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Educating Children in Foster Care

State Legislation, 2008 – 2012



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State Legislation, 2008-2012

By Kate Bartell Nowak



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of STATE LEGISLATURES
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Contents

Executive Summary.....	1
Background.....	3
Federal Legislation.....	7
State Legislation	9
States Respond to the Fostering Connections Act: Education Stability, Transportation, Continuity and Transition Planning for Older Youth.....	9
Information Sharing and Interagency Collaboration	15
Early Childhood Development	17
Post-Secondary Educational Opportunities.....	19
Other Educational Protections and Benefits.....	22
Conclusion.....	24
Notes	25

Executive Summary

Positive school experience can help children and youth in foster care overcome some of the effects of any abuse, neglect, separation and impermanence they may have experienced; enhance well-being; and help them make successful transitions into adulthood. Yet, studies have found several barriers that may prevent foster children from succeeding in school, including multiple school changes; inconsistency; lack of communication; and delays in enrollment, among others. Since the early 2000s, a growing body of state legislation has addressed some key challenges to improving educational results for children and youth in foster care. In the four years prior to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act), at least 51 state laws were enacted to improve educational experiences and opportunities for children and youth in foster care. State legislatures were primarily concerned with inter-agency coordination, collaboration and information sharing, education stability and continuity, and post-secondary education opportunities for youth in foster care.

In 2008, the Fostering Connections Act required child welfare agencies to collaborate with school systems to ensure that a foster child remains in his or her school of origin when possible and, when a student is unable to remain in that school, he or she is enrolled immediately in a new school and records are

transferred. The Fostering Connections Act also included increased eligibility for funding for post-secondary education pursuits, an option for states to extend care to children until they reach age 21, increased transition planning requirements, and allowed youth in kinship guardianship arrangements to be eligible for post-secondary financial assistance. In addition, in 2007, the College Cost Reduction and Access Act (CCRAA) was enacted and the Higher Education Opportunity Act (HEOA) was reauthorized by the Higher Education Opportunity Act (HEOA). Both policies affect the educational opportunities for older youth in the foster care system. CCRAA clarified that, for the purposes of federal financial aid, an “independent student” includes a youth who is an orphan, in foster care or a ward of the court at any time



State Policy Options for Educating Children in Foster Care

Children and youth in foster care face significant challenges in attaining positive educational experiences and academic achievement that, in turn, influence adult life. State legislators can continue to play a critical role in improving educational opportunities and achievement for these children by considering the following state policy options.

- Decreasing unnecessary discontinuity and trauma associated with school transfers.
- Helping foster children remain in their school of origin.
- Increasing the ability to share information between child welfare agencies and schools.
- Working as conveners to bring together education agencies and child welfare agencies.
- Developing greater accountability and compatibility between education and child welfare data systems to better track educational results for children in foster care.
- Finding ways to fund post-secondary degree programs for current and former foster youth.
- Providing guidance services to foster care youth to help them successfully enter and complete a degree program.

when he or she was age 13 or older. The HEOA was designed to increase homeless and foster students' higher education preparation, access and success.

At the beginning of 2013, President Obama signed the Uninterrupted Scholars Act (USA) as a follow-up to the Fostering Connections Act. It is designed to address a barrier identified by child welfare agencies with regard to providing educational stability to children in foster care. The USA makes it easier for schools to release a child's education records to child welfare agencies without the prior written consent of the parents. These changes are designed to help child welfare agencies quickly access a student's educational records, which not only will help make decisions regarding education stability, but also will ensure that children are promptly enrolled with all school records when they do change schools. Under the USA, state legislatures likely will continue to focus on education and child welfare agency collaboration to provide stability and continuity for children in foster care.

In the years 2008 through 2012, equipped with the Fostering Connections Act, state legislators continued to focus on education stability and continuity for children in foster care. Of the total 64 enactments related to educating children in foster care, at least 39 were directly related to Fostering Connections Act provisions. In addition, at least 11 state laws were enacted related to collaboration and communication between schools and child welfare agencies. States also continued to focus on providing post-secondary opportunities for youth in foster care. Between 2008 and 2012, at least 11 states enacted laws designed to help foster care students access post-secondary education opportunities.

The following major categories of legislation related to the education of children in foster care were enacted between 2008 and 2012.

States Respond to the Fostering Connections Act's Education-Related Provisions

- **Stability:** The Fostering Connections Act requires child welfare agencies to work with education agencies to ensure that children remain in their schools of origin. Even before its passage in 2008, several states—including Arkansas, California, Missouri, New Hampshire, Oregon, Washington and Virginia—addressed educational stability through legislation that allowed children and youth in foster care to attend their school of origin. After passage of the act, Arkansas, California, Oregon and Virginia added more provisions. Between 2009 and 2012, Connecticut, Florida, Georgia, Iowa, Louisiana, Maine, Maryland, Missouri, New Jersey, Rhode Island, Utah and the District of Columbia enacted new legislation related to educational stability.
- **Transportation:** The Fostering Connections Act provides that state foster care maintenance payments can include “reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.” Connecticut and Louisiana laws specifically required schools to provide transportation for children to their school of origin, if necessary.
- **Continuity:** If it is not in the child's best interest to remain in the school of origin, the Fostering Connections Act requires immediate and appropriate enrollment in a new school, along with transfer of all educational records. Before passage of the act, nine states had legislatively

required immediate enrollment of children in new schools when a school transfer was necessary. Between 2009 and 2012, an additional seven states—Colorado, California, Oklahoma, Maryland, Missouri, South Carolina and Texas—enacted education continuity laws that specifically define “immediate and appropriate” enrollment.

- **Transition Planning:** From 2009 through 2011, lawmakers in Arkansas, California, Colorado, Georgia, Illinois, Iowa, Minnesota, Nebraska, New Mexico, North Dakota, Texas, Washington and Wisconsin enacted legislation requiring development of a transition plan to help foster youth successfully enter adulthood. The transition plans must cover specific education options.

Information Sharing and Interagency Collaboration

- **Information Sharing:** Information sharing can help child welfare workers make informed individual placement decisions and develop transition goals for children in foster care. Between 2008 and 2011, Florida, Nevada, Tennessee, Texas and Washington addressed information-sharing concerns through legislation.
- **Interdisciplinary Collaboration:** Colorado, Louisiana and Maine legislatively addressed interdisciplinary collaboration between departments such as child welfare, education, corrections and/or health to ease implementation of services for children in foster care.
- **Report to the Legislature:** Colorado and Washington enacted legislation requiring the department of human services or education to provide an annual report to the legislature regarding the status of education for children in foster care.

