

Foster Care & Education



FEDERAL LAWS THAT INCREASE EDUCATIONAL OPPORTUNITIES FOR OLDER YOUTH IN OUT-OF-HOME CARE

In 2008, three significant federal laws passed that impact the educational opportunities for older youth in the foster care system. Below we provide key details from the Fostering Connections Act, the College Cost Reduction Act and the reauthorization of the Higher Education Act.

Q: Does the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) have any provisions related to the education needs of older youth in foster care?

A: Fostering Connections, enacted in October 2008, includes a number of provisions that could help all children in out-of-home care pursue their education goals, and particularly older youth. The law includes important provisions requiring the child welfare agency to maintain assurances in their case plans of the child's right to remain in their original school, or if not in the child's best interest, immediate enrollment in a new school. (For a complete discussion of the stability and continuity provisions of Fostering Connections, please see www.abanet.org/child/education/publications/qa_fostering_connections_final.pdf).

Specifically affecting older youth, the law includes increased eligibility for funding for post-secondary education pursuits, an option for states to extend care to the age of 21, and increased transition planning requirements. The following questions address the applicable provisions in more detail.

Q: How does Fostering Connections improve the financial ability of older youth to pursue postsecondary education?

A: Fostering Connections explicitly makes youth who entered kinship guardianship arrangements from foster care at age 16 or older eligible for Education and

Training Vouchers (ETVs) (youth adopted from care at age 16 or older were previously eligible) that provide up to \$5,000 for the cost of attendance at post-secondary programs of education or vocation. In addition, these youth are eligible for Independent Living Services, which can include educational support services and college preparation services.

Q: How does Fostering Connections improve the ability of a youth in foster care to pursue postsecondary education?

A: Research overwhelmingly demonstrates that receiving support and services past the age of 18 significantly increases the chances of youth completing secondary school and pursuing college or vocational school. Fostering Connections permits states, at their option, to receive Title IV-E reimbursement for the cost of placement and services for youth until the age of 19, 20, or 21. In order to remain in care, youth must be attending school, working, or involved in a program designed to remove barriers to working or education. Prior to Fostering Connections, states could only receive Title IV-E reimbursement until a youth turned 18, or 19 for youth still in high school. The option to receive federal reimbursement past age 18 provides an important incentive to states to extend care for youth over the age of 18.

Q: How can the new transition plan requirement of Fostering Connections improve a youth's educational status and opportunities?

A: Fostering Connections requires as part of the case review system that at least 90 days before a youth is discharged from care at age 18 or older, a transition plan is developed with the youth. The child welfare agency must:

provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.

The information provided in the plan should be specific, concrete, and individualized. The plan must include the youth's educational plans and status and should include information about the supports and services that may be needed to achieve those goals. Clearly, transition planning should be occurring well before 90 days prior to discharge, but this new requirement provides a legal mandate to develop a final detailed discharge plan. Importantly, existing law requires that by age 16 the youth's case plan contain a description of the services needed to help the transition from foster care to independence, including planning and services related to education. Both the new and old planning requirements are important elements of preparing youth to exit from foster care, and should be initiated as early as possible to allow for the best transition to independence.

Q: How does the College Cost Reduction Act benefit older youth in foster care?

A: The complexities of the financial aid process often create a barrier for youth in foster care to apply to and enroll in higher education. The College Cost Reduction Act makes clear 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 when the individual was 13 years of age or older." This provision significantly increases the number of former and current youth in care who may fall into this category. If a youth is considered "independent," only the youth's income, not that of a parent or guardian, is considered in determining eligibility for financial aid.

Q: How does the Higher Education Opportunities Act assist foster youth in pursuing their education?

A: In August 2008, the Higher Education Opportunity Act was enacted. This legislation reauthorizes the Higher Education Act and includes

numerous amendments designed to increase homeless and foster students' access to postsecondary education.

The Federal TRIO programs consist of programs that support at-risk junior high and high school students to graduate from high school, enter college, and complete their degrees. These programs include Talent Search, Upward Bound, Student Support Services, Educational Opportunity Centers, Staff Development Activities, and Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP). Students experiencing homelessness or in foster care are at great risk of academic failure due to their extreme poverty and residential instability, yet, prior to this reauthorization, they were not specifically mentioned or targeted by any of the TRIO programs.

The law now requires that "the Secretary shall, as appropriate, require each applicant for funds under the [TRIO] program... to identify and make available services under such program, including mentoring, tutoring, and other services provided by such program, to foster care youth (including youth in care and youth who have left care after reaching age 13) ...". Furthermore, the law makes homeless children and youth, or youth in foster care (including youth who have left foster care after reaching age 13), automatically eligible for all TRIO programs.

In addition, the law makes clear that services and programs such as counseling, mentoring, tutoring, can be "specially designed for" "homeless students, those in or aging out of foster care and disconnected youth."

Finally, and importantly, the law also makes clear that Student Support Services funds can be used for "securing temporary housing during breaks in the academic year for students who are (A) homeless or formerly homeless under McKinney or (B) in foster care or aging out of the foster care system."

Education advocates should use these provisions as a way to ensure youth access to these critical services for foster and homeless youth.

Q: Where can I learn more about services and supports for older youth in care?

A: There are a number of organizations that focus on the unique needs of older youth and those transitioning out of foster care. Please visit the National Child Welfare Resource Center for Youth Development (<http://www.nrcys.ou.edu/yd/>), the National Foster Care Coalition (www.nationalfostercare.org), and Chicago Law School's Foster Care Project (www.fostercaretoadulthood.wikispaces.com) for more information and resources.