



EDUCATION AND CHILD WELFARE: CWLA KEY PRINCIPLES FOR THE REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

The Child Welfare League of America (CWLA), a ninety year-old organization representing hundreds of public and private child-serving member agencies located in all fifty states, offers the following proposals and principles in regard to the education needs of children and youth in child welfare.

In 2008, Congress, in unanimous fashion, passed into law the Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351). One part of this new law deals very specifically with the education of children who are in out-of-home care (foster care). Included in the education requirements, state child welfare agencies are now directed to assure that they have coordinated with appropriate local educational agencies to ensure that a foster child remain in his or her school that the child was enrolled in at the time of placement in care. If remaining in the same school is not in the best interests of the child, the child welfare agency and the local educational agencies are to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

This action by Congress is significant in its recognition that educational outcomes are critical to addressing the well-being of children in our nation's child welfare system. To fully recognize this however, the same requirement needs to be placed on state and local education agencies. We now ask that Congress continue to build on the good works enacted by the Fostering Connections to Success Act by incorporating the same improvements into the federal education law.

Background: Improving Educational Outcomes for Children in Foster Care and Child Welfare

After the enactment of the last reauthorization of the ESEA, CWLA with the support of Casey Family Programs collaborated with the National Council of Juvenile and Family Court Judges on ways to improve the education outcomes for youth in care. Through this collaboration we reported the following:

Studies have found that 26% to 40% of youth in care repeated one or more grades. In addition, 30% to 96% of students in care were below grade level in reading or math, 37% to 80% of youth had not completed a high school education even after leaving care, and between 30% and 41% of children and youth in care receive special education services, although this number may be underreported. Youth living in less restrictive placements, such as family foster care, kinship care and transitional apartments, were more likely to participate in postsecondary education. Children and youth of color were at risk for low educational achievement, with minority youth more likely to drop out of school, less likely to succeed in school, and less likely to complete high school or earn a general equivalency diploma (GED) before exiting care.

Studies report that children and youth in care have a median of three to four placements. The longer a child is in care, the greater the number of placements, with approximately three years in care being the critical point for multiple placements. Older children and children who entered care at a later age are more likely to experience multiple placements. Children in kinship care placements experience greater placement stability. A child's behavior, as well as the interaction between the child, caregiver, and caseworker, is predictive of placement stability.

Changes in placement often cause changes in school for children and youth in care. School performance suffers as youth experience school disruption, often ranging from two weeks to a one-month period. Each move to a new school forces students in care to adjust to new curricula, teachers, academic demands, group norms, and school peers. Placement disruptions make it difficult for students in care to receive timely assessments, obtain continuous educational services, and have accurate and complete school histories.

Several factors can be barriers to successful educational outcomes for youth in care. A lack of collaboration between child welfare agencies and schools can hamper educational progress because the systems are not familiar with each other. The school can hurt a student's educational progress by resisting or delaying a student's enrollment, failing to recognize an individualized education plan (IEP), providing lower quality of education, or failing to provide a social environment that accepts students in care. Teachers can negatively affect a youth's educational experience if they are not empathetic, sensitive, or encouraging to students in care. In addition we fail to track, in a systematic way, data that gives us ongoing information on how children in care are doing in regard to education.

Key Principles

There are a number of important steps that need to be addressed if we are to improve the education outcomes for children in the child welfare system. The **Fostering Success in Education Act, S. 2801**, would enact a number of important changes to the ESEA to address the education needs of children and youth in foster care. It would also provide a mechanism to encourage greater cooperation and coordination between the state and local education and child welfare agencies. CWLA has endorsed this legislation.

Critical to any action by Congress to improving the educational outcomes for children in foster care we urge the Congress to enact an ESEA reauthorization that addresses the following education principles:

Educational Stability

When it is in the best interest of the child, he or she should be able to stay in the same school even if placement moves that child outside school district lines. The child welfare agency must make an effort to place a child as close to the current neighborhood as possible. When relocation outside of district lines results and it is in the child's best interest to stay in the same school then the school agency must have a partnership with the child welfare agency to make sure remaining in the same school occurs. Unnecessary changes in schools have been shown to be associated with poor academic performance. In addition, a major social network of support may be disrupted resulting in the loss of key friendships and personal support mechanisms.

Immediate Enrollment

There will be times when a child will have to move to a new school. This could be because a nearby placement is not possible or available. In some instances there could be safety concerns for the child that would suggest a new school placement. When placement dictates a new school then there must be immediate enrollment. Immediate enrollment means a few days and not weeks. Inordinate delays in education placement during a school year could cost that child valuable learning time creating an additional set of education barriers. Enrollment must not be delayed as a result of lack of documentation and transfer of records. A delay in a transfer of records has too often been used as a primary reason for delaying immediate enrollment in a different school.

Transfer of Records

Even when policy requires immediate enrollment in a different school regardless of the successful transfer of records, it is still critical to have an efficient system in place that will transfer needed health and school records along with the child. In some instances if a child is immediately enrolled but the school records are delayed or lost that child ends up being placed in the wrong grade or does not receive the appropriate lesson plan. A lack of systematic records transfers can result in lost credits, disruptions in the receipt of special education services, and possible delay in graduation.

The Need to Address Transportation Services and Costs

When a child moves beyond the school district lines but continues to attend the same school he or she has likely moved outside of that school's transportation routes. Special transportation services may be needed or in some instances support for the caregiver to provide that transportation needs to be addressed. The most effective strategy to address this is a cooperative agreement between the school district and the child welfare agency to address these costs. The Fostering Connections to Success Act clarified in law that states can utilize the Title IV-E entitlement funding under foster care maintenance payments. These funds can be provided through the maintenance payment that a child welfare agency provides to the foster parent. These funds are matched at the FMAP (Medicaid matching) rate. This provides a partial solution. Title IV-E foster care is expected to cover approximately 168,000 of the approximate 460,000 children expected to be in foster care in FY 2011. Since this is only 36% funding through this vehicle does not fully address this challenge. Even if Title IV-E covered many more children the formula for setting maintenance payments is set by each state based on their own formulas which may or may not fully compensate for the cost of such transportation. The most effective strategy to address transportation costs will vary by each state and school district since states have a variety of ways to pay for school transportation. As such we believe that the school districts and the child welfare agency should be mandated to have a coordinated plan that most effectively addresses transportation costs. Depending on the locality or state this may place more burdens on one entity over the other. Whatever the end result a child should not be left without the ability to go to the school that is in his or her best interests just because a joint agreement between the two parties is not worked out.

Best Interest Determination and Dispute Resolution

There must be a best interest determination process that considers both education needs and child welfare placement needs of the child. Education factors could include whether or not a particular school provides important education services that are of particular benefit to the student. Child welfare needs may be influenced by closeness to family, availability of resource families and other factors. There must be a coordinated way to address these needs, and because several parties will be involved in this decision, including the child or youth, there must be a process for resolving disputes of school selection.

Data Collection

We have limited information on outcomes for children in foster as it relates to grades, grade progression and graduation rates. New data collection requirements were included in the last ESEA reauthorization (No Child Left Behind). That reauthorization does not require states to disaggregate data on youth in the child welfare system but states can use their systems to pull out this data.

Enforcement

There needs to be an ability to enforce these new requirements. While the federal child welfare law now requires specific education rights for children in out of home care its application across the country can and does vary by state. The federal mandate and any potential penalty is on the child welfare agency. To facilitate a dialogue between both the education and child welfare agencies that same mandate should be extended to state and local education agencies.