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ABA Center on Children and the Law  
National Resource Center on Legal  
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# Studies across the country, show children in foster care are struggling academically

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Research shows that youth in care :

- ❑ graduate high school at low rates and are less likely to complete high school compared to their non-foster care peers.
  - ❑ have significantly higher rates of dropping out or incarceration.
  - ❑ High rates of reading below grade level.
  - ❑ Much more likely to repeat a grade.
  - ❑ Alarming few enter post secondary education, and even fewer obtain a bachelor's degree.
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# School Stability and Children in Foster Care

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- ❑ Federal data indicate that school age children in foster care in FY 2009 experienced an average of 3.38 living placements.
- ❑ One study showed that over two thirds of children in care changed schools shortly after initial placement in care.
- ❑ Studies have found that highly mobile children score lower than stably housed children on standardized tests in reading, spelling and math.
- ❑ In a national study of 1,087 foster care alumni, youth who had even one fewer placement change per year were almost twice as likely to graduate from high school before leaving care.

# Fostering Connections to Success and Increasing Adoptions Act of 2008

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- ❑ Amends Title IV (Parts B and E) of the Social Security Act
- ❑ Broad-reaching amendments to child welfare law
- ❑ Important provisions promoting education stability and enrollment for youth in care
- ❑ Changes child welfare law, but cannot be fully realized without collaboration from education system

# Fostering Connections: education provisions summary

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- ❑ Every child's **case plan** must include "assurances that the placement of the child in foster care takes into account the **appropriateness** of the current educational setting and the **proximity** to the school in which the child is enrolled at the time of placement."
- ❑ Child welfare agency must coordinate with school to **ensure** child remains in the same school unless **not** in the child's best interest.
- ❑ Child welfare agency **may** use federal funds to provide reasonable travel for children to remain in their school of origin. (CWPM 8.1(B))  
42 U.S.C. 675(1)(C)

# Fostering Connections: education provisions summary continued

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- If remaining in same school is **not** in child's best interests, child's case plan must include assurances that the child welfare agency and local education agency will:
  - provide immediate and appropriate enrollment in a new school; with
  - all of the educational records of the child provided to the school.

# Collaboration to Implement Fostering Connections

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- \* \* Much can be done within child welfare agencies to change policy, practice and culture to implement these school stability provisions of FC.
- \* \* However, child welfare needs other partners to fully implement the law
  - Education Agencies
  - Courts

# Education as a Partner

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Examples of what children in care need from education agency partners:

- ❑ allow a child to remain in a school even if the child is moved outside that school's boundaries;
- ❑ remove obstacles to the immediate enrollment of a child in a new school; and
- ❑ promptly transfer the child's school records.

# Education as a Partner

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- ***Making the Case: Why Child Welfare Agencies Need Education Agencies to Focus on the Education Stability of Children in Care***

***Making It Work: How Child Welfare and Education Agencies Can Collaborate to Ensure School Stability and Improve Educational Outcomes for Children in Foster Care***

Coming Soon: Two briefs in a series to support further implementation of the Fostering Connections Act found at [http://www.americanbar.org/groups/child\\_law/projects\\_initiatives/education.html](http://www.americanbar.org/groups/child_law/projects_initiatives/education.html)

- ***Solving the Data Puzzle: A How To Guide on Collecting and Sharing Information to Improve Educational Outcomes for Children in Out-of-Home Care.*** This How To Guide is divided into two sections: a Manual and Tools. The Manual provides details on relevant legal and policy considerations, as well as examples from around the country engaging in this important work. The Tools provide checklists to guide education and child welfare agencies in collaboration.

<http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/solvingthedata puzzle.authcheckdam.pdf>

# Court Role in Direct Advocacy

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- Court's clear role in overseeing the "well being" of children in foster care- this includes their education needs
- Link between addressing education needs and achieving permanency
- New Program Instruction (released on July 9<sup>th</sup>, 2010): the courts "play an important role in education stability"
- Example of issues:
  - Who makes education decisions
  - Access to education records
  - Needs identified; services provided

# Court Role in System Reform

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- ❑ Prioritize education as an key issue in achieving permanency for children in care
- ❑ Securing buy-in support and participation by leadership from education agencies and child welfare agencies
- ❑ maintaining progress and momentum over time

# Courts as a Partner

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- **Technical Assistance Brief:** Asking the Right Questions II: Judicial Checklists to Meet the Educational Needs of Children and Youth in Foster Care- NCJFCJ Outlines questions that should be asked in a courtroom with respect to the educational needs of children and youth in foster care.  
<http://www.ncjfcj.org/content/blogcategory/363/432/>
- **Coming Soon** - Judicial Guide to Implementing the Fostering Connections to Success and Increasing Adoptions Act of 2008 will be available at  
<http://www.grandfamilies.org>



# Contact Information

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