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Building the Bridge Between Foster Care and Education

by Sara Bigley and Jan Moore

Overview

Research on the impact of mobility on academic and life outcomes confirms that foster care experiences, especially multiple placements, put youth at a greater risk for academic failure and poorer life outcomes. The educational experiences of youth in foster care are marked by higher rates of absenteeism¹, suspensions/expulsions², and identification for special education services³. Not surprisingly, these negative experiences lead to lower rates of high school and college graduation, lower paying jobs, and higher rates of marginalization, including adult homelessness.⁴

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Students In Foster Care

Objective Criteria	Findings
Absent from school	Average 25 days per year ⁵ . (Chronic absenteeism is often defined as missing 10% or more of the school year — typically 180 — days for any reason ⁶ .)
Receive suspension or expulsion	About 3 times that of other students ⁷
Receive special education services	About 33% ⁸ vs 13% ⁹ of all students
Complete high school by age 18	27%–50% ¹⁰ vs national average of 84.6% ¹¹
Attain a bachelor's degree	2% vs 24% of the general population ¹²

1. Zorc, O'Reilly, Matone, Long, Watts, & Rubin, 2013.
 2. Courtney, Terao & Bost, 2004, p. 42.
 3. Courtney, et al., 2004, p. 40.
 4. Dworsky, A., Napolitano, L, & Courtney, M. (2013).
 5. Zorc, et al. p. 828.
 6. Balfanz & Byrnes, 2012, p. 3; Chang & Jordan, 2015, p. 1.

7. National Center for Children in Poverty, 2010.
 8. Clemens, Lalonde, & Sheesley, 2016, p. 199.
 9. National Center for Education Statistics, 2016, p.1.
 10. Colorado Department of Education, 2016; Burley, 2016.
 11. National Center for Education Statistics, 2018.
 12. Casey Family Programs, 2010, <https://www.casey.org/supporting-success/>.

Educational Stability

To ensure that students in foster care have the same opportunities for academic achievement as their peers, the Every Student Succeeds Act (ESSA) amendments to Title I of the Elementary and Secondary Education Act (ESEA), established new requirements for students in foster care. These provisions compliment the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) and further promote the purpose of Title I of the ESEA by increasing educational stability, removing enrollment barriers, ensuring high-quality educational opportunities, closing achievement gaps, and promoting college- and career-readiness for youth in foster care.

Key ESSA Provisions to Ensure School Stability

- Youth in foster care are entitled to remain in the same school, unless it is determined that it is not in their best interest. (Some students will need transportation to remain in the school of origin.)
- If it is not in the student's best interest to remain in the school of origin, he/she must be immediately enrolled in the local school, even if lacking records normally required for enrollment.
- LEAs should also ensure that children in foster care are regularly attending and fully participating in school and that their educational needs are being met.
- Some students in foster care will need transportation to remain in their school of origin, so LEAs must collaborate with child welfare agencies (CWAs) to develop and implement written procedures for how transportation will be provided,

arranged, and funded for the duration of a child's time in foster care.

- Each state education agency (SEA) must designate a point of contact (POC) for CWAs. LEAs must designate a POC for CWAs if the corresponding CWA designates a POC.

Collaboration

The foster care provisions of Title I require SEAs and LEAs to collaborate with CWAs to ensure that students in care have the educational opportunities to achieve at the same high levels as their peers. These provisions stress the importance of keeping children in their schools of origin when they move, either due to entering the foster care system or experiencing a placement change, unless it is determined not to be in their best interest. In that case, students must be enrolled in their new schools as soon as possible in order to prevent educational discontinuity.

Developing strong partnerships between agencies is critical for effective cross-system collaboration in supporting of children and youth in foster care. This should start at the state agency level between the educational and child welfare points of contact. Working together, agencies can make informed decisions about children, develop procedures, and remove barriers that may hinder the implementation of the ESSA school stability provisions. An example of this would be developing joint state guidance as well as MOUs for data sharing.

There may be challenges to effective inter-agency partnerships. For example, the differences between the systems, terminology, communication, as well as data systems that don't coordinate/integrate. Overcoming these challenges through cooperative efforts will provide youth with increased opportunities for success.

Good Collaborative Strategies

- Cultivate relationships and trust among agencies to build capacity that supports change.
- Develop a shared ownership for the success of children and youth in foster care.
- Create strong inter-agency policies, procedures, and communication, so there is clear understanding of the law and collective expectations. →

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- Develop memorandums of understanding (MOUs) between SEAs and state CWAs, as well as between LEAs and local CWAs to clarify responsibilities and provide a road map for immediate action.
- Provide joint ESSA training, so education and child welfare staff collectively learn and develop solutions to overcome challenges and support students.
- Prioritize understanding each other's systems by conducting cross-system training to better understand ESSA provisions, needs of children in foster care, and agency laws, policies and procedures.
- Create a state-wide advisory council or inter-agency committee to support implementation. Members could include local school and child welfare POCs, Guardians ad Litem, judges, students, and foster parents as well as other stakeholders.

Points of Contact

To oversee implementation of the law, each SEA must designate a POC, and LEAs must designate a POC if the corresponding CWA designates their own POC. Although neither state nor local CWAs are required to have POCs to coordinate with educational agencies, the Non-regulatory Guidance produced jointly by the U.S. Department of Education and U.S. Department of Health and Human Services strongly encourages both entities to do so.¹³ Many SEAs advise LEAs in their states to designate a POC regardless of whether the local CWA designates one.