Early Childhood Development

- Children under age 1 represent the largest group of children to enter into the foster care system annually. Many of the infants, toddlers and preschoolers in foster care have been exposed to poverty, substance abuse, and/or parental neglect and abuse. Developmental delays are extremely common among children younger than age 5 who are in out-of-home care. In 2012, Connecticut and Michigan enacted laws designed to provide resources for early childhood development services for children in foster care.



Post-Secondary Educational Opportunities

- Unfortunately, far fewer youth in foster care attend a post-secondary education program compared to their peers who are not in foster care. States have worked to remedy some of the factors contributing to why foster youth have not attended or succeeded in post-secondary education programs including: lack of awareness of available opportunities; lack of skills to navigate the application process; and, lack of financial assistance. Between the years 2008 and 2011, Delaware, California, Hawaii, Illinois, Indiana, Maryland, Missouri, Oklahoma, Tennessee and Texas enacted legislation designed to improve post-secondary opportunities for youth in foster care focusing primarily on financial assistance. Since 2008, at least seven

states have implemented some type of post-secondary education tuition waiver policy for their students from foster care either through legislative policy, or through child welfare regulations.

Other Educational Protections and Benefits

- **Oversight of Student Performance and Achievement:** Colorado, Mississippi and Nevada enacted legislation to provide oversight either from the Department of Education or the Department of Human Services to track performance of students who are in out-of-home placement.
- **Safeguards:** Georgia provided further safeguards for foster care students by allowing a student to not be counted as absent from school in order to attend court proceedings.

This report first provides background on academic performance of children in foster care and describes what researchers have identified as major systemic obstacles to the academic success of these children. To provide context for the state enactments, the report explains federal legislation enacted since 2008, including the Fostering Connections to Success and Increasing Adoptions Act of 2008, the College Cost Reduction Act, the Higher Education Opportunity Act and the new Uninterrupted Scholars Act.

The report focuses primarily on describing state enactments related to educating children in foster care from 2008 to 2012. It identifies legislation in the following categories: states' response to the Fostering Connections Act (which includes education stability, transportation, education continuity and transition plans), information sharing and interagency collaboration, early childhood development, post-secondary opportunities, and other educational protections and benefits.

Background

“I was moving to different schools and different homes while I was in school, so it was so hard to catch up, it throws me way off. I remember one time I said to my social worker, ‘don’t move me right now, whatever you do, don’t move me right now, because it’s going to be so hard for me to catch up...’” (Foster Youth, Hopes and Hurdles, California Foster Youth and College Financial Aid, The Institute for College Access and Success, October 2009).

During 2008 through 2012, between 753,000 and 646,000 children and youth were served by child welfare agencies each year.² Most children who enter foster care have been exposed to conditions that have undermined their chances for healthy development.³ They may have experienced abuse and neglect or been exposed to illicit drugs or poverty.⁴ Once in foster care, children may be separated from their siblings, moved from one foster care placement to another, or may experience frequent changes in caseworkers.⁵ Educational success can help children and youth overcome some of the effects of any abuse, neglect, separation and impermanence they may have experienced in foster care.⁶

For all children—and, in particular, for children and youth in foster care—positive school experiences can enhance children’s well-being, help them make more successful transitions into adulthood, and increase the likelihood that they can achieve personal fulfillment and economic self-sufficiency while contributing positively to society.⁷ Yet, studies across the county have found that, compared to similar children who are not in foster care, children and youth in foster care have lower proficiency rates, are more likely to receive poor grades and are less likely to do their homework; have higher rates of absence or tardiness, higher mobility and rates of school transfer, higher grade retention rates, higher

discipline referral rates and instances of suspension or expulsion, higher rates of special education classification; experience a significantly higher dropout rate; and are less likely to

enroll in college.⁸ These studies raise critical issues about how to intervene and improve overall success for children and youth in foster care.⁹

The Child and Family Services Reviews (CFSRs) are designed to help states improve success for children and families who come into child welfare agencies.¹⁰ One outcome measured, Well-Being Outcome 2, is designed to assess whether children receive services to meet their educational needs.¹¹ During the first round of CFSRs, which occurred between 2001 and 2004, the U.S. Department of Health and Human Services noted common challenges among states related to the educational needs of children in care, including:

- Multiple school changes as a result of placement changes;
- Inconsistency in providing services to meet children’s education related needs;
- The educational needs of children were not assessed or addressed;
- Difficulty maintaining or coordinating educational services;
- Lack of communication; and
- Delays in transferring Individual Educational Plans and credits and delays in enrollment.¹²





Research and advocacy have highlighted the critical importance of educational success for children and youth in foster care to ensure their healthy development and positive adult functioning following discharge from foster care.¹³ Educational coordination, stability, continuity, advocacy and opportunity have been found to be essential to positive educational experiences and academic success.¹⁴ State lawmakers responded to this call to improve educational experiences for children and youth in foster care with a variety of legislative enactments between 2008 and 2012, designed to improve educational success.

Federal Legislation

The Fostering Connections to Success and Increasing Adoptions Act of 2008

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (hereafter referred to as the Fostering Connections Act) was enacted on Oct. 7, 2008.¹⁵ The law was designed to promote permanent family connections and improve the lives of children in foster care. Recognizing the importance of education, the Fostering Connections Act contains an education stability provision.¹⁶ Child welfare agencies must collaborate with school systems to ensure, when possible, that a child remains in his or her school of origin; transportation is provided to the school of origin; and, when a student is unable to remain in the school of origin, he or she is enrolled immediately in a new school and records are transferred.¹⁷ The act also contains a transition planning requirement for youth educational needs.¹⁸

The Fostering Connections Act works with both the McKinney-Vento Homeless Assistance Act, which addresses the educational needs of homeless children,¹⁹ and the Individuals with Disabilities Education Act (IDEA), which addresses the educational needs of children with disabilities.²⁰ The McKinney-Vento Act provides for educational stability as it offers homeless children “awaiting foster care placement” certain rights and protections, including the right to remain in their original schools. Although only some children in foster care meet the definition of “awaiting foster care placement,” the Fostering Connections Act now works to keep all foster care children in their school of origin when it is in their best interest.²¹ Under IDEA, the Individualized Education Program team, along with the IDEA parent, determine whether a child has

a disability, what kind of special education services the child will receive and at what location.²² The child welfare agency, however, has authority to make the Fostering Connections Act school stability decision to determine whether the child should remain in the current school or whether a change of schools is in the child’s best interest.²³ Because the children who are affected by the Fostering Connections Act also are potentially affected by McKinney-Vento and IDEA, it is important for child welfare agencies to coordinate and collaborate with these education agencies to ensure all federal requirements are met.

