

# Foster Care & Education

## *Issue Brief*

### MAKING THE CASE: ENGAGING EDUCATION PARTNERS IN ADDRESSING THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE

#### Introduction

A quality education is critical to any child's well-being and future success. For youth in foster care, a quality education depends on the involvement and support of both child welfare *and* education agencies. Indeed, both child welfare and education law compels each system to support the education needs of children in foster care. In practice, the amount of attention paid to education outcomes of children in care varies widely by state, locality, and individual agency. Although recent changes to federal child welfare law have placed clear obligations on child welfare agencies to ensure education stability, these agencies cannot fully achieve education stability for children in care without the support of their education partners.

This issue brief focuses on **how to persuade education partners to prioritize the important needs of children in care**. For more information on how both agencies can work together (with courts and other community partners) to take the steps necessary to jointly improve the education outcomes for children in care, please see [\*Making It Work: How Child Welfare and Education Agencies Can Collaborate to Ensure School Stability for Children in Foster Care\*](#).

Enacted in October 2008, the "Fostering Connections to Success and Increasing Adoptions Act of 2008," (Fostering Connections) is a comprehensive law designed to promote permanent family connections and improve the lives of youth in the child welfare system. Among other important provisions, the Act requires child welfare agencies to create "a plan for ensuring the education stability of the child while in foster care." The Act emphasizes the importance of school stability as well as the need for collaboration between child welfare and education agencies.

This brief is part of a series of materials designed to be used together to support all stakeholders in implementing the education provisions of the Fostering Connections Act. To access the full series, please visit [The Legal Center for Foster Care and Education's Fostering Connections Toolkit](#).



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## Current Emphasis on Education in Child Welfare

For well over a decade, federal child welfare law (Titles IV-B and IV-E of the Social Security Act) has included education as an important “well-being” factor.<sup>1</sup> As part of this, all states are evaluated through the Child and Family Service Reviews (CFSR) on the extent to which children in foster care have received an appropriate education.<sup>2</sup>

The passage of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections),<sup>3</sup> has even more clearly delineated child welfare agencies’ responsibility for the education of children in their care. Fostering Connections requires child welfare agencies to develop a school stability plan as part of each child’s case plan. Fostering Connections also requires that, when making a placement decision, a state or local child welfare agency take into account the appropriateness of the child’s present educational setting and the proximity of the placement option to the school in which the child is enrolled at the time of placement.<sup>4</sup> In addition, Fostering Connections specifically mandates that a child’s case plan include assurances that the child welfare agency has “coordinated” with local educational agencies to ensure that a child remains in his school at the time of placement, or, if this is not in the child’s best interest, that the child is immediately and appropriately enrolled in a new school with all school records.<sup>5</sup> Under Fostering Connections, to receive federal Title IV-E funding, states must also ensure, with some exceptions, that all Title IV-E eligible<sup>6</sup> students of minimum compulsory school age are attending a school program.<sup>7</sup>

Child welfare agencies have much work to do to change policies, practice and culture to align with these new requirements. Child welfare professionals need to: 1) notify the school when a child is moving; 2) determine whether the child should remain or be enrolled in a new school; 3) identify who has the authority to make education decisions for the student; and 4) provide any other information that is necessary for the school to educate the child appropriately. However, they cannot fully comply with new legal mandates without help from state and local education agencies. Child welfare agencies depend on cooperation from education agencies, for example, to: 1) allow a child to remain in a school even if the child is moved outside that school’s

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<sup>1</sup> 42 U.S.C. 622 (2010) (originally enacted in 1996); 42 U.S.C. 671 (2010) (originally enacted in 1996).

<sup>2</sup> Child and Family Service Reviews (CFSRs) are conducted by the Children's Bureau of the U.S. Department of Health and Human Services Administration for Children and Families and specifically look at systemic factors as well as seven case outcomes, one of which is whether each State has met the educational needs of children in care (Well Being Outcome No. 2). To learn more about CFSRs, see <http://www.acf.hhs.gov/programs/cb/cwmonitoring/index.htm#cfcsr>.