13. U.S. Department of Education and U.S. Department of Health and Human Services, Q36.

Suggested/Potential Responsibilities of Local CW POC

- Serve as primary contact between students, educators, and service providers
- Coordinate with LEA POC to implement Title I provisions
- Establish a process to notify LEA when a child is placed in foster care or when there is a foster care placement change
- Coordinate on best interest determinations
- Facilitate transfer of records
- Work with LEAs to ensure students are immediately enrolled in school and provided transportation
- Manage BID and transportation cost agreements between LEA and CWA
- Coordinate with LEA on data sharing
- Coordinate services so young children can access early educational services
- Inform parents, education decision makers, and community stakeholders of children's education rights

Suggested/Potential Responsibilities of LEA POC

- Coordinate with CW POC to implement Title I provisions
- Lead the development of a process for making the best interest determination
- Document the best interest determination
- Facilitate transfer of records and immediate enrollment
- Facilitate data sharing with CWAs
- Develop and coordinate transportation procedures

- Manage best interest determinations and transportation costs disputes
- Ensure children are enrolled in and regularly attending school
- Provide professional development and training to school staff on the Title I provisions and educational needs of children in foster care
- Conduct LEA and CWA staff trainings on educational needs of children including state and local policies

Best Interest Determination Process

In order to determine whether it is in the youth's best interest to remain in the school of origin or transfer to the local school, a best interest determination (BID) meeting is typically held as soon as possible after the decision to change the child's residential placement. The CW and LEA POCs should attend as well as any others who can provide insight on the student's attachment to the current school and how changing schools would impact academic, social, and emotional well-being. Depending on the situation this could include the youth, foster parent(s), biological parent(s), education decisionmaker(s), other relatives, teachers, counselors, coaches, and meaningful people in the youth's life. If the student has an Individualized Education Plan (IEP) or a Section 504 plan, staff related to those services should also participate.

When determining whether it is in the student's best interest to remain in the school of origin or transfer to the local school, the Non-regulatory Guidance¹⁴ advises considering the following factors:

- Preferences of the child;
- Preferences of the child's parent(s) or education decision maker(s);



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- Child’s attachment to the school and including meaningful relationships with staff and peers;
- Placement of the child’s sibling(s);
- Influence of the school climate on the child, including safety;
- Availability and quality of services in the local school to meet the child’s educational and socio-emotional needs, including special education and English learner language services, if needed;
- History of school transfers and how they have impacted the child; and
- How the length of the commute would impact the child

The guidance specifically states that transportation costs should not be considered when determining a student’s best interest.

Transportation to School of Origin

When BID meeting participants determine that it is in the youth’s best interest to remain in the school of origin and the youth needs transportation to school, the CWA and LEA must work together to ensure this transportation is promptly provided, arranged, and funded for the duration of the child’s time in foster care.

If there are additional costs incurred in providing transportation to the school of origin, the LEA will provide the transportation if (1) the local CWA agrees to reimburse the LEA for the cost; (2) the LEA agrees to pay the cost; or (3) the LEA and local CWA agree to share the cost¹⁴. Since children may be in placements across district, county, or state lines, coordination among multiple LEAs and CWAs may be necessary.

14. U.S. Department of Education and U.S. Department of Health and Human Services, Q12.

For students exiting care before the end of a school year, LEAs are encouraged to continue prioritizing educational stability and, when possible, to continue providing transportation when remaining in the school of origin is in the student’s best interest. If remaining in that school is not in the student’s best interest, the LEA and CWA POC should ensure that the child is immediately enrolled in the local school.

John’s Story

John, a nearly 14-year-old seventh grader, has been in foster care since fourth grade in kinship, residential, and therapeutic placements. Recently, John was moved to a therapeutic foster home in another school district. It was determined at the BID meeting that he should enroll in the local school in the new district. At that time, John was performing well below grade level and had significant emotional and behavioral challenges at school and home.

After one week, he was moved to another therapeutic foster care placement in a neighboring school district. It was February, and John was experiencing his fifth placement change that school year. School personnel in the current district had been trained on foster care provisions, so when notified that John’s new foster care placement was out of the district, the principal contacted the LEA POC and asked to attend the BID meeting. Although John had experienced many behavioral outbursts and emotional issues, the principal was concerned that another school move would be extremely detrimental to his overall wellbeing.

John remained in the school of origin until the BID meeting occurred. During that meeting,

15. U.S. Department of Education and U.S. Department of Health and Human Services, Q 22.

participants discussed the impact of his frequent school moves, the school level academic and behavioral interventions implemented in the short time he had been enrolled, and other services the school could put in place to support John. It was determined to be in John’s best interest to continue in his school of origin, and the two LEAs coordinated transportation.

One year later, John is in eighth grade and making good progress with ongoing supportive interventions at school and collaboration between the therapeutic foster parent, CWA, and LEAs. He had a full evaluation and attended his eligibility determination meeting where he was determined eligible for special education services. During the meeting, John advocated for interventions and support that he felt would help him progress in school.

John has made significant improvements. He is more stable emotionally and behaviorally, and he continues to make profound academic gains. This story shows how the ESSA provisions laid a foundation for agency collaboration that focused on John’s best interest and resulted in a life-changing direction for him. ■

Resources

[SERVE Center at the University of North Carolina – Greensboro National Foster Education Summit page](#)
[NC Foster Care Education page](#)

[Legal Center for Foster Care and Education](#)

[U.S. Department of Education Students in Foster Care](#)

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