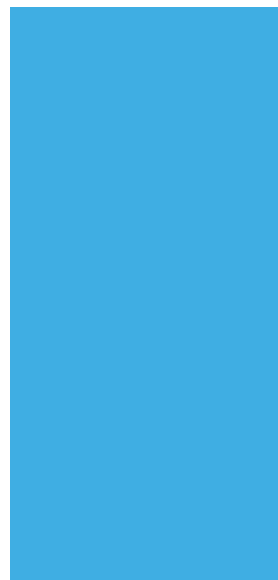


Meeting the Educational Needs of Students in the Child Welfare System



A Tool for School Administrators and Counseling Staff

Juvenile Law Center and Education Law Center

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SCHOOLS MAKING A DIFFERENCE

*Since I moved around from school district to school district so often, tracking down all of the paperwork was a huge problem. No one knew when I was graduating ... If I had known, I could have applied to college. **

**from Casey
Family
Programs, [A
Roadmap for
Learning](#)*

Schools can drastically change the lives of children in the child welfare system. While students in foster care often struggle educationally, they can excel in school when they receive the right support. For example, youth in care who are connected to mentors are three times as likely to graduate as those who are not. A single educator who helps connect a child in foster care to the school community can change the trajectory of that child's life. Former foster youth often tell us that a teacher or guidance counselor made the most profound difference in their lives.

Children in foster care have unique educational needs that too often go unnoticed. Frequent school changes cause serious confusion and sometimes lost instructional time. Students end up repeating or missing courses, sometimes failing to graduate as a result. Without an active parent, youth in care fail to receive needed accommodations, remedial education, or gifted and talented classes. At the same time, the trauma in their home life interferes with their learning, setting them even further behind academically.

These challenges are heightened for the many youth in care with special education needs. Studies show that "youth in foster care are 2.5 [to] 3.5 [times] more likely to be receiving special education services than their non-foster care peers. Research also suggests that children in foster care who are in special education tend to change schools

more frequently, be placed in more restrictive educational settings, and have poorer quality education plans than their non-foster care peers in special education.”*

School Administrators who make the extra effort to assess the child’s performance and needs, identify supportive adults, and connect students with legal entitlements and opportunities, find that their students have more positive experiences in school, improve academically, and are more likely to meet their goals of high school graduation and post-secondary education.

This tool is designed to help school administrators ask the right questions and take needed steps to meet the needs of children in care. By engaging with these students, schools can dramatically improve education outcomes – and thus life outcomes –for our most vulnerable youth.

To best meet the needs of youth in care, one individual in the school should be identified as the point of contact or liaison for children in the care of a child welfare agency. That person should use this tool to assess the needs of youth when they first learn that a child in care has enrolled in school or when they learn that a student has entered the child welfare system, and should review at each marking period to assess any new needs.

This tool talks about best practices and legal mandates and entitlements. When there is relevant federal or state law on point, the tool or the accompanying guide will clarify the legal requirement.

*National Working Group on Foster Care and Education, *Education is the Lifeline for Youth in Care*, 2011.

*I am the only one in my family to graduate high school. My school counselor really helped – calling me every day, giving me pencils and paper and a daily planner. She taught me study skills. She had a good life and showed me the way.**

**from Casey Family Programs, [A Roadmap for Learning](#)*

HOW TO HELP YOUTH IN CARE SUCCEED IN SCHOOL

*I started playing football... I met a lot of people I didn't know before... I ended up going to school because of the friends I had there.**

**quote from a young foster care alumni, and member of Youth Fostering Change, a Juvenile Law Center youth*

- ⇒ **Welcome the student to the school and make sure that he or she has all necessary school supplies. (Page 7)**
- ⇒ **Identify a staff member who will be the main point of contact for the student within (and if possible outside) the school. (Page 8)**
- ⇒ **Identify and communicate with the child's education decision-maker, who may be a parent, foster parent, or other individual. (Page 8-9)**
- ⇒ **Make sure that you have all of the child's education records and keep the records up-to-date. (Page 11)**
- ⇒ **Help the student to have a seamless educational experience – for example, help the student enroll promptly and receive credit for all work completed at another school. (Page 10-12)**

- ⇒ Engage the student in the school community and activities – help the student join an extra-curricular activity even if the child enrolls at mid-term. (Page 10)
- ⇒ Ensure that the student has the support and guidance needed to progress academically and socially. (Page 13- 17)
 - ◇ Ensure that the student is in the regular school setting unless he or she needs another placement to address his or her needs.
 - ◇ Ensure that the student’s special education needs are met.
 - ◇ Ensure that the student’s English Language Learner needs are met.
 - ◇ Ensure that the student’s disabilities are accommodated in the school setting, regardless of whether the child is eligible for special education.
 - ◇ Ensure that the student’s behavioral health needs are met.
- ⇒ For students 14 or older, help the student plan for graduation and post-secondary education (for students with IEPs, this is required by law). (Page 18)