Specifically affecting older youth, the Fostering Connections Act includes increased eligibility for funding for post-secondary education pursuits, an option for states to extend care to age 21, and increased transition planning requirements. The Fostering Connections Act also explicitly makes those youth who entered kinship guardianship arrangements from foster care at age 16 or older eligible for Education and Training Vouchers (ETVs) that can provide up to \$5,000 for tuition at post-secondary educational or vocational programs.²⁴

The College Cost Reduction Act and the Higher Education Opportunity Act

In 2008, two other federal policies were enacted that affect educational opportunities for older youth in the foster care system. These include the College Cost Reduction and Access Act (CCRAA) and the Higher Education Act, reauthorized by the Higher Education Opportunity Act (HEOA). CCRAA makes clear that, for purposes of federal financial aid, an “independent student” includes a youth who is “an orphan, in foster care, or a ward



of the court at any time when the individual was 13 years of age or older.”²⁵ This provision significantly increases the number of former and current youth in care who may qualify in this category. If a youth is considered “independent,” only the youth’s income, not that of a parent or guardian, is considered when determining eligibility for financial aid for post-secondary education and training programs.

The HEOA included amendments designed to increase homeless and foster students’ higher education preparation, access and success. The reauthorization made adjustments to the Federal TRIO Programs (TRIO) and Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) both of which are designed to increase the number of low-income and disadvantaged students who are prepared to enter and succeed in post-secondary education.²⁶ The law now requires that each institutional or state applicant for funds under the TRIO and Gear UP programs to identify and make available services—including mentoring and tutoring, among others—to foster care youth (including both those in care and those who have left care after reaching age 13).²⁷ The law also makes homeless children and youth or youth in foster care (including those who have left foster care after reaching age 13) automatically eligible for all TRIO and Gear Up programs.²⁸ In addition, the law makes clear that services and programs such as counseling, mentoring and tutoring can be “specially designed for” homeless students, those in or aging out of foster care, and disconnected youth.²⁹

The Uninterrupted Scholars Act

At the beginning of 2013, President Obama signed the Uninterrupted Scholars Act (USA), which pro-

vides an important exception to the Family Educational Rights and Privacy Act (FERPA).³⁰ USA is intended to address barriers related to the privacy requirements of FERPA that child welfare workers face as they attempt to put into practice the educational stability provisions of the Fostering Connections Act.

FERPA is designed to protect the privacy of student education records and dictates what information from a student’s records can be shared, with whom, and under what circumstances.³¹ The USA creates a new exception under FERPA that makes it easier for schools to release a child’s education records to child welfare agencies without the prior written consent of the parents; it also eliminates the requirement that education agencies notify parents before education records are released pursuant to a court order to any individual, when the parent is a party to the case where that order was issued.³² These changes are designed to help child welfare agencies quickly access a student’s educational records, which will help them make decisions about education stability and, when children do change schools, to ensure their prompt enrollment with all school records.³³

The changes to federal law regarding education of children and youth in foster care has encouraged state legislatures to examine state law to ensure compliance with and take advantage of incentives provided by federal law. States have used the Fostering Connection Act, CCRAA and HEOA to ensure that children in foster care receive access to a quality education and to better prepare them for and provide access to higher education. Now, under the USA, state legislatures can continue to work to improve education access and services to children and youth in foster care.

State Legislation, 2008 – 2012

Since 2007, legislative efforts to improve the educational achievement of children in foster care have continued to increase substantially across the country. Most efforts have centered around the 2008 federal Fostering Connections Act, resulting in enactment of 64 laws in 33 states and the District of Columbia. Seven laws were passed in six different states in 2008; 23 were passed in 17 states in 2009; 12 were passed in 10 states and the District of Columbia in 2010; 13 were passed in nine states in 2011; and 9 laws were passed in eight states in 2012.

These laws focus on issues that are critical to ensuring educational success for children and youth in foster care: educational stability and continuity; interagency coordination, collaboration, and information-sharing; early childhood development; post secondary educational opportunities; and other educational protections and benefits.

States Respond to the Fostering Connections Act: Education Stability, Transportation, Continuity and Transition Planning for Older Youth

Specific provisions of the Fostering Connections Act relate to educational stability. They require state child welfare agencies to include educational stability as part of every child's case plan, which must provide:

- Assurance that the child's placement in foster care takes into account the current educational setting and proximity to the school;
- Assurance that the state agency has coordinated with local educational agencies to ensure the child remains in school;

- If remaining in such school is not in the best interests of the child, assurances by state and local agencies to provide immediate enrollment and transfer of records to a new school; and
- Consideration of reasonable travel for the child to remain in his or her current school.³⁴

States have responded to this provision by enacting education stability legislation focusing on helping foster children remain in their school of origin, providing transportation to the school of origin and focusing on immediate transfer of records to a new school when necessary.

The Fostering Connections Act also requires that, during the three-month period immediately prior to the child's 18th birthday (or older as the state may elect), a caseworker must help and support the child's efforts to develop a transition plan. The plan not only must be personalized at the direction of the child and be as detailed as he or she chooses, but also must include specific options, including education.

Education Stability

One significant barrier to the educational success of children and youth in foster care is placement instability and the resulting school mobility. Studies have shown that school mobility—including adjustment, changes in curricula and expectations and changes in teachers and peers—can contribute to lower school performance, progress and engagement.³⁵ In a meta-analysis of 16 studies, mobility was associated with lower achievement in math and reading and higher rates of school dropout.³⁶



The Fostering Connections Act requires that child welfare agencies work with education agencies to ensure that children remain in their school of origin. A student is in proximity to a school if his or her location allows him or her to continue in the same school without the need for special transportation.³⁷ When making placement decisions, both the proximity and appropriateness of the educational setting should be considered.³⁸ Under the Fostering Connections Act, the child welfare agency is responsible for determining if remaining in the school of origin is in the child's best interests. In making school stability decisions, the child welfare agency should coordinate with the various parties involved and consider the child's preference, safety, permanency goals, sibling placement and the ability of the school to serve the child's needs.³⁹

Even before enactment of the Fostering Connection Act in 2008, several states—including Arkansas, California, Missouri, New Hampshire, Oregon, Washington and Virginia—addressed educational stability through legislation that allowed children and youth in foster care to attend their school of origin (these states are highlighted in two previous NCSL reports on educating youth in foster care).⁴⁰



Under the Fostering Connections Act, Arkansas, California, Oregon and Virginia added further provisions.

