

Foster Care & Education Q&A

“FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008” – EDUCATION PROVISIONS

Q: What is the Fostering Connections to Success and Increasing Adoptions Act of 2008?

A: On October 7, 2008, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351, Fostering Connections Act) was signed into law. This law amends parts B and E of Title IV of the Social Security Act. Among its provisions to address the needs of children and youth in foster care, it seeks to promote education stability for foster children. The following Q&A answers key questions about the new education provisions.

Q: How does this law affect education stability for children in out-of-home care?

A: Child welfare agencies must include “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. As part of this plan, the agency must include assurances that:

- each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
- the state child welfare agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

Additionally, the law requires that if remaining in such school is not in the best interest of the child, the case plan must include assurances by the child welfare agency and the local educational agencies that:

- provide immediate and appropriate enrollment in a new school; and
- provide all of the educational records of the child to the school.

Finally, Fostering Connections supports the well-being of children in out-of-home care by requiring states to provide assurances in their Title IV-E state plans that every school-age child in foster care, and every school-age child receiving an adoption assistance or subsidized guardianship payment, is a full-time elementary or secondary school student or has completed secondary school.

Q: Does this law provide additional federal funding to support education stability for children in out-of-home care?

A: Fostering Connections increases the types of federal funding that may be used to cover education-related transportation costs for children in foster care. It expands the definition of “foster care maintenance payments” to include reasonable transportation to a child’s school of origin.

Q: Are there other provisions of the law that affect education?

A: In addition to school stability, the law also:

- extends Education Training Vouchers (ETVs) and Independent Living services for youth in out-of-home care who, after attaining 16 years of age, have left foster care for kinship guardianship or adoption.
- allows states, at their option, to continue providing payments for youth in foster care to age 19, 20, or 21 as long as the youth is:
 - “completing high school or a program leading to an equivalent credential; enrolled in post-secondary or vocational education;
 - participating in a program or activity designed to promote, or remove barriers to, employment;
 - employed at least 80 hours per month; or
 - is incapable of doing any of the above activities due to a documented medical condition.”

Q: How does this law impact the McKinney-Vento Act and state laws that provide education stability and other rights for children in out-of-home care?

A: The McKinney-Vento Act is a federal law that provides rights and protections to homeless children and youth, including those “awaiting foster care placement.” Currently, many states and school districts provide rights and protections to children in out-of-home care. Many states also provide education stability rights and protections to youth in out-of-home care through state laws. Fostering Connections complements and supports this work, as well as now requires all jurisdictions to address school stability and continuity.

Implementation of Fostering Connections should be tailored to every state, depending on existing education supports and services for children in out-of-home care. However, the law clearly gives the child welfare agency

responsibility to work with the local education agency to ensure the education stability of children in care. How the child welfare agency meets their responsibility is somewhat flexible, as long as youths’ rights are protected. Child welfare agencies will need to collaborate with education agencies to serve youth; this can happen in a number of ways—

- Create an interagency taskforce or workgroup to identify obstacles and develop policies to ensure compliance with Fostering Connections.
- Develop a Memorandum of Understanding (MOU) that child welfare and education agencies work together to develop and implement.
- Create a position, similar to a McKinney-Vento liaison, in the child welfare agency, and support the creation of foster care liaisons within schools.

Whichever structure or process is developed to ensure collaboration, the following issues must be addressed:

- Creating a streamlined process for ensuring that a child remains in their school of origin, including criterion or guidelines for making the best interest determination.
- Determining the most effective way to provide transportation to the child’s school of origin.
- Identifying a process to immediately enroll a child in a new school and transfer records when it is not in the child’s best interest to remain in the original school.

Q: Where can I learn more about the law’s education provisions and how to implement them in my state?

A: Because this law is relatively new, training is needed about the law to ensure its rights and protections are provided to youth. State implementation is critical. The Legal Center for Foster Care and Education will develop tools to assist jurisdictions with implementation, and is available to provide training and technical assistance. Visit www.abanet.org/child/education for updated information, and join our listserv to keep up-to-date. If you would like training or technical assistance, e-mail us at cceducation@abanet.org.