*11 ACTS TO
HELP A CHILD
IN CARE
SUCCEED IN
SCHOOL*

1. WELCOME THE STUDENT TO THE SCHOOL

These initial recommendations are the most obvious. However, for youth in care who often change schools while also losing their families, friends, and entire communities, these small steps can be incredibly important. Make sure one person in the school takes responsibility for coordinating these efforts. A homeroom or advisory teacher is a good choice. Ensure that any individual receiving information is properly trained to protect the student's privacy.

- ◇ **Organize a tour of the building for the student.**
- ◇ **Make sure that welcome efforts are accessible to all students, including students with disabilities and English language learners.**
- ◇ **Ensure that the student has all necessary school supplies, with attention to the student's unique needs.**
- ◇ **Designate peers as a welcoming committee (without disclosing the child's foster care status).**
- ◇ **Check in with the student regularly about his or her needs and adjustment.**
- ◇ **Ensure that your school does not discriminate against children in foster care, for example, by preventing them from taking home textbooks or otherwise participating in academics and extra-curricular activities like all other youth.**

2. ENSURE ADULT SUPPORT FOR THE STUDENT'S EDUCATION

Involved adults supporting a child's education can make a tremendous difference in outcomes for students.

- ◇ **Designate a counselor or teacher within the school to use this tool and to be the main point of contact for the student.**
 - ◆ *This can be any person designated by the school. This person should be trained about the rights and needs of youth in care, and should be trained to protect the confidentiality of the student's information.*
- ◇ **Identify the person who will make regular education decisions for the student** (sign permission slips, determine which courses the student should take, etc.)
 - ◆ *Whenever possible, this should be the parent. If not, the family court should clarify who will play this role. The foster parent is often a good option for children living with foster families. **If the child has a special education decision-maker, it is ideal for the regular education decision-maker to be the same person.***

***TIP:** There are laws to guide your actions in this area. To learn more, please see the **Education Decision-Maker Guide** (p.22-25) and the **Confidentiality Guide** (p. 20-21).*

- ◇ **Identify the student's special education decision-maker, who will be:**
 - ◆ *Parent who is active and involved (**always the first choice**)*

or
 - ◆ *Foster parent (only if no active parent)*

or
 - ◆ *Person acting like a parent with whom the child is living (such as a grandparent)*

or
 - ◆ *Surrogate appointed by the school or the court (not a caseworker)*

- ◇ **Identify the person within the child welfare agency to contact about the student.**
 - ◆ *This will usually be the student's caseworker. **Before you provide information to this person, the law requires you to obtain the consent of the parent or a court order.***

- ◇ **Connect the child with a mentor.**
 - ◆ *Developing a school-based mentoring program will help this child and others succeed academically and emotionally*
 - ◆ *In the absence of a school-based program, contact the education decision-maker or caseworker to ask about community-based mentoring options.*

3. ENGAGE THE STUDENT IN THE SCHOOL COMMUNITY AND ACTIVITIES

A student who is engaged in the school community is more likely to engage in classwork and succeed in school.

- ◇ **Ensure that student is attending all classes regularly.**
- ◇ **Talk to the student about his or her interests. Assist the student in signing up for relevant extra-curricular activities.** Ask the student if he or she needs help figuring out transportation or other accommodations to be a part of activities, and connect with the people in the school who can help.
- ◇ **Provide the student with leadership opportunities.** Many students in the child welfare system enjoy opportunities to help younger students and are successful in this role.
- ◇ **Ensure that, with the student's agreement, the student is signed up for a free school lunch.**
 - ◆ *All students in the child welfare system are eligible for free school lunches.*
- ◇ **Ensure that teachers have been trained to be sensitive to the needs of children in care.**
 - ◆ *For more information, see the **Endless Dreams** curriculum listed in the **Resources** section (p.36-37).*

TIP: *If the student is not engaging in school, work with the child welfare staff, education decision-maker, and mentor to help the child engage more fully. If the student is not attending school, talk with the student about obstacles – transportation, health, fear of failure. Students in care may need extra support to feel comfortable attending school. If attendance problems persist, see the **Truancy Guide** (p. 26-27).*

4. KEEP EDUCATION RECORDS UP-TO-DATE

When students move frequently, their records often lag, causing needless enrollment delays and inappropriate instruction.