Arkansas. In 2005, legislation allowed children to remain at their school of origin when possible.⁴¹ In 2011, legislation required that each child in foster

care be helped to remain in his or her current school. The law further required that those directly

involved in the care, custody and education of a foster child work to ensure continuity of educational services to that child.⁴²

California. In 2005, legislation required a foster child's school of origin to be one the child attended in the past 15 months.⁴³ In 2012, legislation required a local educational agency to allow a former foster child to continue his or her education in the school of origin through graduation if the jurisdiction of the court is terminated while the foster child is in high school.⁴⁴

Oregon. In 2005, legislation allowed children to attend their school of origin when they entered foster care or transferred from one placement to another, directed courts to give preference to potential foster care placements that could maintain the child in his or her school of origin, and required the placement agency to provide transportation for a child who must transfer from his or her school of origin.⁴⁵ In 2011, legislation required that those living temporarily in a school district for the primary purpose of attending a district school not to be considered a resident of the district in which they are living temporarily, but to be considered a resident of the district in which they, their parents, their guardians or those in parental relationship to them reside. If an individualized education program for the child has been developed, reviewed and revised by another school district and the child becomes a resident of a school district, the school district must implement the individualized education program developed by the other school district until a new individualized education program is developed.⁴⁶

Virginia. In 2005, legislation directed that a foster child who moved into a new school district be allowed to continue to attend his or her school of origin, and the school could be accorded foster

child education payments from the new school district.⁴⁷ In 2011, legislation allowed a child placed in foster care to remain at his or her original school, if it is determined to be in his or her best interests. The law required that determination of the school placement be made in writing by the placing social services agency and the local school division together, and added the school placement to the foster care plan.⁴⁸ Then, in 2012, Virginia clarified that the agreement about where a child placed in foster care will attend school does not need to be made before placing the child in foster care.⁴⁹

In addition, Connecticut, Florida, Georgia, Iowa, Louisiana, Maine, Maryland, Missouri, New Jersey, Rhode Island, Utah and the District of Columbia enacted new legislation related to educational stability between the years 2009 and 2012.

In 2010, for example, Rhode Island legislation created a special 21-member legislative commission, the Task Force on the Education of Children and Youth in the Care of the Department of Children, Youth and Families (DCYF). The task force was designed to study the challenges of ensuring the educational stability and success of children and youth involved in child welfare from prekindergarten to college.⁵⁰ In March 2012, the task force released its major findings:

- School stability is paramount to ensuring educational success of children in DCYF care.
- Current systems, rules and regulations must be improved to better promote school stability.
- A welcoming and understanding school culture is vital to success in a new school placement.
- The Rhode Island Family Court plays a critical role in ensuring the educational stability and success of children in state care.
- Children in state care with special education needs can be better served with additional supports for students and caregivers, includ-

ing strengthening the state's educational advocate/surrogate parent program.

- Positive and enriching early learning experiences for infants, toddlers and preschoolers are critical for brain development and as a foundation for all future learning.⁵¹

In response to these findings, the task force recommended the following:

- Prioritize educational stability in child placement decision making and clarify the right of children to remain in their original school when it is in the child's best interests.
- Improve cross-agency alignment of DCYF, the department of education and local education agency, and other agency data systems and the capacity to analyze this data.
- Improve student transitions and minimize delays in enrollment.
- Ease transfer of credits, transcripts and performance-based evidence for secondary school students to ensure that school changes do not inhibit students' ability to graduate.
- Develop and implement solutions to the appropriate sharing of student information, including sensitive information.
- Find collaborative transportation solutions for DCYF-involved students.
- Preliminary recommendation to be further developed: Consider further revising statewide school funding to account for education of foster care youth.
- Increased coordination between the family court, the Department of Education and local school districts, and DCYF is critical to informing the court of the child's best interests.



- Improve supportive services for DCYF-involved students who are at risk or in need of special education services and their parents and strengthen the educational advocate/surrogate parent program.
- Ensure access to early learning programs for children in DCYF care as well as those still at home but receiving preventive services from the state.⁵²



In Florida, Senate Bill 1128, enacted in 2009, required that, in placing children, the Department of Children and Family Services must take into account the appropriateness of the current educational setting and the proximity of the placement to the school in which the child is enrolled at the time of placement. The department must coordinate with appropriate local educational agencies to ensure that the child remains in the school in which he or she is enrolled at the time of placement.⁵³

In 2009, Iowa legislation required documentation of the educational stability of the child while in foster care.⁵⁴

In Louisiana, laws enacted in 2009 required public school governing authorities to ensure that children in foster care are allowed to remain enrolled in the same public schools in which they were enrolled when entering foster care.⁵⁵ A 2012 law specified that children in foster care must be allowed to remain in the public school in which the child was enrolled at the time he or she entered foster care for the duration of the child's stay in custody of the state or until the highest grade offered at the school is completed.⁵⁶

In 2009, Missouri House Bill 154 created a "Foster Care Education Bill of Rights," which designates an educational liaison from each school district for children in foster care. The law established that each child-placing agency must promote educational stability for foster children when making placement decisions by considering their current school attendance area. The foster care pupil must have the right to remain enrolled in and attend his or her school of origin, pending resolution of school placement.⁵⁷

In Utah, 2009 legislation required child placement agencies to consider educational stability for children in foster care. The law allowed a student to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of the federal Fostering Connections to Success Act.⁵⁸

In 2010, Connecticut legislation established that, whenever a child is placed in out-of-home care by the Department of Children and Families, he or she may continue to attend his or her school of origin.⁵⁹

In the District of Columbia, laws enacted in 2010 created additional case plan requirements, including a plan for ensuring the educational stability for any child in foster care whose permanency plan is placement with a relative guardian who receives kinship guardianship assistance. The law further required that the child remain in the school in which he or she was enrolled at the time of placement.⁶⁰

In Georgia, 2010 House Bill 1085 included provisions for ensuring the educational stability of a child while in foster care, such as an assurance that the state agency has coordinated with appropriate local educational agencies to keep the child in the

school in which he or she is enrolled at the time of placement.⁶¹

A 2010 Maine law stipulated that a student placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian is considered a resident of either the school administrative unit where the student resides during the placement or of the school administrative unit where the student resided prior to the placement, based on the best interests of the student.⁶²

In New Jersey, a 2010 law required that, when the Division of Youth and Family Services in the Department of Children and Families places any child in a resource family home, including during a change in a placement following the initial placement, there shall be a presumption that the child shall remain in the school currently attended.⁶³

A Maryland law passed in 2012 allowed a child in state-supervised care to remain at the school the child had been attending, regardless of whether the child resides in the school's geographic attendance area, if the local Department of Social Services, the Department of Health and Mental Hygiene (DHMH) or the Department of Juvenile Services (DJS) determines that it is in the best interests of the child to continue at that school. The secretary of human resources must adopt regulations establishing factors to be considered in determining the best interests of the child.⁶⁴

Transportation

In determining what placement is in the child's best interests, the child welfare agency is not allowed to consider costs of transportation.⁶⁵ The Fostering Connections Act provides that state foster care maintenance payments can include "reasonable travel for the child to remain in the school in which

the child is enrolled at the time of placement."⁶⁶ These funds will go to children who are placed in out-of-home care outside their school district of origin. Under McKinney-Vento, transportation for homeless children awaiting foster care will be arranged and funded through the education system.⁶⁷ Two states have passed laws that specifically require providing transportation to children to their school of origin, if necessary.

