



LEGAL CENTER FOR

FOSTER CARE & EDUCATION

Blueprint for Change: Education Success for Children in Foster Care

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NAPCWA

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Legal Center FCE

- Collaboration between ABA and Casey Family Programs, in conjunction with the Juvenile Law Center and Education Law Center
 - A national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children and youth in out-of-home care
 - Website: www.abanet.org/child/education
 - Listserv, Conference Calls, Publications, Searchable Database
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Blueprint for Change: Education Success for Children in Foster Care



- ❑ 8 **Goals** for Youth
 - ❑ **Benchmarks** for each goal indicating progress toward achieving education success
 - ❑ National, State, and Local **Examples**
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Stakeholders: Those who affect the lives of children in foster care and must be involved in any reform

- Foster parents
- Children, youth & alumni
- Birth parents
- Caregivers and other relatives

- Caseworkers
- Child Welfare Agencies
- Special advocates
- Tribal partners

- Court Appointed Special Advocates (CASA volunteers)
 - Children's attorneys
 - Guardians *Ad Litem* (GAL)
 - Parent attorneys
 - Child welfare agency attorneys
 - Judges & Magistrates
 - Teachers & school staff
 - School systems & attorneys
 - Policymakers
 - Community partners
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Examples of the Barriers to Educational Achievement for Children in Care

- Lack of placement stability
 - Delayed enrollment
 - Children with special education needs do not access/receive services
 - Over-representation in alternative education
 - Confusion about legal rights
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Goals for Youth

- Goal 1**: Remain in the Same School
 - Goal 2**: Seamless Transitions Between Schools
 - Goal 3**: Young Children Are Ready to Learn
 - Goal 4**: Equal Access to the School Experience
 - Goal 5**: School Dropout, Truancy, and Disciplinary Actions Addressed
 - Goal 6**: Involving and Empowering Youth
 - Goal 7**: Supportive Adults as Advocates and Decisionmakers
 - Goal 8**: Obtaining Postsecondary Education
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General Information

- Goals written from a youth's perspective
 - Youth with disabilities are addressed in each Goal and are highlighted in **RED**
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GOAL 1: YOUTH ARE ENTITLED TO REMAIN IN THEIR SAME SCHOOL WHEN FEASIBLE

- ❑ On average, a child in care may changes schools two to three times per year.
 - ❑ With each move, a child falls three to six months academically behind their classmates.
 - ❑ Academic difficulties are more likely to go unnoticed; records misplaced, credits lost and academic placements may be inappropriate.
 - ❑ Almost half of foster youth nationally do not complete high school.
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BENCHMARKS THAT SHOW PROGRESS TOWARD GOAL 1

- ❑ School stability and continuity considered in foster care placement decisions
 - ❑ Youth have a right to stay in their school of origin when in their best interest to do so, and implementation of that right includes transportation
 - ❑ Youth have necessary supports and information to make school of origin decisions; those working with youth are training on legal entitlements and dispute procedures
 - ❑ **Youth with disabilities have a stable appropriate educational setting, receive necessary services, including transportation.**
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GOAL 2: YOUTH ARE GUARANTEED SEAMLESS TRANSITIONS BETWEEN SCHOOLS AND SCHOOL DISTRICTS WHEN SCHOOL MOVES OCCUR

- Children in care fall behind due to enrollment delays
 - Failure of prior schools to locate records and to transfer all credits.
 - Missing enrollment documents or requirements (i.e. Immunization records, birth certificates, uniform)
 - Unclear who is responsible for enrolling the child and who has the authority to do so.

 - Youth in foster care do not have advocates/liaisons within child welfare or education agencies help them make a smooth transition by addressing enrollment, placement and access to school activities.
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BENCHMARKS THAT SHOW PROGRESS TOWARD GOAL 2

- ❑ Immediate, or expedited, enrollment, without typical document or record requirements that cause delays
 - ❑ Clarity on who can enroll a student
 - ❑ Timely and accurate record transfers, including protections for confidentiality
 - ❑ Timely credit transfers, partial credit calculations and considerations for graduation requirements
 - ❑ Ability to promptly participate in academic and extracurricular programs.
 - ❑ **Timely delivery of services for children with disabilities**
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GOAL 3: Young Children Enter School Ready to Learn



- A 2005 national study of 2,813 children in care found 40% of toddlers and 50% of preschoolers had significant behavioral and developmental needs.
 - Only 21% of the children identified in the study were receiving services.
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BENCHMARKS THAT SHOW PROGRESS TOWARD GOAL 3