- ◇ **Ensure that all of the child’s education records are in the child’s school file** including:
 - ◆ Transcripts
 - ◆ Special education records, including IEP, evaluations, notices (called NOREPs), and a functional behavioral assessment (FBA) and the positive behavior support plan, if applicable.
 - ◆ Enrollment documents: immunization records, proof of age and residency, Act 26 (Parent Registration) Statement
 - ◆ Child Accounting documents, as applicable
 - ◆ Section 504 Plan (or Service Agreement), if applicable
 - ◆ Contact Information for Student and Education/Special Education Decision-maker

***TIP:** If the records are incomplete, work with the child’s previous schools and the child welfare worker to update the record. If your school has requested the child’s records, the old school must send them within 10 business days.*

***TIP:** Ensure that youth’s IEP from previous school is used until a new one is ready.*

5. HELP THE STUDENT AVOID EDUCATION DISRUPTIONS

For each school change, students fall 4-6 months behind their peers academically.

- ◇ **Work to help students in your school continue to attend even if they move to a new school. Work to address transportation issues (the child welfare agency can help);**

or

- ◇ **If child welfare agency has determined that it is in the child's best interest to change schools, ensure that your school immediately sends records and enrollment information to the new school, or requests records from the old one.**
- ◇ **Ensure that the student is awarded full or partial credit for all coursework completed at prior schools, including schools that are part of a group home or other residential setting. Students who have experienced extenuating circumstances such as frequent school changes may be eligible for a credit waiver under 22 PA Code 4 24(j).**

TIP:** There are laws to help students in this situation. If the child is facing a school change or has just moved, **see the Education Stability Guide (p.28-30).

6. ENSURE THAT THE STUDENT IS IN AN APPROPRIATE SCHOOL SETTING

Many youth in child welfare end up in schools (such as alternative schools for disruptive students or special education schools) that are not best suited to address their educational needs. Often, these students can thrive when placed in an appropriate – and less restrictive – setting.

- ◇ **Ensure that the student is in the most appropriate school setting to support his or her academic progress and success. Consider whether a child needs to be moved back to a local public school setting from:**
 - ◆ an alternative education program
 - ◆ an on-site school at a residential facility
 - ◆ a cyber charter school
 - ◆ a twilight or evening program
 - ◆ homebound instruction.

***TIP:** Even when a child is placed in a group home or congregate care setting, he or she is entitled to attend the local public school unless a judge or the child's education decision-maker has decided that it is in the child's best interest to attend an on-site school. Even if a child is living in a residential setting such as a residential treatment facility, the presumption is that the child should attend the local school where the facility is located.*

7. ENSURE THAT THE STUDENT HAS THE HELP NEEDED TO PROGRESS ACADEMICALLY

Children in care often miss out on necessary services because they move so frequently and lack an attentive adult to ensure that they are connected with the right programs. Addressing this problem can make a huge difference in the child's educational experience.

- ◇ **Ensure that the student has been evaluated for, and if appropriate is enrolled in, advanced placement, honors courses or gifted and talented programs. For more guidance on special education issues, see the following section.**
- ◇ **Ensure that the student has been evaluated for and if necessary is receiving appropriate academic support including English Language Learner services.**
- ◇ **Ensure that the student has been assessed for and is receiving any necessary remedial supports, including Title I services, standardized testing preparation, SAT preparation, one-on-one tutoring and after-school programs.**

8. ENSURE THAT THE STUDENT'S SPECIAL EDUCATION NEEDS ARE IDENTIFIED AND MET

Although high percentages of students in care are eligible for special education, they often fail to receive appropriate services because of their unstable home lives. This makes the school's role even more important.

- ◇ **Consider whether a child may need an evaluation for special education. Some signs include that the child:**
 - ◆ is repeating grades
 - ◆ has a pattern of receiving Ds and Fs
 - ◆ scored “basic” or “below basic” on recent PSSA testing in reading, writing, or math
 - ◆ is not attending school regularly
- ◇ **Check with teachers and family members to determine whether there are concerns about unmet special education needs.** However, trauma can interfere with learning. Be sure those assessing the child are aware of the various factors affecting learning.
- ◇ **For a student with an IEP, check with special education teachers, other staff, and the special education decision-maker to see if the student:**
 - ◆ is receiving all needed services and sufficient instructional hours
 - ◆ could be moved to a less restrictive placement
 - ◆ has been evaluated for special education within the past three years (or within the past two years for a student with an intellectual disability. A student can be evaluated annually if requested by the parent or special education decision-maker)
 - ◆ if 14 or older, IEP includes a meaningful transition plan

TIP: *Identifying a special education decision-maker is critical to ensuring educational success for youth in care.*

9. ADDRESS THE STUDENT'S BEHAVIORAL HEALTH NEEDS

Between 50 and 80 percent of students in the child welfare system have behavioral health needs. Schools can play a vital role in securing the necessary supports so that students can thrive.*