In Louisiana, 2009 laws established that, if the placement is outside the jurisdictional boundaries of the public school in which the child is enrolled, the governing authority of such school shall be responsible for providing free transportation for the child.⁶⁸

A Connecticut law passed in 2010 established that, if it is determined to be in a child's best interests to remain in his or her school of origin, the department and the Board of Education must collaborate on a transportation plan for the child from the town in which he or she is placed to the school of origin.⁶⁹

Education Continuity

If it is not in the child's best interests to remain in the school of origin, the Fostering Connections Act requires immediate and appropriate enrollment in a new school with all the child's educational records to be provided to that school.⁷⁰ Because the Fostering Connections Act does not clearly define "immediate and appropriate," state legislation plays an important role.⁷¹



Before enactment of the Fostering Connections Act, nine states had laws requiring the immediate enrollment of children in new schools when a school transfer was necessary.⁷² In 2008, for example, Colorado legislation required each school district to appoint a person to act as the child welfare education liaison to work with child placement agencies, county departments and the state department to facilitate placement, transfers and enrollment in school for children in out-of-home placements. The law provided that, when a student in out-of-home placement transfers from one school to another, the district or school is to transfer the records after receiving a request for transfer and the receiving district or school is to immediately enroll the transferring student.⁷³

After the enactment of the Fostering Connections Act, seven additional states legislatively addressed continuity.

In Oklahoma, legislation enacted in 2009 created a Passport Program in the Department of Human Services to compile education, medical and behavioral health records for children in protective custody, kinship care and foster care. The passport must accompany each child to wherever the child resides so long as he or she is in the department's custody.⁷⁴

A 2009 Texas law established education transition assistance to students in substitute care. This transition assistance includes ensuring that school records are transferred within a set time frame and that systems are developed to ease the transition for the student during the first two weeks of enrollment at a new school.⁷⁵

In Colorado, provisions of 2010 House Bill 1274 determined that, for children in out-of-home placements, the Department of Human Services must provide notification to the child welfare edu-

cational liaison of the pending enrollment in a public school. The law established that the Department of Human Services and the Department of Education must enter a memorandum of understanding that includes a consistent and uniform approach to sharing medical, mental health, sociological and scholastic achievement data about students between a school district, charter school or institute charter school, and the county department of social services to better facilitate creation of transition plans for those students and ensure the safety of the people in the school community.⁷⁶

A 2010 South Carolina law provided that school districts must take certain measures to help ensure that the education needs of children in foster care are met by assisting with enrollment, school records and credit transfers, access to resources and activities, and excused absence make-up requirements.⁷⁷

In California, 2011 Assembly Bill 709 specified that a school is required to immediately enroll a foster child, even if he or she is unable to produce medical records, including, but not limited to, records or other proof of immunization history.⁷⁸ California 2011 Senate Bill 578 required a school district and a county office of education to award a pupil in foster care full or partial credit for the course work completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency, even if the pupil did not complete the entire course.⁷⁹

A 2012 Maryland law authorized county superintendents of schools to require that an affidavit verifying that a child is living in an informal kinship care arrangement for school attendance purposes be accompanied by supporting documentation only after the child is allowed to enroll in a public school.⁸⁰

In 2012, Missouri legislation required schools to implement specified criteria regarding the timely enrollment of foster care children and required the receiving school to initially honor placement of the student in educational courses and programs based on the student's previous enrollment or educational assessments from the sending school.⁸¹

Transition Planning

From 2009 through 2011, lawmakers in Arkansas, California, Colorado, Georgia, Illinois, Iowa, Minnesota, Nebraska, New Mexico, North Dakota, Texas, Washington and Wisconsin enacted legislation requiring development of a transition plan to help youth successfully enter adulthood.⁸² The transition plans must cover specific options for the youth, including education; the plans must be personalized at the direction of the youth; and they must include as much detail as the youth wants. States must help and support youth to develop these plans during the 90-day period before the youth reaches age 18 or up to age 21 as determined by the state child welfare agency. In addition to education options, the plans must include options for housing, health insurance, health care, local opportunities for mentors and continuing support services, workforce supports and employment services.

Information Sharing and Interagency Collaboration

Child welfare agencies cannot fully achieve education stability for foster children without the support of and coordination with education agencies. Collecting and sharing data is important both at the individual child level and at a system-wide level.⁸³ Data collecting and sharing can inform decision making for those involved in drafting policies and laws, can inform individual placement decisions and transition goals, and also help to forge inter-agency collaboration.⁸⁴

The Fostering Connections Act specifically requires child welfare agencies to coordinate with education agencies regarding the stability and continuity goals discussed in the previous section.⁸⁵ To collaborate, state agencies must take into account the various federal statutes governing collecting and sharing data. Under the federal No Child Left Behind Act, state education agencies must collect significant data regarding student academic progress and needs, but this does not include specific data related to children in foster care. Similarly, child welfare agencies must collect and report data about children in out-of-home care through the federal Adoption and Foster Care Analysis and Reporting System, but this does not include information about education.⁸⁶

To further complicate matters, between 2008 through 2012, the Federal Education Rights and Privacy Act (FERPA) prohibited disclosure of information on an individual child's educational records without parental consent, judicial order or for anonymous data.⁸⁷ In addition, the Child Abuse Prevention and Treatment Act (CAPTA) required that, for a child welfare agency to share information with an education agency, either a state statute must authorize the information sharing or it must be established that the school system needs the information to protect children from abuse and neglect.⁸⁸ Recognizing the importance of interagency information sharing, some states have required agreements, collaboration and information sharing between the child welfare and education systems. Some states also require that this data be reported to the state legislature. These statutes are discussed on the following pages.



In early 2013, The Uninterrupted Scholars Act (USA) was signed into law.⁸⁹ The USA creates a new exception under FERPA that makes it easier for schools to release a child's education records to child welfare agencies without the prior written consent of the parents. It also eliminates the requirement that education agencies notify parents before education records are released pursuant to a court order to any individual, when the parent is a party to the case where that order was issued.⁹⁰ These changes are designed to help child welfare agencies quickly access a student's educational records. This will help with making decisions about education stability and, when children do change schools, that they are promptly enrolled with all school records.⁹¹ In 2013 and beyond, state legislators may want to examine, and possibly amend, their state education codes to be compliant with the USA exception to provide educational records to public child welfare agencies or require education agencies to collaborate with child welfare agencies.

