best interest determinations; immediate enrollment; transportation when needed)
- ❑ **Staff resources** at state and local education agencies (and child welfare agencies)
- ❑ **Removal of “awaiting foster care placement”** from the McKinney Vento Act
- ❑ **Required disaggregate data collection and reporting** by SEAs

# State Title I Plan Requirements: Collaboration

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- ❑ State Title I Plans must describe the steps the State Education Agency (SEA) will take to **ensure collaboration** with the State child welfare agency to **ensure the educational stability** of children or youth in foster care.
- ❑ Federal child welfare law already requires child welfare agencies to collaborate with education agencies to ensure school stability; this law **creates reciprocal obligations on education agencies.**

# State Title I Plan Requirements: School Stability

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The plan must include assurances that:

- ❑ Youth in foster care are **enrolled or remain in their school of origin, unless a determination is made that it is not in their best interest.**
- ❑ The **best interest determination** will be based on factors, including consideration of:
  - the appropriateness of the current educational setting, and
  - the proximity to the school in which the child is enrolled at the time of placement

# State Title I Plan Requirements: Immediate Enrollment

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- When a determination is made that it is not in the child's best interest to remain in the school of origin, the child will be **immediately enrolled in a new school**, even without normally required records.
- The enrolling school must contact the previous school to obtain academic and other records.

# State Title I Plan Requirements: State Point of Contact

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- The State Education Agency (SEA) must designate a **point of contact** within their agency to work with child welfare agencies, who will oversee implementation of the SEA responsibilities.
  - The SEA point of contact **may not** be the same person as the State Coordinator for homeless children and youth under the McKinney-Vento Act.

# Local Title I Plan Requirements: District Points of Contact

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- Local Education Agencies (i.e. school districts; charter schools) must designate a point of contact for children in foster care, **if the child welfare agency notifies the LEA, in writing, that it has designated a point of contact within the child welfare agency for the LEA.**

# Local Title I Plan Requirements: Transportation

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- ❑ **By December 10, 2016**, Local Title I plans must contain an assurance that Local Education Agencies (LEAs) will collaborate with the state or local child welfare agency to:
  - **Develop and implement clear written procedures for how transportation** to maintain youth in foster care in their schools of origin, when in their best interest, will be **provided, arranged and funded** for the duration of the time in foster care.
  - Ensure that children in foster care needing transportation to the school of origin **promptly receive transportation.**

These procedures must:

- ❑ Ensure that youth in foster care who need transportation to the school of origin **promptly receive it in a cost-effective manner**, and in accordance with the child welfare agency's authority to use child welfare funding available under section 475(4)(A) of Title IV-E of the Social Security Act to provide transportation.

# McKinney-Vento Program

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- One year after enactment (December 10, 2016), the phrase **“awaiting foster care placement”** will be deleted from the definition of **“homeless child or youth”** in the McKinney-Vento Homeless Assistance Act.