<sup>3</sup> P.L. 110-351, 122 Stat. 3949 (hereinafter “Fostering Connections”).

<sup>4</sup> 42 U.S.C. §675(1)(G)(i) (2010).

<sup>5</sup> 42 U.S.C. § 675(1)(G)(ii)(II).

<sup>6</sup> Throughout this document, the term “IV-E eligible” signifies that a child or young adult qualifies for IV-E reimbursement. To be eligible for IV-E reimbursement, a child must meet all eligibility requirements under Title IV-E of the Social Security Act for foster care, including removal from an income-eligible home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child.

<sup>7</sup> 42 U.S.C. § 671 (2010).



boundaries; 2) remove obstacles to the immediate enrollment of a child in a new school; and 3) promptly transfer the child's school records.

## Current Emphasis on Children in Foster Care within Education

Education agencies also have an essential stake in improving the educational outcomes of children in care – not only because they are charged with the duty of educating all school-aged students, but because laws like the Elementary and Secondary Education Act (ESEA- as amended by the No Child Left Behind Act (NCLB)) specifically obligate them to focus attention on closing the achievement gap between high and low performing students.<sup>8</sup> Schools cannot meet these requirements without addressing the educational needs of one of the most educationally at-risk of all student populations – students in foster care.

Federal education law has increasingly required education agencies to focus on numbers. Schools must report on the number of children who pass state standardized tests to determine whether the school, school district, and state have made “adequate yearly progress” (AYP).<sup>9</sup> Key to this determination is whether they have reduced the achievement gap between groups of students. School districts and schools that fail to make AYP toward state goals can, over time, be subject to improvement efforts, corrective action, and restructuring. Conversely, schools that meet or exceed AYP objectives or close achievement gaps may be eligible for additional funding.<sup>10</sup>

While Congress is currently discussing the reauthorization of the ESEA, it is clear that the law will continue to focus on the need to improve education outcomes for at risk students and to close the achievement gap.<sup>11</sup>

Education partners are focused on narrowing the achievement gap, however, many have not yet recognized the key role of supporting children in care to achieving those goals. While some state and local education agency staff are highly attuned to the needs of youth in foster care and collaborate effectively with child welfare agencies, others have not yet focused on this educationally at-risk population. In many districts, the number of youth in foster care is quite low. Thus, many educators have not yet thought about the unique education challenges that students in foster care experience, and may not be aware of the

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<sup>8</sup> NCLB's "Statement of Purpose" describes the intent of the law in part as “closing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers . . . holding schools, local educational agencies, and States accountable for improving the academic achievement of all students . . .” 20 U.S.C. § 6301 (2002).

<sup>9</sup> 20 U.S.C. § 6311 (2006).

<sup>10</sup> 20 U.S.C § 6317(b)(2) (2004).

<sup>11</sup> For one example of current proposals, see the Obama Administration's March 2010 “Blueprint for Reform” *available at* <http://www2.ed.gov/policy/elsec/leg/blueprint/blueprint.pdf>.

Fostering Connections Act. Some school staff may even be concerned that children in foster care have such complex problems and traumatic personal histories that efforts to address their education needs simply will not work. The goal of this issue brief is to outline some of the messages and strategies that will engage education agencies in collaborating with child welfare to improve the educational outcomes for these educationally vulnerable youth.

## **Messages That Get the Attention of Education Agencies**

**We all care about the education success of children in foster care.** Education will not be alone in supporting students involved in the child welfare system. Children in care should have double the supports because two agencies (and sometimes more) are concerned about their well-being and success.

**The same issues important to all students are important to children in foster care.** When approaching education as a partner it is important to remember that schools, districts and education agencies are focused on the needs *of all* students. A key tactic is to acknowledge that this includes children in care. Indeed, focusing on the education needs of students of foster care does not always mean focusing on unique issues. Often the same issues that concern schools and districts related to school success for all students are also impacting children in care—albeit at higher rates. For example, drop-out, truancy and disciplinary issues are important issues for schools to address and issues that affect a large percentage of children in care.

