

Working with Students in Foster Care Placement in School Districts

A general guide for educators to understand the laws and best practices for dealing with foster students and the system placing them.

All LEAs are required to have a Foster Point of Contact. School staff should be familiar with this individual and work closely with them to ensure educational stability for foster students.

In the U.S. today, approximately 400,000 children and youth are in foster care at any given time and each year about 20,000 of these students emancipate (i.e., age out) of foster care. A positive PK-12 education experience has the potential to be a powerful counterweight to the abuse, neglect, separation, impermanence and other barriers these vulnerable students experience. Additionally, participation in and persistence to a postsecondary credential can enhance their well-being, help them make more successful transitions to adulthood, and increase their chances for personal fulfillment and economic self-sufficiency.

Know the Facts:

- More than 50% of school-age children in foster care have been retained at least one year in school.
- By third grade, 83 percent of students in foster care have repeated a grade.
- The dropout rate for students in foster care is 31 percent, compared to 10 percent for all students.
- Youth in foster care who experience one fewer placement change per year are almost twice as likely to graduate from high school.
- Only 52 percent of foster youth graduate high school, compared to 84 percent of all students.
- A child who changes schools more than twice is 50% more likely to drop out of school.
- School-age children in foster care attend an average of nine different schools by the age of 18.
- Every time a child changes a family or foster placement, he/she loses up to six months of ground.
- More than 70 percent of foster youth aged seven and above have experienced trauma and/or exhibit mental health symptoms.
- High school dropouts are eight times more likely to be incarcerated.
- High school dropouts are 40% more likely to receive public assistance.

- Fewer than 2% of youth formerly in foster care complete a bachelor's degree before the age of 25, compared with 24% of the general population.
- More than 20% of foster youth are homeless at least one night within one-to-five years after exiting the foster care system (some studies show up to 60%).
- The estimated cost to society of one youth who drops out and turns to crime & drugs is \$1.7 to \$2.3 million.

A coordinated effort by education agencies and child welfare agencies is necessary to improve the educational outcomes for students in foster care. Fortunately, the last few years have seen important policy, practice, and advocacy advances that address the education barriers and supports needed for these vulnerable students.

Educational Stability for Foster Care Youth in Pennsylvania

In December 2015, the Every Student Succeeds Act (ESSA) reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). In regards to Foster Care, the focus of ESSA is to enhance collaboration and align education and child welfare systems to improve educational outcomes for foster care students. ESSA amends ESEA to include educational stability for foster care youth exclusively under Title 1, removing children "awaiting foster care placement" from the McKinney-Vento Homeless Assistance Act. ESSA aims to enhance collaboration between education and child welfare systems in each state to ensure educational stability for foster care youth.

On June 23, 2016, the U.S. Department of Education and U.S. Department of Health and Human Services issued a guidance to states, school districts and child welfare agencies on the new provisions in ESSA for supporting children in foster care. These provisions take effect in Pennsylvania on December 10, 2016.

The Pennsylvania Department of Education (PDE), the Pennsylvania Department of Human Services (DHS) and the Center for Schools and Communities (CSC) are working together to promote school stability and success for foster care youth.

Educational Stability: Key ESSA Provisions

Of the approximately 400,000 children and youth in foster care, nearly 270,000 children in foster care are school-aged. ESSA provides all foster care youth with core protections of school stability and school success.

Children in foster care are some of our country's, and Pennsylvania's, most vulnerable students. Children in foster care often face steep challenges to school success, including high rates of mobility. Data reveals that foster youth are more likely than their peers to experience a host of barriers that lead to troubling outcomes, including low academic achievement, grade retention and lower high school graduation rates.

New foster care provisions found in ESSA promote greater stability for foster care youth so that they can continue their education without disruption, maintain important relationships with peers and adults, and have the opportunity to achieve college and career readiness.

The Key ESSA Provisions to Ensure Educational Stability are:

- Dual-agency collaboration between education (LEAs) and child welfare partners (CCYAs);
- Making a Best Interest Determination (BID) for children in foster care who experience or are anticipated to experience a change in foster care placement;
- Ensuring immediate enrollment for children in foster care when a change in foster care placement is determined to be in the best interest of the student;
- Establishing and maintaining foster care points of contact at the state and local levels; and
- Ensuring that transportation is provided, arranged, and funded for the duration of a child's time in foster care.