Information Sharing

Several states have previously addressed information sharing through legislation, or local agencies have addressed the issue without legislation. Between 2008 and 2011, five states specifically addressed information sharing through legislation.

In 2008, Washington House Bill 2679 required the education records of a student in out-of-home care to be transmitted to the Children's Administration within two days of the Children's Administration's request.⁹²

In Florida, Senate Bill 1128, enacted in 2009, required the Department of Education to access the Florida Safe Families network to obtain information about children known to the Department of Children and Family Services.⁹³

In Texas, legislation enacted in 2009 required the Texas Education Agency (TEA) and the Department of Family and Protective Services (DFPS) to enter into a memorandum of understanding about tracking educational information about foster children. At the time the legislation was enacted, TEA was already coding and tracking homeless and at-risk children to ensure they achieve academic success.⁹⁴

A 2010 Tennessee law required that permanent educational records of students who have been in state custody be forwarded to the Department of Children's Services when a department provider agency school ceases operation or when the department no longer contracts with the provider agency.⁹⁵

Provisions of a 2011 Nevada law prohibited an employee of a school district from disclosing to anyone who is not employed by the school district any information relating to a pupil who is placed in foster care.⁹⁶

Interdisciplinary Collaboration

In Louisiana, a 2008 law required that state departments, including the Department of Health and Hospitals and the Department of Social Services, guide implementation of service delivery integration designed to meet the needs of children and their families. The law authorized establishment of a Neighborhood Place to implement the service integration delivery model. The goals of Louisiana's integrated case management delivery model included providing citizens with timely access to an array of services, including education, and to address foster care and adoption as well as family safety and stability.⁹⁷

A 2009 Colorado law created an Office of Dropout Prevention and Student Re-Engagement within the Department of Education that is intended, among other things, to promote collaboration between education providers and the child welfare system. The collaboration includes collecting and reviewing student data and developing and recommending methods for reducing student drop-out rates and increasing student engagement and re-engagement.⁹⁸

A Colorado law enacted in 2010 required the Department of Human Services and the Department of Education to enter into a memorandum of understanding concerning enrollment of students in the public school system from a state-licensed day treatment facility, facility school or hospital-licensed school. The purpose of the memorandum is to collaborate in student placement, better facilitate creation of plans for helping students make the transition to public school systems, and ensure the safety of people in the school community.⁹⁹

In 2010, laws were enacted in Maine that required the departments of corrections, education, health and human services, and labor to develop a jointly agreed-upon, statewide, district system designed to coordinate and implement service delivery initiatives to increase high school graduation rates, reduce the number of youth in the juvenile justice system, reduce child abuse and neglect, and increase employment opportunities for youth. The law further required that the departments work with the coordinated services district system to ensure flexible funding and timely response and provision of services, to develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system, and to develop a plan that identifies an ongoing mechanism that provides flexible funding for youth who are served by several state agencies.¹⁰⁰

Report to the Legislature

In 2008, Washington House Bill 2679 required the superintendent of public instruction to provide an annual aggregate report to the Legislature on the educational experiences and progress of students in Children's Administration out-of-home care. The report is designed provide information about which school districts are experiencing the greatest successes and challenges in achieving quality educational results for students in Children's Administration out-of-home care.¹⁰¹

In 2011, Colorado House Bill 1079 required the Department of Human Services, county departments of social services and other state departments to submit to the General Assembly a yearly consolidated report on prevention, intervention and treatment services provided to homeless youth ages 18 to 21. The law further required that the report include data from the Department of Education on the number of homeless youth enrolled in public schools in the state and the list of services that are provided to such youth.¹⁰²

Early Childhood Development

Forty-eight percent of the children entering foster care each year are age 5 or younger, and children under age 1 represent the largest group of children (16 percent) to enter the foster care system each year.¹⁰³ More than 151,500 (38 percent) of the total children in foster care are age 5 and younger.¹⁰⁴ Many of these infants, toddlers and preschoolers who enter the child welfare system already have been exposed to poverty, substance abuse, and parental neglect and abuse.¹⁰⁵ Compared to other children living in poverty, young children in foster care are far more likely to have developmental delays.





Research suggests that children with health or developmental problems fare worse in child welfare systems.¹⁰⁶ These vulnerable children are

far less likely to receive services that address their needs because they often lack the most fundamental resources to ensure their healthy development—a consistent relationship with a committed, caring adult who can observe their development over time, advocate on their behalf and consent to services.¹⁰⁷ Further, research has found a high need for early intervention and early childhood education services among young children in foster care, yet many of these children do not receive these services.¹⁰⁸ For example, children in foster care are less likely to be enrolled in Head Start than eligible, low income children as a group.¹⁰⁹

The importance of state support for early childhood services for children in foster care has been evident at the federal level in reauthorization of IDEA, Part C – Early Intervention (2004) and Head Start (2007).¹¹⁰ Under IDEA, Part C – Early Intervention, as amended, any state receiving a Part C grant must make early intervention services available to infants and toddlers with disabilities who are wards of the state; must describe their referral policies and procedures for children under age 3 who are involved in a substantiated case of child abuse or neglect; and must ensure meaningful involvement of underserved groups, including wards of the state, in planning and implementing the Part C program.¹¹¹

The Improving Head Start for School Readiness Act of 2007—the most recent Head Start reauthorization—contains a number of provisions regarding children in foster care, including a definition of homelessness consistent with the McKinney-Vento

Homeless Assistance Act (children awaiting foster care placement are included in the definition of homeless children); requirements that programs develop plans for meeting the needs of children in foster care, including providing transportation and collaborating with child welfare agencies; funding for staff training, child counseling and other services to address the challenges of children in foster care; and technical assistance to Early Head Start programs to create special training and technical assistance initiatives targeted to serving children in foster care. In addition, the Head Start reauthorization requires the Department of Health and Human Services to establish standards for Head Start agencies that take into consideration best practices with respect to children in foster care; provide funds to train staff serving children who are abused or neglected; establish program review teams that include people who are knowledgeable about children in foster care; and collect data and implement research and evaluation activities to ensure that programs address the specific needs of children in foster care.¹¹²

Legislation related to early childhood services for children in foster care was enacted by lawmakers in at least two states in 2012.