- ◇ **Meet with the student, education decision maker, and child welfare staff to discuss behavioral health needs.**
- ◇ **Identify any necessary behavioral supports the school should provide and if appropriate help the child to get more help from the behavioral health system. Refer to the student to the Student Assistance Program (SAP) if appropriate.**
- ◇ **If appropriate, develop and implement a positive behavior support plan as part of the child's IEP.**
- ◇ **Ensure that staff are trained in and providing trauma-informed discipline and teaching strategies.**



***TIP:** For more information on these trauma-informed teaching and discipline strategies, see **Helping Traumatized Children Learn**, available at <http://www.massadvocates.org/download-book.php>.*

* National Working Group on Foster Care and Education, *Education is the Life-line for Youth in Foster Care*.

10. ENSURE THAT THE STUDENT'S DISABILITIES ARE ACCOMMODATED

Students in the child welfare system too often slip through the cracks, failing to receive needed disabilities accommodations because no family member alerts the school to the disability. With proper accommodations, however, these students can thrive and excel academically.

- ◇ **Discuss any physical or behavioral health issues that require accommodation in the school setting with the child's education decision maker and other school personnel and put a 504 Plan or Service Agreement in place, if necessary.**

11. PLAN FOR GRADUATION AND PREPARE FOR POST-SECONDARY EDUCATION (for students 14 and older)

Some students in care don't realize they can go to college until an adult in their lives tells them it is a possibility, and helps them make the transition. Engaging older youth in planning for their future is vital to their success.

- ◇ **Discuss postsecondary plans with the student and their education decision-maker, and any other adults the student would like to involve.**
- ◇ **Communicate with the child welfare agency about the student's plans.**
- ◇ **Help the student to identify and prepare for all relevant entrance exams and preparatory courses.**
- ◇ **Ensure that student has visited and/or learned about appropriate colleges and or vocational programs.**
- ◇ **Inform student about financial resources for postsecondary education, and help student to apply for needed aid, including:**
 - ◆ Chafee Education and Training Grant (ETG)
 - ◆ Staying in care past age 18
 - ◆ Financial aid
 - ◆ Scholarships
 - ◆ Housing options

**GUIDES
ON
RELATED
LAW**

Confidentiality Issues of Students in the Child Welfare System Guide

The education agency should give and receive confidential information about students only with the proper written consents, and only to the extent necessary to benefit the student. Thus, the school should share information about the child welfare status only with designated individuals who are helping the student, and should share only that information which can assist the individuals in doing so. In addition, school staff should be aware of the following laws governing the sharing of information between child welfare and education agencies.

Confidentiality of education records

The federal Family Educational Rights and Privacy Act (FERPA) governs the school's release of education records. Generally, FERPA gives parents and students age 18 and older the right to have access to and to review their students' education records, and to keep those records confidential unless the parent or a student age 18 or older consents to their disclosure.

What are education records?

Education records are defined as the materials maintained by the educational agency or institution containing personally identifiable information directly related to a student. Directory information such as a student's name, address, telephone listing, participation in sports, degrees awarded, etc., is not an "education record" and is not protected by FERPA (although certain notice must still be given before it is released).

Who is a “parent” under FERPA?

FERPA defines a parent as “a parent of a student,” including “a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.” The child welfare agency is not a “parent” under FERPA so the agency cannot itself authorize the release of school records.

What does a school need to do to release records?

FERPA does allow the release of education records to a third party if:

- ◆ The parent consents;
- ◆ A student age 18 or older consents; or
- ◆ A court issues an order to release the information.

FERPA also contains certain exceptions, including an exception for research for the purpose of improving instruction in some circumstances.

Receiving information from the child welfare agency

Federal law permits child welfare to share records with “federal, state, or local government entities that have a need for such information to carry out their responsibilities to protect children from abuse or neglect.” However, child welfare records cannot be shared with schools absent a court order.

Education Decision-Maker Guide

Parents generally play an active role in their child's education: deciding what school the child should attend and what services the child needs, tracking the child's progress, and advocating for the child's continued success. For children in out-of-home care, the birth or adoptive parent may not be available or able to make these decisions. This guide helps to clarify the law about education decision-makers for children in the child welfare system.