### **Key Points to Include when Engaging Education Agencies**

*Efforts to meet the educational needs of children in foster care can help education agencies achieve their own goals and objectives by:*

- (1) Improving student test scores and enabling schools to make adequate yearly progress and thus satisfy federal ESEA and state mandates;
- (2) Increasing graduation rates;
- (3) Lowering truancy rates; and
- (4) Improving school climate and lowering suspensions and expulsions.

**Children in care are already represented in the numerous subgroups that require specialized attention under education law.** ESEA requires that achievement data be disaggregated by children’s poverty, race, ethnicity, disability, and limited English proficiency to ensure that these subgroups are making adequate progress and that achievement gaps are closing.<sup>12</sup> Children in care are disproportionately represented among these educationally at-risk student groups. From ensuring school stability to providing remedial support or mentoring, efforts to meet the educational needs of students in foster care can make a profound difference in individual student achievement and a school’s or subgroup’s overall performance.<sup>13</sup> The education agency’s goals and compliance with NCLB will be easier to achieve if children in foster care make progress.

**Children in care are a subset of a larger group of “highly mobile students.”** Sometimes it is difficult to gain the attention of education agencies on behalf of children in care because these children are such a small percentage of the students they serve. Increase the impact by joining forces with advocates for other “highly mobile” students (*i.e.*, children experiencing homelessness, children of military families, migrant youth) or vulnerable students. Sometimes using broader terms like “highly mobile students,” “at risk youth,” or “youth in transition” can give you more leverage with the education community.<sup>14</sup>

## Strategies to Engage Education Agencies

In many jurisdictions, child welfare agencies and other advocates are struggling to identify the best strategies for engaging their education partners to join their efforts to support the education needs of children in foster care, including meeting the obligations of the Fostering Connections Act. The following list provides some strategies around engaging education to collaborate – not only to ensure school stability and prompt enrollment, but to promote greater educational success (*i.e.*, greater learning, better grades, high school graduation, and access to higher education).

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<sup>12</sup> P.L. 107-110(h)(1)(c) (2002).

<sup>13</sup> For example, the Educational Pilot Program in Los Angeles, a collaboration of school administrators and social workers, academic tutors, and student advocates from five school districts supports high school students in foster care by developing individual learning plans and coordinating interagency supports. In the 2008-09 school year, 83% of participating graduates enrolled in two-or-four year colleges compared with less than 20% of youth in foster care nationally. In every year since its inception over 90% of high school seniors who attended the program three or more days per week received their high school diploma. Moreover, the program’s track record resulted in significant grants to the five participating school districts as the program earned the highest available rating in the federal Department of Education’s “Investing in Innovation” or i3 competition in 2010 – enabling the program to secure more than \$3.6 million in grant money over the next four years.

<sup>14</sup> For an example of linking the needs of children in foster care with the similar education needs of other vulnerable youth, see the Senate Committee on Health, Education, Labor, and Pensions (HELP Committee) hearing “ESEA Reauthorization: Meeting the Needs of Special Populations” available at <http://help.senate.gov/hearings/hearing/?id=f3ee8bae-5056-9502-5da1-d8029371ddaf>.



**Demonstrate the commitment of child welfare as an enticement to join in the efforts and educate them about the Fostering Connections Act.** Members of the education community are more likely to view a request for collaboration positively if the child welfare agency can demonstrate that it has already begun to change its own policies, practices or thinking about school stability. In many states, the child welfare agency's efforts to implement Fostering Connections, including engaging and informing their education partners about the requirements of the law, has been the catalyst for collaboration.

***Examples:***

In **Illinois**, the child welfare agency uses technology known as SchoolMinder to help identify foster homes in the child's current school district or catchment area, or, if none are available, to find the home closest to the child's school or natural parents' home. To make the program work, a child welfare staff person regularly enters the geographic locations of the available foster homes into SchoolMinder. Within one hour of removing a child from the home, child welfare placement workers then perform a spatial search in SchoolMinder to find which available homes, and the contracted provider agencies supervising those homes, fall within the geographic area surrounding the child's school or home. Since deploying the SchoolMinder application in 2007, the average distances for initial foster care placement in Cook County dropped from 9.9 to 2.5 miles. Outside Cook County, the average dropped from 22.5 to 11.4 miles. Children placed using SchoolMinder are 50% more likely to stay in the same school. For more information, please visit <http://www.esri.com/news/arcnews/summer07/articles/theres-no-place.html>.