In 2012, Connecticut Senate Bill 293 added a new provision that requires the state Department of Children and Families to document in the child's permanency plan any efforts to refer children younger than age 5 for early intervention services, preschool or special education services as part of their foster care permanency and transition plans.¹¹³

Also in 2012, Michigan Senate Bill 1005 amended the juvenile code to include among the duties of a lawyer-guardian ad litem training in early childhood, child and adolescent development.¹¹⁴

Post-Secondary Educational Opportunities

Twenty percent of college-qualified youth in foster care attend a post-secondary education program, compared to 60 percent of their peers.¹¹⁵ Only 5 percent of youth who are in foster care complete a degree, compared to 20 percent of their peers.¹¹⁶ Among the several factors that contribute to these statistics are low high school academic achievement, lack of high expectations, lack of awareness of available opportunities, lack of skills to navigate the application process, and lack of financial assistance.¹¹⁷

The federal John H. Chafee Foster Care Independence Program (CFCIP) offers assistance to help current and former foster care youths achieve self-sufficiency which includes help with education. The Educational and Training Vouchers Program (ETV) for Youths Aging out of Foster Care was added to the CFCIP in 2002 to meet the needs for training and education for youth who are aging out of foster care. The program also offers funds to states and tribes—vouchers of up to \$5,000 per year—for post-secondary education and training vouchers for youth who are likely to experience difficulty in their transition to adulthood. ETV provides resources specifically to meet the education and training needs of youth who are aging out of foster care. In addition to the existing authorization of \$140 million for the CFCIP program, the law authorized \$60 million for payments to states and tribes for post-secondary educational and training vouchers for youth likely to experience difficulty as they make the transition to adulthood after age 18.¹¹⁸

States also have continued to expand support for current and former foster youth through post-secondary educational programs and opportunities.

Washington. Washington has launched several collaborative efforts to promote stability and improve post-secondary education attainment and achievement for youth in foster care. These efforts include the following.

- **Foster Care to 21:** In response to the Fostering Connections Act of 2008, Washington lawmakers enacted legislation allowing youth to remain in foster care until they reach age 21 if they are enrolled in a post-secondary academic or vocational program.¹¹⁹ One primary purpose of the program is to provide youth with a stable home environment and the opportunity to continue with post-secondary education.¹²⁰ Sixty-eight percent of Foster Care to 21 participants attended college in the year after entering the program, and 71 percent attended some college in the two years after program entry. In a comparison group of non-program foster care youth with similar characteristics, 33 percent attended college in the year after entering the program, and 41 percent attended some college in the two years after program entry.¹²¹
- **Passport for Foster Youth Promise Program:** This program provides supplemental scholarship and student assistance for Washington students who are in foster care. The program is designed to increase outreach; to make youth in foster care aware of what higher education opportunities are available; and to teach them how to apply to college and obtain financial aid.¹²² It also provides incentive grants for public colleges to enroll, support and graduate students who come from foster care.
- **Foster Care to College Partnership (FCTCP):** This consortium of agencies and nonprofit organizations implemented a three-year effort with the goal of improving high school gradu-

ation and college enrollment rates among foster youth in Washington.¹²³ FCTCP activities were designed to:¹²⁴

- Deliver curriculum-based college preparation seminars targeting foster youth and their caregivers.
- Disseminate information to foster youth, parents and caseworkers to encourage post-secondary participation and provide information on resources to help pay for college.



- Provide a four-day college preparation summer program for foster youth prior to graduation. After graduation from high school, 39 percent of those who participated in the program attended college full-time, and more than half of the participants were in college either full- or half-time. These college attendance rates were about twice as high as a similar comparison group of foster youth.¹²⁵

- Expand a regional foster youth mentoring program for foster students throughout the state. Forty-eight percent of youth who participated in the mentoring program graduated on time, compared to 29 percent of the comparison group.¹²⁶ Forty-three percent of older foster youth in the mentoring program attended college following their expected year of graduation; this rate was more than twice the college enrollment level of a comparison group.¹²⁷

Between 2008 and 2011, 10 states enacted legislation designed to improve post-secondary opportunities for youth in foster care; the laws focused primarily on financial assistance.

A 2008 Hawaii law increased the age limit for higher-education board allowances for former foster youth students from age 21 or younger to age 26 or younger. The law provided that the duration of the total higher education board allowance must not exceed 60 months and specified that allowances must be provided subject to the availability of state and federal funds.¹²⁸

Oklahoma lawmakers enacted legislation in 2008 that addressed the financial need eligibility requirements for the Oklahoma Higher Learning Access Act for any student who was adopted while in permanent custody of the Department of Human Services, is in court-ordered custody of a licensed private nonprofit child-placing agency, or is in the custody of a federally recognized Indian tribe.¹²⁹

In Tennessee, a 2008 law revised provisions related to eligibility for the HOPE scholarship and foster child tuition grant to include students who reapply for the scholarship at set time frames and who maintain a specific cumulative grade point average.¹³⁰

A 2009 Indiana law required a foster child’s caseworker to provide information to the child concerning specified scholarship programs, including Chafee grants and federal supplemental grants. The law established eligibility requirements for foster youth to apply to a scholars’ program and for higher education benefits.¹³¹

In Maryland, a 2009 amendment to the definition of “foster care recipient” modified the age of eligibility of an adopted child from age 14 to age 13, including younger siblings of an adopted child, if the younger sibling is adopted concurrently with the older sibling, for purposes of determining eligibility for a specified tuition exemption.¹³²

In 2009, the Missouri legislature required the coordinating board for higher education to make provisions for institutions under the board's jurisdiction to award a tuition and fee waiver for undergraduate courses at state institutions of higher education for any state resident who has been in foster care or other residential care under the Department of Social Services on or after a) the day preceding the student's 18th birthday; b) the day of the student's 14th birthday, if the student was also eligible for adoption on or after that day; or c) the day the student graduated from high school or received a GED. The law established that, to be eligible for a waiver award, a student must apply to and be accepted at the institution not later than the third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school, or the date the student received a GED, whichever is earliest, or the student's 21st birthday. Lawmakers also extended state tuition and fee waivers to foster children.¹³³

Provisions of a 2009 Texas law exempted from payment of tuition and fees at Texas public institutions of higher education those students who were in the conservatorship of the Department of Family and Protective Services on the day preceding the date the student was adopted or the date permanent managing conservatorship of the student was awarded to a person other than the student's parent. The law made exemption eligibility applicable to those who enrolled in an institution of higher education as an undergraduate not later than their 25th birthday.¹³⁴

A 2010 Delaware law allowed children leaving foster care access to the Student Excellence Equals Degree (SEED) program scholarships for students attending Delaware Technical and Community College. The law allowed these children to access

the scholarships without meeting the previous law's requirements that they begin their higher education immediately after high school. Instead, anyone who qualifies for this scholarship must make steady academic progress toward an associate's degree and will not be eligible to receive grants if he or she does not begin higher education before age 25 or takes longer than five years to attain an associate's degree.¹³⁵