- ❑ **Appropriate health interventions, referrals and screening**
 - ❑ **Prioritization for children in foster care for early childhood programs and services**
 - ❑ **Developmentally appropriate supports**
 - ❑ **Young children with disabilities or developmental delays (or high risk of delays) are referred, evaluated and receive early intervention and special education services as appropriate**
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GOAL 4: YOUTH HAVE THE OPPORTUNITY AND SUPPORT TO FULLY PARTICIPATE IN ALL ASPECTS OF THE SCHOOL EXPERIENCE



- A 2001 Washington State study of 4,500 children and youth in care attending public school found they scored 16 to 20 percentile points below youth not in care in statewide standardized tests at grades three, six, and nine.
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BENCHMARKS THAT SHOW PROGRESS TOWARD GOAL 4

- ❑ Youth must be able to access all aspects of the school experience *and* receive additional supports
 - ❑ Individuals working with youth must be sensitive to the school and extracurricular needs of youth , including the scheduling of appointments and hearings.
 - ❑ Youth with disabilities have same access as all student and receive the additional supports they need
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GOAL 5: YOUTH HAVE SUPPORTS TO PREVENT SCHOOL DROPOUT, TRUANCY, AND DISCIPLINARY ACTIONS



- A study by Chapin Hall found that 67% of children in out-of-home care studied had been suspended from school at least once, compared to 28% in a national sample of youth.
 - A 2006 report found that changing schools, repeating a grade, and behavior problems are signs that a student is likely to leave school without a regular diploma.
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BENCHMARKS THAT SHOW PROGRESS TOWARD GOAL 5

- ❑ Programs, trained advocates, and supports for youth
 - ❑ Prevention of inappropriate disciplinary measures and expulsion
 - ❑ Reintegration programs and supports for youth who have dropped out of school
 - ❑ Youth with disabilities have behavior intervention plans in place to minimize inappropriate school behaviors
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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



- Nothing about us without us."

BENCHMARKS THAT SHOW PROGRESS TOWARD GOAL 6

- ❑ **Involve youth in education planning, including court hearings**
 - ❑ **Support involvement in education planning and court hearings through training and transportation**
 - ❑ **Youth with disabilities participate in the special education process, especially in transition planning**
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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 OUT-OF-HOME CARE



- A 2001 Bay Area study found 68% of school-age children had special education needs, but only 36% were receiving services.
 - A 2006 Oregon study found that youth in foster care were less likely to have an advocate at their planning meeting (42% v. 69%).
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BENCHMARKS THAT SHOW PROGRESS TOWARD GOAL 7

- ❑ Trained and supportive advocates
 - ❑ Clearly identified education decision makers
 - ❑ Youth with disabilities to have access to qualified and independent surrogates
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GOAL 8: YOUTH HAVE SUPPORTS TO ENTER INTO, AND COMPLETE, POSTSECONDARY EDUCATION



- In a Chapin Hall study, youth who stayed in foster care after age 18 and had a diploma or GED were more than 3 times as likely as those no longer in care to be enrolled in college.
 - A study of more than 1,000 Casey Family Programs foster care alumni reported college completion rates of 9% a compared with 24% of the general population.
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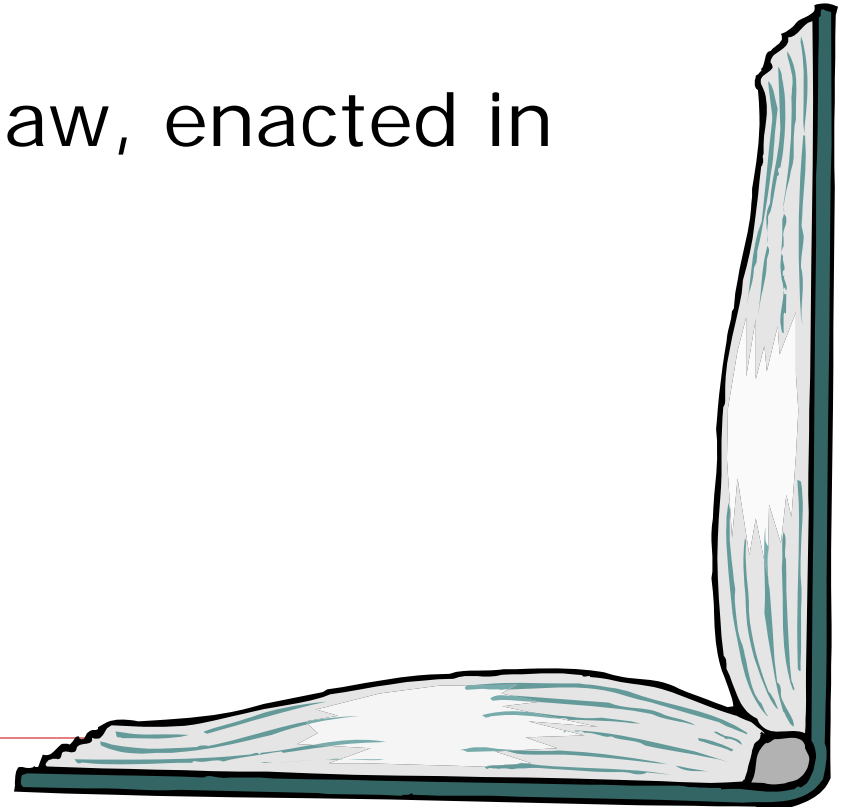
BENCHMARKS THAT SHOW PROGRESS TOWARD GOAL 8