Making regular education decisions:

Generally, when a child is placed in the child welfare system, the birth or adoptive parent retains the right to make education decisions. However, when parents cannot play this role, another individual can be appointed or a foster parent may perform this role with respect to day-to-day education decisions. **Under new Pennsylvania Rules of Juvenile Court Procedure, judges are directed to inquire into whether each child has an education decision-maker each time the child appears before the judge and, if the parent cannot play this role, to appoint an education decision-maker.**

An education decisionmaker appointed by a court may, for example, consent to a child participation's in the Student Assistance Program (SAP), a school-based voluntary program that offers supportive services to students experiencing academic, behavioral, and/or emotional difficulties which may pose barriers to school success. This consent would otherwise fall within the purview of a biological parent. The SAP team is comprised of specially trained teachers, administrators, school counselors and a mental health and/or drug & alcohol consultant(s) who work with the student and family members to provide support and make recommendations. When barriers are beyond the scope of the school, the SAP team provides information so that students can access community resources.

Making special education decisions:

The Individuals with Disabilities Education Act (IDEA) is very specific about who makes education decisions. It allows only a “parent” to act on behalf of a student with a disability who is or who should be receiving special education help. However, the IDEA includes several categories of persons in the definition of “parent.” These individuals can make special education decisions.

Under the IDEA, a “parent” includes:

- ◆ A birth or adoptive parent
- ◆ A foster parent
- ◆ A “guardian” who has the authority to act as the child’s parent or who has the authority to make education decisions for the child
- ◆ A person with whom the child lives who is caring for the child (such as a grandparent or stepparent), or someone who is legally responsible for the child’s welfare or
- ◆ A “Surrogate Parent”

A few rules about special education decision-makers:

Generally, the **biological or adoptive parent** will make special education decisions. The law says that whenever a biological or adoptive parent is “attempting to act” on behalf of the child in the special education system, the school must treat that parent as the decision maker. This means that if the school proposes an IEP for the child and the biological or adoptive parent disapproves the plan, the school cannot simply seek out a foster parent, kinship parent, or other relative to agree to the IEP.

If there is no active biological or adoptive parent (for example, the parent is dead, missing, or otherwise is unable to participate and make decisions), the foster parent is next in line to serve as the special education decision-maker.

If the child has no foster parent, or the court thinks another person is a better choice, the judge can appoint a person to fill that role. If the judge appoints someone to make special education decisions, that person becomes the only person who can make special education decisions for the child.

A person who does not fall into one of the categories (for example a caseworker) cannot make special education decisions for the child. However, the special education decisionmaker can permit another person to participate in an Individualized Education Program (IEP) meeting or consult about the child's needs. A caseworker can be appointed by a judge, however, for the limited purpose of requesting an initial special education evaluation.

What is a “surrogate parent”?

A surrogate parent is an individual appointed by the judge or the school to make special education decisions on behalf of the child. Surrogate parents have the same rights as any other “parent” under the IDEA and can review educational records, request and consent to evaluations and re-evaluations, and challenge the recommendations of the education agency by asking for mediation or by requesting a hearing. A surrogate parent does not have any rights outside of the education system.

When does a judge appoint a surrogate parent?

A juvenile court judge also has the authority to appoint a surrogate parent for a child in the custody of a child welfare agency. Most often, this applies to a child in congregate care such as a group home or residential treatment facility. **Whenever a judge appoints a decision-maker, that person trumps all others.**

When must a school district appoint a surrogate parent?

School districts are responsible for appointing a surrogate parent for any child who is eligible for special education, or who is in need of an evaluation to determine if he/she is eligible, IF:

- ◆ The school doesn't know who the parent is, or the school knows who the parent is but cannot locate that person after making reasonable efforts;
- ◆ The child has no "parent" as defined in the IDEA
- ◆ The child qualifies as an "unaccompanied youth" under the McKinney-Vento Act (such as a youth who is homeless because he has been kicked out of his home or run away).

Who should be the surrogate parent?

The surrogate parent should be an interested adult who knows the child and can make informed decisions on the student's behalf. This could be:

- ◆ An adult relative (even if the relative isn't in a position to have the child live in his or her home)
- ◆ A Court Appointed Special Advocate (CASA)
- ◆ A child's attorney or guardian ad litem (some attorneys may not be comfortable with this role or feel it is appropriate, so be sure to ask the attorney before you recommend him or her), or
- ◆ Another adult who knows the child (perhaps a church member or a responsible family friend)

A surrogate parent **cannot** be an employee of an agency involved in the education or care of the child. Schools must also ensure that the surrogate parent has no personal or professional conflicts with the child's interest and that the person has the knowledge and skills to represent the child competently.

Truancy Guide

Who must make sure a student in the child welfare system attends school?

The person(s) who are caring for the child – usually the child’s parent, a guardian, relative, or foster parent – are legally responsible for making sure that the child attends a regular public school, a charter or cyber charter school, a licensed private or religious school, or an approved homeschooling program

What can schools do to help youth in care with truancy issues?