In **Pennsylvania**, the Department of Public Welfare issued guidance that created education liaisons in each county child welfare office and has released a screening tool for caseworkers to use to spot education issues and guide them to take appropriate actions to meet the child's education needs. The screen, which addresses school stability, academic placement, progress and remediation, special education, and post-secondary preparation, will be mandatory for case workers to use for all youth in care in 2012. Liaisons in each county have been trained in its use, and are beginning the process of training child welfare case workers.

**Highlight examples where other education agencies and partners have been successful.** It is helpful for the education world to hear about strategies and approaches that have worked...particularly within state or local education agencies and schools and school districts. These examples exhibit how action by education can support strong outcomes for children in care.

***Examples:***

Several schools around the country have used their school communities to recruit more foster homes within the school boundaries. Some have partnered with the school Parent Teacher Associations to initiate recruitment campaigns, using signs, flyers and presentations at meetings to make known the

need for homes within the school community. This allows youth to remain in the same school even when they are placed in care outside of their own home.

In **Baltimore, Maryland** the Baltimore City Public Schools entered into a protocol with Baltimore City Department of Social Services (DSS) to allow DSS access to a student's school emergency contact card when the child enters care. The emergency contact is often a relative, neighbor, or close family friend who may be a placement option for the child in close proximity to the school, helping the child to remain in the same school despite removal from home. For more information about the protocol, please see [http://www.huffingtonpost.com/daniel-heimpel/a-simple-answer-to-a-comp\\_b\\_766742.html](http://www.huffingtonpost.com/daniel-heimpel/a-simple-answer-to-a-comp_b_766742.html)

In **Sacramento County, California**, the Sacramento County Foster Youth Services Agency (a department within the Sacramento County Office of Education) created a database called School Connect that matches children in need of new child welfare living placements with available housing within their school districts. Various Foster Family Agency (FFA) employees update the School Connect database daily with information about newly-available foster placements. Child Protective Services (CPS) employees can then search the database for the available placements closest to a child's school. Available placements are displayed on a map to illustrate the distance between the placements and the school; also indicated is the availability of busing and the willingness of the caretaker to transport the child to and from school. After considering the various other relevant factors, the CPS employee then matches the child with an appropriate placement. All CPS and FFA workers in Sacramento County are required to use the program.

**Engage the judiciary to initiate and lead conversations.** Talk to the chief justice or a juvenile court judge about initiating a conversation, a one-time meeting, or a conference or workgroup that brings together leaders and staff from child welfare and education agencies. Several juvenile court judges across the country have initiated meetings or workgroups to address common concerns such as truancy, school stability, and transportation. Every state has a Court Improvement Program (CIP) that might be available to support these efforts.<sup>15</sup>

**Example:**

In **Texas**, the Permanent Judicial Commission for Children, Youth and Families was established by the Texas Supreme Court in 2007. It focuses on bringing stakeholders together to coordinate and implement comprehensive efforts to improve dependency courts. In 2010, the Chief Justice issued an order that established an education committee of the Permanent Commission with specific top court, child welfare and education leaders (including the commissioner of the Texas Education Agency, and the Executive Directors of the Texas Association of School Boards and Texas Association of School Administrators) as members. The committee is charged with making recommendations on: improving judicial practices;

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<sup>15</sup> The CIP grant program was established in 1994 as a response to the dramatic increase in child abuse and neglect cases and the expanded role of courts in achieving stable, permanent homes for children in foster care. For a list of all state CIP contacts, please see <http://www.abanet.org/abanet/child/contacts.cfm>.

collaboration and communication; data exchange; training; and developing a sustainable model to continue systemic improvements.<sup>16</sup>

