

Foster Care & Education

Q&A

SCHOOLS AS MANDATORY PARTNERS IN ENSURING EDUCATIONAL STABILITY

Q: What is “educational stability” and why is it important for youth in care?

A: More than half of all children in foster care are school age. Sadly, these children move often – from their parents’ home to foster care, from foster home to foster home, and sometimes to relatives or group care settings.

If these children are forced to change schools whenever their living situation changes (often resulting in enrollment delays at each new school), their education can be catastrophically interrupted. Unless there is a child-centered reason for a school change, these children should remain in the same school even when they move outside of the school district or the school attendance area. This is known as “educational stability” (also called “school stability”), and it is mandated by the Fostering Connections to Success and Increasing Adoptions Act which went into effect in 2008.

Q: What does the Fostering Connections Act require?

A: Child welfare agencies must include a plan for ensuring educational stability in every child’s case plan. The educational stability plan must contain an assurance that a child’s living placement considers the appropriateness of the child’s current school and its proximity to the placement. The law also requires an assurance that the child welfare and local education agencies have coordinated to ensure that the child remains in the same school or, if remaining in that school is not in the child’s best interest, that the child is

enrolled immediately in the new school with all education records.

Q: How effectively has Fostering Connections’ educational stability mandate been implemented in states and what have been the hurdles to full implementation?

A: On May 29, 2014, the U.S. Government Accountability Office (GAO) issued a report on how well states are implementing the Fostering Connections Act, including the educational stability requirement <http://www.gao.gov/products/GAO-14-347>. The GAO found that meaningful progress has been made in many states, but that significant challenges remain. Educators, child welfare staff, and youth reported that a significant number of students are still changing schools. Thirty-seven states reported that the lack of required coordination between educational agencies and child welfare agencies poses a challenge – and in nineteen states a *major* challenge – to ensuring educational stability.

Q: Do state and local education systems have a responsibility to help ensure educational stability for youth in care?

A: Yes. On May 30, 2014, the U.S. Departments of Education and Health and Human Services issued a joint letter to Chief State School Officers and Child Welfare Directors clarifying that **state and local education agencies have a clear legal duty to help**

implement the educational stability mandate. The letter states that “the Fostering Connections Act imposes specific obligations” on both child welfare agencies and local educational agencies. It directs state education agencies to remind local education agencies of their obligation to collaborate and coordinate with child welfare agencies.

Prior to this guidance, some states interpreted Fostering Connections to apply only to child welfare agencies receiving funds under Title IV-E.

<http://www.acf.hhs.gov/programs/cb/resource/fostering-connections-letter>. The letter notes that this interpretation led to inconsistent implementation of the Act, including caseworkers in one state reporting that “the default option for youth is to change schools.”

The May 2014 letter emphasizes the importance of educational stability for children in foster care and notes that implementation requires a partnership between education and child welfare agencies. Without the required coordination and assurances from local education agencies, the state’s federal funding under Title IV-E could be at risk.

In closing, the letter urges child welfare agencies to work together to develop policies and procedures that ensure educational stability, and immediate enrollment when a change is needed, in time for the 2014-2015 school year.

Q: What can advocates do to ensure that the child welfare agency and local education agency in their community are working together to implement the educational stability mandate?

A: Begin by assessing whether coordination between your child welfare agency and local education agency is already underway.

- If the agencies are already collaborating effectively, share the May 2014 joint letter with them. Congratulate the agency staff on the progress they are making, and note how such progress was praised in the letter.
- If no, or inadequate, coordination is underway, share the letter with both the child welfare and local education agencies. Ask for the opportunity to meet with key staff to discuss why

coordination is needed and how agencies can begin addressing educational stability for children in foster care. Be sure you include leaders from both education and child welfare in the meeting so school and child welfare officials know you are ready to help them. You can use such meetings to develop state or local level protocols or procedures for collaborating on educational stability, transferring school records promptly, and collecting and analyzing relevant data.

Q: Where can I get more information about the education rights of youth in care?

A: A dedicated Web page, Students in Foster Care, is now active on the U.S. Department of Education Website <http://www2.ed.gov/about/inits/ed/foster-care/index.html>. This Web page provides information on relevant laws, guidance, and technical assistance materials related to educational support for students in foster care.

Additionally, the Legal Center for Foster Care and Education is available to provide training, technical assistance, sample tools and resources, and other help relating to the implementation of the Fostering Connections Act. For more information, visit <http://www.fostercareandeducation.org/AreasofFocus/FosteringConnections.aspx>.