Students in care may have a history of school attendance issues for a variety of reasons. These students have faced abuse or neglect at home and may still be dealing with residual trauma, have been required to adjust to new school situations, and have a host of educational challenges that accompany their often challenging histories. Schools should take proactive steps to identify and address the underlying causes of truancy of students in care. This may include reaching out to students, their caregivers, and the children and youth agency to develop appropriate interventions or implement effective strategies.

These steps may be incorporated into the child’s **“Truancy Elimination Plan”** for a child with three or more unexcused absences in a school year. In the case of students in the child welfare system, the focus of the plan should be the caregiver, the parent (or other education decision-maker), and the child, although caseworkers may

also be involved. The focus of the conversation should be identifying and addressing the root causes of the truancy, as well as recognizing and building upon the student's strengths. For more information on truancy elimination plans, a sample plan, and other actions schools can take, visit:

<http://www.portal.state.pa.us/portal/server.pt?>

For more information, see:

PDE Basic Education Circular on Compulsory Attendance and Truancy Elimination Plan: http://www.portal.state.pa.us/portal/server.pt/community/purdon%27s_statutes/7503/compulsory_attendance_and_truancy_elimination_plan/507353

Pennsylvania's Truancy Toolkit Frequently Asked Questions: <http://www.patruancytoolkit.info/index.cfm?pageid=2606>

Education Stability

I. School Stability Laws

There are two federal laws that help children in foster care minimize school changes with the consequent disruption to the learning experience:

- ◆ The **McKinney-Vento Act** (McKinney-Vento) was designed to address the educational needs of youth who are homeless, including a certain subset of youth in care called “children awaiting foster care placement.”
- ◆ The **Fostering Connections to Success and Increasing Adoptions Act** (Fostering Connections), a child welfare law, also contains provisions encouraging child welfare and education agencies to work collaboratively to support education stability for students in the child welfare system. Fostering Connections applies to all youth in the foster care system but offers somewhat less protection than the McKinney-Vento Act.

When does McKinney-Vento Apply to Children in Care?

The McKinney-Vento Act applies to children who are: 1) “homeless,” including children in shelters, children living doubled up with other families for economic reasons, 2) “unaccompanied youth,” and 3) children who are “awaiting foster care placement.”

(See Pennsylvania Department of Education Basic Education Circular “Education for Homeless Youth”, BEC 42 U.S.C.A. § 11431 (Sept. 1, 2011).

- ◆ **Unaccompanied youth** are defined in McKinney-Vento as: any child who is not in the physical custody of a parent or guardian such as youth who have run away from home, been thrown out of their home, been abandoned by parents or guardians, or separated from their parents for any other reason.” “Education for Homeless Youth”, BEC 42 U.S.C.A. § 11431.

- ◆ **Youth “awaiting foster care placement”** is defined in Pennsylvania as: “children who are placed in shelters, emergency foster care, transitional foster care or respite care ... [placements that] do not typically last longer than 30 days. However, individual circumstances may, at times, require a longer length of stay. If the placement exceeds 30 days, [the school should make contact] with the child welfare worker and the local McKinney-Vento Coordinator to determine if there is any valid reason to conclude that the child is still ‘awaiting foster care placement.’ “Education for Homeless Youth”, BEC 42 U.S.C.A. § 1143.

When can a student stay in the same school even though he or she has moved to a foster care placement in another school district or school attendance area?

If the student is “homeless” as defined in McKinney-Vento (including that is the child is “awaiting foster care placement” or is an “unaccompanied youth”), he or she has the **right** to stay in the current school, or the school the student was attending when first placed, with **transportation** to that school. If there is a dispute about whether the child should stay or change schools, the student has the right to stay in his current school until the dispute is resolved through an appeal process. The youth and parent also have the right to assistance from the McKinney-Vento liaison at the school.

How else can schools help students in care with stability?

Under Fostering Connections, caseworkers are required to collaborate with schools to **keep students in their current school** even if they move to a foster care placement in a different school district or attendance area unless a school change is in the child’s best interest. The PDE BEC on Enrollment strongly encourages school districts to keep students in their current school. “Education for Homeless Youth”, BEC 42 U.S.C.A. § 11431. Schools and caseworkers should work

together to help the student maintain a stable educational experience, including arranging for the student's **transportation** to the current school.

For all children in foster care, the **Fostering Connections Act** requires that the child's case worker consider the **appropriateness and proximity** of the current school when deciding upon a new living placement for the student. If a child is doing well in school, the child welfare agency should look for a living placement nearby so the student can easily continue to attend that school. Schools can help by providing case workers with information about the child, including: the child's academic progress, how long the student has attended the school, whether the special education needs of the student are being met, social and extracurricular activities or other supports the student is receiving, and the youth's views on whether a school change should be made.