**Identify other “champions” to bring the agencies together.** Identify state or local legislators, nonprofit advocacy groups, or other leaders to serve as allies in your state or local level advocacy. Having a champion who is not affiliated with either the child welfare or education agency may encourage agency collaboration. A high profile champion will also raise public awareness of the issue and build momentum for change. Some states have found legislative hearings or public briefings especially helpful in gaining champions. In particular, engaging youth currently or formerly in care is an excellent way to build support. For example, a youth formerly in care testified with great effect on Capitol Hill in the summer of 2010 on the importance of education stability while she was in foster care.<sup>17</sup>

**Data can be the starting point.** Data is often a starting point to identify where there are barriers to progress and what changes are needed. Demonstrating the poor education outcomes of children in care is often a successful strategy in highlighting and raising awareness of the importance of action on this issue. Critical to this as an engagement strategy is not to use the data to point blame, but to identify a baseline, and rally agencies together to improve the student outcomes.<sup>18</sup>

***Example:***

In 2004, the **West Virginia** Department of Education created the West Virginia Out-of-Home Care Education Task Force to investigate barriers to the education of children in care and to make recommendations for and implement reforms. The primary activity of the Task Force was a data match between child welfare and education records to gather objective data on the education outcomes of children in care. The information gained from this data match, including very low educational achievement for children in care, provided the framework and momentum for future Task Force activities and policy and practice changes.<sup>19</sup>

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<sup>16</sup> See [http://new.abanet.org/BlueprintForChange/Documents/texas\\_supreme\\_court.pdf](http://new.abanet.org/BlueprintForChange/Documents/texas_supreme_court.pdf) for the court order creating the committee.

<sup>17</sup> To read her testimony visit <http://advocacy.fosterclub.com/article/fosterclub-young-leader-kayla-vandyke-testifies-senate-help-committee>.

<sup>18</sup> For detailed information about data sharing, including worksheets to start the conversation about this topic for child welfare and education agencies, see *Solving the Data Puzzle: Improving Information Sharing and Data Collection for Children in Foster Care* available for download at <http://www.abanet.org/child/education/publications/dataexchange.html>.

<sup>19</sup> To access the full report visit: [http://www.wvdhhr.org/oos\\_comm/reports/reaching%20every%20child%20report%2011-23-05.pdf](http://www.wvdhhr.org/oos_comm/reports/reaching%20every%20child%20report%2011-23-05.pdf).



**Create a welcoming and supportive environment to engage education to participate in ongoing collaboration.** In many states and jurisdictions, child welfare and education agencies remain siloed and fail to work together even on common concerns. When leaders from state agencies do collaborate, they can better address the needs of youth in care, who are served by multiple systems. An existing task force, advisory board, or standing committee at the state, county, or local level can be an excellent setting to engage education partners. Alternatively, child welfare and education agencies, along with other partners, can form new groups to address the education issues of youth in care. Critical to engaging education partners is ensuring that their concerns will be heard and that the goal of the collaboration will be not to pass blame but to move forward together to make improvements.

***Example:***

After the passage of Fostering Connections, the **Virginia** Department of Education and the Virginia Department of Social Services established a task force to discuss a plan for implementation. Following more than a year of interagency meetings and subcommittee work, the task force released, in the form of joint agency guidance, a protocol to support education stability for children in foster care. The task force developed forms to support the agreed upon protocol addressing issues of immediate enrollment and best interest determinations. This task force was also able to secure a commitment from the state child welfare agency to fund transportation for all children to remain in their same schools. The agencies are working collaboratively to conduct statewide trainings on the new protocol.<sup>20</sup>

## **Education Is Ready To Partner - Now What?**

After successfully engaging education partners around the importance of education stability and success for children in care, it is now time to think about how to actually make the collaboration happen. For a list of strategies and examples of best practices from around the country, please see the corresponding issue brief, [\*Making It Work: How Child Welfare and Education Agencies Can Collaborate to Ensure School Stability for Children in Foster Care.\*](#)

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<sup>20</sup> Va. Dep't of Educ. & Va. Dep't of Soc. Servs., Joint Guidance on School Placement for Children in Foster Care, 1 (Dec. 2, 2010) available at [http://www.dss.virginia.gov/family/fc/school\\_placement.pdf](http://www.dss.virginia.gov/family/fc/school_placement.pdf).