California Assembly Bill 194, enacted in 2011, required California State University and each community college district—and requested the University of California—to grant priority for enrollment to foster youth or former foster youth. The law further defined “foster youth” as anyone who currently is in foster care and “former foster youth” as anyone who is an emancipated foster youth and who is up to age 24.¹³⁶

In Illinois, 2012 legislation changed the class of those who qualify for scholarships and fee waivers granted by the Department of Children and Family Services to include youth under care, youth who aged out of care at age 18 or older, or youth formerly under care who have been adopted or are in a guardianship placement. The qualifying students must have earned a high school diploma from a public school district or a recognized nonpublic school or a certificate of general education development (GED), or who have met the state criteria for high school graduation.¹³⁷

College Tuition Waivers

Tuition waivers act as an important incentive to youth in foster care and contribute to their overall ability to pay for college. Since 2008, Alaska, Connecticut, Florida, North Carolina, New Hampshire, Oregon and South Carolina have implemented some type of post-secondary education tuition waiver policy for their foster care students. Thir-

teen states—Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Oklahoma, Texas, Utah, Virginia and West Virginia—previously had enacted such policies.¹³⁸ Not all the policies were established through the legislature, however. Each state’s policy differs somewhat in regard to eligibility criteria, funding and administrative mechanisms, but most cover the difference between the student’s tuition and fees and the amount of federal and financial aid the student receives for in-state programs.¹³⁹ A few examples of state legislation to establish tuition waivers are discussed below.

In New Hampshire, effective in 2008, anyone younger than age 23 who was in state guardianship or custody six months before his or her 18th birthday, at the time of his or her 18th birthday, adopted from care, or in a juvenile justice out-of-home placement at the time of his or her 17th birthday, is eligible for a tuition waiver for a full-time program leading to a certificate, associate’s, or bachelor’s degree at any public post-secondary institution within the state. Twenty tuition waivers per year will be granted, giving priority to children with the greatest financial need.¹⁴⁰

In 2011, Oregon HB 3471 permitted a current foster child or former foster child under age 25 to have tuition and all fees waived for in-state institutions of higher education, community colleges or Oregon Health and Science in order to pursue an initial undergraduate degree. As a condition of receiving a tuition waiver for an academic year, the student must complete and submit the Free Application for Federal Student Aid form for that academic year and must have completed 30 volunteer service hours the previous academic year. The waiver of tuition and all fees may be reduced by any federal, state or institution scholarships or grants, but is not reduced by a Chafee Education and Training Grant voucher.¹⁴¹

Other Educational Protections and Benefits

Oversight of Student Performance and Achievement

A 2008 Colorado law required oversight of educational programs for children placed within day treatment centers, residential child care facilities and other out-of-home placement facilities. The oversight is to be provided through a unit within the Department of Education to work with the facilities to develop consistency in curriculum, standards and tracking of students’ performance.¹⁴²

In 2009, Colorado legislation required the Department of Human Services to make available to foster parents training concerning individualized education programs.¹⁴³

A 2011 Mississippi law maintained that no school district is required to place a child returning from out-of-home placement in the mental health, juvenile justice or foster care system into an alternative school. Placement of students identified under the Individuals with Disabilities Education Act (IDEA) must adhere to the requirements for those with the IDEA Act of 2004. If a school district chooses to place a child in an alternative school, it must make an individual assessment and evaluation of that child within a specified time period. An individualized assessment for youth who are making the transition from out-of-home placement to the alternative school must include a strength needs assessment, a determination of the child’s academic strengths and deficiencies, and a proposed plan for helping the child move to regular education placement at the earliest possible date.¹⁴⁴

A 2011 Nevada law required the board of trustees of each school district to adopt a policy for each

district elementary school to develop an academic plan for each foster child enrolled in the elementary school. The academic plan must be reviewed at least annually, and a new plan must be developed for any foster child who transfers to an elementary school. The goal of the academic plan must be to achieve academic success. The legislation also required the Division of Child and Family Services of the Department of Health and Human Services to inform a school district that a foster child is enrolled in a school in that district. The legislation also required a copy of the academic plan to be submitted to the court with jurisdiction over the child during the biennial review of the child's placement.¹⁴⁵

Safeguards

A 2011 Georgia law defined “foster care student” as one who is in a foster home or otherwise in the foster care system under the Division of Family and Children Services of the Department of Human Services. The law further stated that a foster care student who attends court proceedings relating to the student's foster care status or placement shall be credited as present by the school and shall not be counted as absent for any day, portion of a day or days missed from school.¹⁴⁶



Conclusion

From 2008 to 2012, state legislators continued to work to improve educational opportunities for children and youth in foster care, focusing on school stability, transportation, education continuity, transition plans, information sharing, interagency collaboration, reporting to the legislature, early education, post-secondary opportunities, academic achievement and oversight, and safeguards.

The federal Fostering Connections to Success Act of 2008 and the Uninterrupted Scholars Act provide opportunities for state policymakers to carefully examine the educational achievement challenges facing foster children; provide for children to stay in their schools of origin; and, when a transfer is necessary, ensure quick enrollment into a new school with all school records. This also gives lawmakers an opportunity to be conveners around the issue of school stability by helping education and child welfare agencies effectively collaborate. At least 39 of the state enactments between 2009 and 2012 were directly related to the Fostering Connections Act, and at least 11 dealt with improving information sharing, collaboration and communication with the legislature.

Another area of legislative activity centered on higher education opportunities for foster care youth. The federal College Cost Reduction Act and the Higher Education Opportunity Act were designed to improve access to post-secondary education for youth in foster care. Between 2008 and 2012, at least 11 states enacted laws designed to help foster care students access post-secondary education opportunities, specifically to help alleviate financial barriers.

State legislators can play a critical role in improving education quality and opportunities for children in

foster care. Future state legislative activity may continue to focus on:

- Decreasing unnecessary discontinuity and trauma associated with school transfers by helping foster children remain in their school of origin.
- Increasing the quality of information sharing between child welfare agencies and schools to help child welfare workers make informed decisions about child placement and to ensure educational records are transferred quickly when a child must change schools.
- Working as conveners for improving education for children in foster care by bringing together education and child welfare agencies.
- Developing greater accountability and compatibility between education and child welfare data systems to better track educational results for children in foster care.
- Finding ways to fund post-secondary degree programs for current and former foster youth and to provide guidance and other services beyond financial aid to foster care youth to help them successfully enter and complete a degree program.

As indicated in this and companion NCSL reports covering legislative activity from 2000 through 2007, state legislators are concerned about foster care students' educational stability and continuity; improving communication between all agencies involved in providing services to children in out-of-home care, specifically child welfare agencies and schools; and eliminating barriers that prevent foster care students from accessing and succeeding in post-secondary education. It can be expected that these educational issues will remain high priorities in state legislatures across the country in the years to come.

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