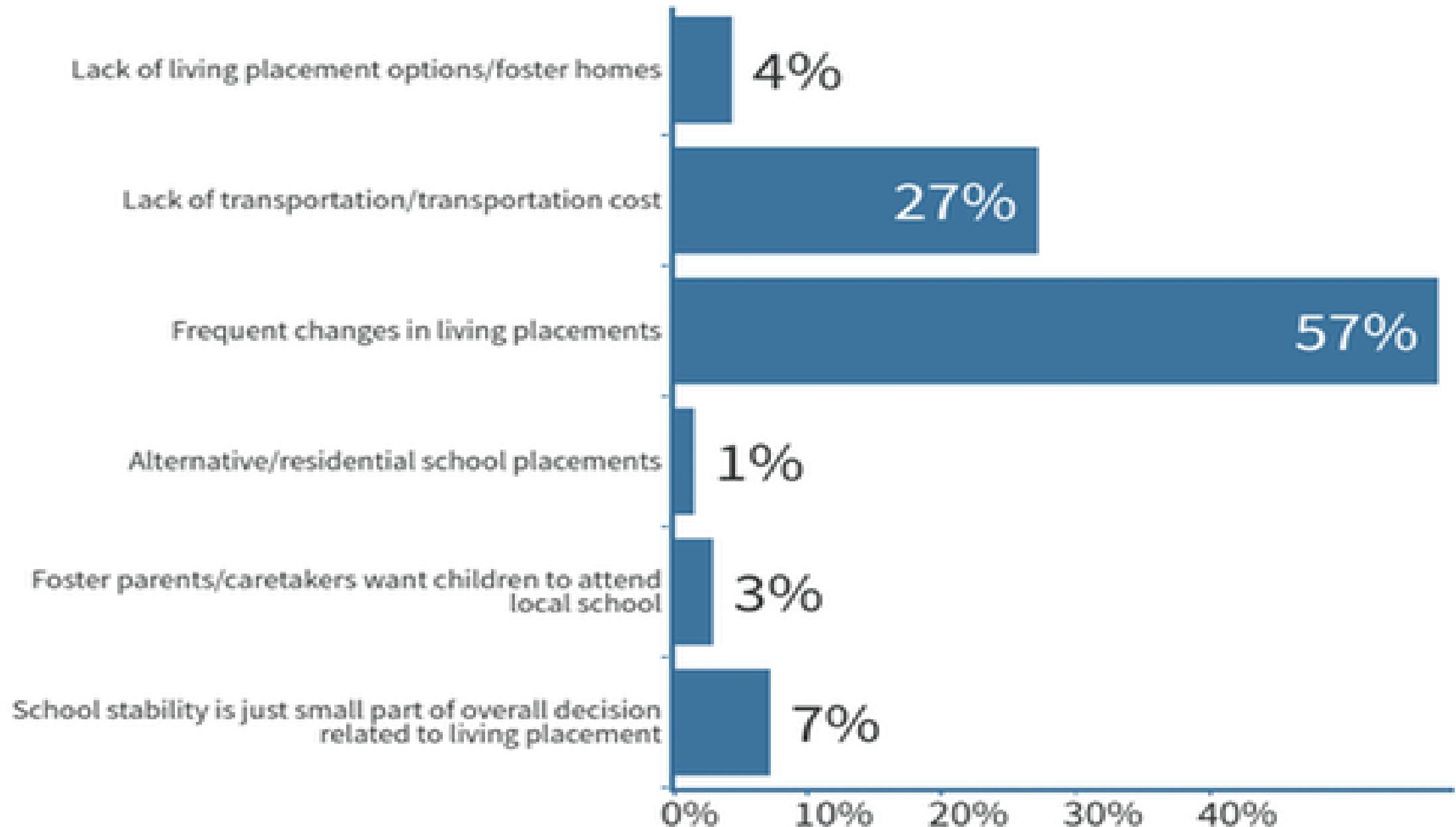
# Data and Reporting: State Report Card

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- SEAs must annually include the following disaggregate information on children and youth in foster care in their State report cards:
  - **Student achievement on academic assessments**
  - **Performance on other academic indicators**
  - **High school graduation rates**

# What can attorneys and judges do?





# Supporting school stability

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- ❑ Prevent living placement changes
- ❑ Support school stability to be part of decisionmaking when making living placement changes
- ❑ Work with students to advocate for their best interest related to school stability
- ❑ Assist with identifying creative solutions related to transportation
- ❑ Involve court when necessary
- ❑ Ensure education issues are raised at every hearing, including related to child's education decisionmaker

# Other Advocacy Opportunities

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- Transition Planning and Post Secondary Education
- Special Education
- Congregate Care
- School Discipline
- Early Childhood Education
- Youth Engagement

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# TOOLS & RESOURCES

# Tools and Resources

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- Q&A Factsheet on ESSA:

[http://fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=2004&Command=Core\\_Download](http://fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=2004&Command=Core_Download)

- June 2016 Joint Federal Guidance:

<http://www2.ed.gov/policy/elsec/leg/essa/index.html>

- June 2016 Summary of Joint Federal Guidance:

[http://fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=2069&Command=Core\\_Download](http://fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=2069&Command=Core_Download)

# Tools and Resources

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- ❑ ESSA State Implementation Toolkit:

[http://fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=2080&Command=Core\\_Download](http://fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=2080&Command=Core_Download)

- ❑ 6 Federal Webinars: Best Interest Decisionmaking, Immediate Enrollment, Collaboration, Transportation, Data, Dispute Resolution:

<https://www.childwelfare.gov/topics/systemwide/service-array/education-services/meeting-needs/educational-stability/>



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# Contact

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