- ❑ Youth are exposed to and prepared for postsecondary education opportunities**
 - ❑ Youth receive help with financial aid and application materials**
 - ❑ Youth have access to additional supports throughout postsecondary education**
 - ❑ Youth with disabilities pursuing higher education receive supports entitled to under federal and state law**
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Legal Tools for Goals 1 & 2



- Fostering Connections to Success Act (HR 6893)
 - New child welfare law, enacted in October 2008



Fostering Connections Act (HR 6893)



- Has many requirements related to school enrollment and stability.
 - Does not provide all the same protections as McKinney-Vento, but includes some key provisions.
 - First federal law to provide strong mandates for child welfare system to focus on education.
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Fostering Connections, cont.



- Every foster child's case plan must include assurances that the placement of the child in foster care takes into account the proximity to the school of origin. The case plan must also consider the appropriateness of the current education setting.
- Child welfare agency must coordinate with school to ensure child remains in the school of origin if in the child's best interest.
- Child welfare agency may use federal funds to provide reasonable travel for children to remain in their school of origin.

42 U.S.C. 675(1)(C)

Fostering Connections, cont.



- If remaining in same school is **not** in child's best interests, child's case plan must include assurances that the child welfare agency and local education agency must:
 - provide immediate and appropriate enrollment in a new school; and
 - provide all of the educational records of the child to the school.
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Checklist for Child Welfare Agencies

- Has the state child welfare agency provided clear direction to local child welfare agencies that the education of children in their care is part of their responsibility?
 - Has the state child welfare agency provided local child welfare agencies with clear guidance on the specific requirements of *Fostering Connections*?
 - Has the state child welfare agency provided local child welfare agencies with guidance on implementing these federal provisions?
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Checklist cont...

- Do the state child welfare agency and state education agency need to meet to discuss implementation of *Fostering Connections*? Will a joint discussion about a memorandum of understanding, interagency agreement, or joint directive be helpful? Do state or local child welfare agencies need to change case planning procedures and case plan forms to incorporate all of the case plan requirements from the education provisions of *Fostering Connections*?
 - Is there a system at the state and local levels that collects and tracks education data on each child at time of placement in foster care and periodically thereafter?
 - Has the state determined how federal Title IV-E dollars (either administrative or maintenance) can be used and the protocol to be followed to support transportation to a child's home school?
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Legal Center for Foster Care and Education Resources

- www.abanet.org/child/education/publications
 - **Data and Information Sharing (Manual and Tools)**
 - **Special Education Decisionmaking Series (includes Attorney Factsheet)**
 - **Monthly Questions & Answer Factsheets about critical issues**
 - **Fostering Connections Implementation Materials**
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State Implementation of Education Provisions of Fostering Connections

- Many states will need to pursue legislation or other policy changes to be in compliance with Fostering Connections
- Provides an opportunity to incorporate some of the known strengths of McKinney-Vento into child welfare/education state policy; such as:
 - Creation of a liaison or key point of contact in both child welfare and education agencies
 - Requirement for education agency to coordinate
 - Consider state funding streams to support school of origin transportation for children in foster care who are not McKinney eligible
 - Creation of protocols for best interest determinations as well as process for dispute resolution
 - Identifying role of the court in these processes given the children in care are court involved.



Contact Information

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