II. School Enrollment Issues

Who can enroll a student in school?

A student may be enrolled by **any person having charge or care of the child, including a foster parent or the child welfare caseworker.**

What documents must a student produce to enroll in school?

If the child is eligible under **McKinney-Vento**, the child must be enrolled even without the normally required documents. For all other students, the **only** documentation that must be provided in order to enroll the child are:

- ◆ **Immunization Records:** The old school district or a doctor can confirm by telephone that the student is immunized with records to follow.
- ◆ **Proof of the Student's Age:** Examples of documents that prove age are the student's birth certificate, a notarized statement by a parent or other relative stating the date of birth, or old school records. A school district cannot demand a birth certificate if other documents are available that prove the student's age.

- ◆ **Proof of Residency and Contact Information:** This could be a letter from the Child and Youth agency that the child has been placed with the foster parent.
- ◆ **Sworn Statement of Student’s Disciplinary Record:** This document filled out by the parent or another adult provides information on whether there are serious school discipline violations in the student’s history. A statement “to the best of my knowledge” suffices. The district **cannot** refuse to enroll a student because of the child’s disciplinary record. However, if the student is currently expelled for a weapons offense, he or she may be assigned by the new school district to an alternative school placement for the length of the expulsion.

Until what age may a student remain in school?

A student in Pennsylvania has a right to attend public school until the **end of the school year in which the student turns 21 or until he receives a regular high school diploma. A youth in Pennsylvania has the right to re-enroll in and attend school through the school year in which he or she turns 21 even if the student has previously dropped out of school or passed the GED tests.**

For more information, see:

PDE Basic Education Circular on Enrollment:

<http://www.pde.state.pa.us/k12/cwp/view.asp?A=11&Q=84241>

PDE Basic Education Circular on Education for Homeless Students:

http://www.portal.state.pa.us/portal/server.pt/community/us_codes/7505/education_for_homeless_youth/806365

Transition Planning & Higher Education Guide

What planning must be done to support a youth's transition to adulthood?

For children in out-of-home care:

Under federal child welfare law, the child welfare agency must work with youth no later than 90 days before discharge from placement to create a detailed individualized plan that addresses “specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and employment services.” The plan must be youth-driven, and reviewed by a court. Schools can help youth to develop these plans by working with them to identify their education goals and opportunities. School staff can offer to join youth in speaking with their caseworker or the court about this plan. Beginning at age 16, youth should have a plan in place to address these issues.

For students in special education:

Under the IDEA, schools are required to provide students 14 and older with “transition services.” This means providing a coordinated set of activities and results-oriented process focused on improving the child’s academic and life skills so that the child can transition smoothly to life after high school. Appropriate transition outcomes can include post-high school education, vocational education and training; employment, adult education programs, independent and community living.

Transition services must be individualized to the student’s preferences, strengths and needs, and can include instruction, services, community experiences, and the development of employment and related life skills. Transition services should always be provided in the **least restrictive environment**, which could include the school, community, employment site, or vocational school.

Transition plans are part of a child’s IEP and are developed through the IEP team meeting process. **The youth must be invited to join the team that develops the transition plan**, and if he or she does not attend the IEP meeting the school must take steps to ascertain the youth’s preferences and priorities.

What resources are available to youth in care who want to pursue higher education?

Federal financial aid:

If you are considered an independent student, you do not have to provide any information about parental income. Students who have spent time in foster care should be sure to answer YES to question 55 of the Free Application for Federal Student Aid (FAFSA). This question asks if you are or were a ward/dependent of the court or in foster care at age 13 or older. Answering yes qualifies students as “independent” and yes makes them eligible for the maximum student aid available. Students will need to provide a letter from the county child welfare agency with their application.

A federal law called the College Cost Reduction and Access Act expanded the definition of an independent student. If you are considered an independent student, you do not have to provide any information about parental income. As of July 1, 2009, an individual is considered independent for the purposes of the FAFSA if he or she meets any of the following criteria:

- ◆ he or she was a ward of the court or in foster care at age 13 or older (that includes a youth who was in foster care at age 13 and then was adopted as well as a youth who stayed in foster care until age 18 or 21).
- ◆ he or she has been identified as homeless or at risk of homelessness in the year of application by a homeless youth education liaison or a director of a shelter, or a financial aid administrator
- ◆ he or she is in a legal guardianship arrangement approved by the court

The College Cost Reduction and Access Act also allows more flexibility to financial aid administrators to determine whether an individual who does not meet the criteria provided in the law are independent. Financial aid administrators can determine if there is a special circumstance that applies that would exempt an applicant from providing their parent's financial information.

Examples of Other Scholarships and Grants:

Chafee Education and Training Grant (ETG)—provides up to \$5,000 per academic year. Students may be eligible if they: 1) were adopted after attaining age 16, or 2) are 16 or older and in care, or 3) are under 21 and were in care at age 16 or older. To apply, students must complete the FAFSA and the Pennsylvania Chafee Education and Training Grant Program Application. To obtain this application call 1-800-831-0797 or go online at www.pheaa.org or www.independentlivingpa.org.

Casey Family Scholarship—offers between \$1,500 and \$10,000 per year in scholarships to youth under age 25 who resided in foster care for at least 12 months and were not adopted. In 2009, the application was posted at <http://www.orphan.org/index.php?id=30> .

National Foster Parent Association Youth Scholarship—offers scholarships to foster youth for college, vocational training schools, correspondence courses and even GED prep programs. They award five scholarships of \$1,000 each. To apply, students must complete the application, obtain two letters of recommendation, and write an essay.

See <http://www.nfpainc.org/content/page=YOUTHSCHOLARSHIP&nmenu=4&title=Youth%20Scholarships> for more information.

What supports will help a student pursuing post-secondary education with their daily needs?

School staff should also keep in mind that foster youth seeking higher education opportunities will likely lack the emotional or financial support for housing, health care, and other basic necessities. Higher education planning for these youth must therefore include a plan to address these issues.

If a student is planning to continue his or her education, he is eligible to remain in foster care until age 21. This can provide the necessary resources for some youth.

TIP: *Good transition plans should include teaching students “self-advocacy skills” so that the youth can advocate for themselves after their public school experience ends. Effective self-advocates understand their disabilities, the impact of the disabilities on their daily lives, and the supports they need to be successful in school, employment, and in the community. Parents and school staff should help students be effective self-advocates during transition planning. They should help the student explain her preferences, aptitudes, and abilities so that the resulting educational programming will be interesting to, and appropriate for, the student.*

RESOURCES FOR EDUCATORS WORKING WITH CHILDREN AND YOUTH IN FOSTER CARE

BACKGROUND INFORMATION AND LEGAL GUIDANCE

- 1. *Why Special Education Teachers Should Care About Foster Care*:** an LD Online resource created by the Department of Special Education at Eastern Michigan University, available at www.ldonline.org/article/5610.
- 2. *How the Child Welfare System Works*:** a factsheet created by the U.S. Department of Health and Human Services, Administration for Children and Families, available at www.childwelfare.gov/pubs/factsheets/cpswork.cfm.
- 3. *Special Education Decision Making: A Guide for Educators*:** a Legal Center on Foster Care and Education guide for educators working with children and youth in foster care who qualify for special education services, available at www.americanbar.org/content/dam/aba/migrated/child/education/publications/special_ed_series_DM_educators.authcheckdam.pdf.
- 4. *Education Law Center website*:** www.elc-pa.org contains numerous fact sheets and publications on the education rights of youth in the child welfare system.

TRAINING CURRICULA

- 5. *Endless Dreams*:** a Casey Family Programs video and training curriculum for teachers about children in foster care, available at www.casey.org/Resources/Initiatives/EndlessDreams/.

6. What Teachers and Educators Can Do to Help Youth in Foster Care: a resource from The ALLIANCE National Parent Technical Assistance Center that offers helpful tips for educators, available at www.taalliance.org/conferences/2009/materials/3b_FCM08%20What%20Teachers%20and%20Educators%20Can%20Do.pdf.

7. A Conversation with an Educator: a written interview with a professor of education who is also a resource parent on what teachers working with youth in foster care should know. Available on the website for the National Resource Center for Permanency and Family Connections, at www.hunter.cuny.edu/socwork/nrcfcpp/info_services/conversation-with-educator.html.

8. Everybody's a Teacher: a statewide initiative, including a "Backpack" of resources, in Florida to help children and youth in foster care get the best education possible, available at www.dcf.state.fl.us/initiatives/everybodysateacher/.

PROMISING PRACTICES AND REFORM INITIATIVES

9. Blueprint for Change: Educational Success for Children in Foster Care: a Legal Center for Foster Care and Education guide for reform available for download at www.abanet.org/child/education/publications/blueprint_second_edition_final.pdf.

Guides specific to educators can be found at www.americanbar.org/content/dam/aba/migrated/child/education/publications/blueprint_tools_educator_school_stability.authcheckdam.pdf.

10. Solving the Data Puzzle: a Legal Center for Foster Care and Education guide on how child welfare and education agencies can best work to improve data collection and information sharing, available at www.casey.org/Resources/Publications/pdf/SolvingDataPuzzle.pdf.



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