MAKING INFORMED DECISIONS

In order to make informed decisions about selecting the school that is in the best interest of the student in foster care, it is important to have as much information as possible. Best Interest Determination Meeting participants play a valuable role in helping choose the school that is in a student's best interest.

BEST INTEREST DEFINITION

Although there is no standard definition of "best interest of the child," the term generally refers to the deliberation when deciding what type of services, actions, and orders will best serve a child as well as which LEA best suits the overall needs of the child. Best interest determinations are generally made by considering a number of factors related to the child's circumstances and the parent or caregiver's circumstances and with the child's ultimate safety and well-being the paramount concern.

GUIDING PRINCIPLES OF BEST INTERESTS DETERMINATIONS

Participants may be able to:

Provide input on the academic, social, and emotional impact that transferring to a new school may have on the child.

If the child has special education needs, provide input on the impact that changing schools may have on the child's progress and services. If a school change is deemed in the best interest, the special education services, evaluations and/or services must not be interrupted.

Help determine which programs at the two schools are comparable and appropriate for the child.

Work with caseworkers to develop immediate and long-term plans for the student, ensuring that the student's education is not interrupted and considering the anticipated duration of the child's out-of-home placement and permanency plan.

Expedite the transfer of school records when it is determined that it is in the best interests of a child to transfer to a new school.

DEFINING THE PURPOSE AND IMPORTANCE OF THE BID MEETING

The What

- A Best Interest Determination (BID) meeting is set up to provide students in foster care the opportunity to have a meaningful and collaborative participation between their Education Decision Maker (EDM) and the school of origin (SOO) to determine the best plan for school stability .
- The Every Student Succeeds Act (ESSA) does not provide a specific process on how to conduct a BID meeting. The purpose of this site is to guide the viewer through the process of how to conduct a BID meeting when working with a student in foster care who wants to stay at their SOO.
- Students in foster care may remain in their school of origin unless there is a determination that it is not in their best interest to do so.

The Why

- A BID is important because it gives all parties involved in the child's life the opportunity to discuss the advantages and disadvantages of the SOO or the school of residence (SOR). It also provides a more meaningful process of participation for the ERH, the school district, and the student (when applicable) when determining the SOO.
- ESSA only states that the staff from the SOO, the EDM, and the student in foster care are to be included a BID meeting, however it is always best practice to include the Children's Social Worker (CSW) or other key player(s) that may have some valid interest in the student's education.
- Another important reason why a BID is so important is that it creates a plan. This plan will be written out and agreed upon by the stakeholders at the meeting. The student will be able to have their voice heard and will be provided with documentation showing that his or her needs have been discussed.

The Who

As previously mentioned above, ESSA states that the following should be present when a BID meeting is held:

- District- SOO Liaison
- EDM (Educational Decision Maker)
- Student in Foster Care (when applicable)

Please remember it is always in the best interest to think about including the following stakeholders: Caregiver, CSW, wrap service representatives (if applicable), teachers, counselor, school psychologist, advocate, or any person with strong knowledge of the student.

The Where

The location where a BID should take place is not specified in ESSA. Best practice would state that all parties be "physically together" in a meeting room, ready to engage and discuss what the best interest is for the student.

As we all know, gathering the required parties may prolong the meeting and be impossible in some cases. Should this occur, below are some alternative ideas on how to best meet and discuss what's in the student's best interest:

- A phone conversation with all parties being able to hear one another clearly (use of a speakerphone, polycom device, etc.)
 - Using a video conferencing application such as Zoom, Adobe Connect, Skype, Google Hangouts, etc.
 - A written statement is sent on behalf of the missing party signed by the individual, if they are unable to be present.

Keep in mind the ability to use any of the mentioned alternatives. You would want to make sure you are not using a method that is not understood fully by the missing party.

Key Questions to Consider

1. How long is the child's current placement expected to last?
2. What is the child's permanency plan?
3. How many schools has the child attended over the past few years?
4. How many schools has the child attended this year?
5. What is the age and grade level of the student?

6. How have the school transfers affected the child emotionally, academically, socially, and physically?
7. How strong is the child academically?
8. To what extent are the programs and activities at the potential new school comparable to or better than those at the current school?
9. Does one school have the programs and activities that address the unique needs or interests of the student that the other school does not have?
10. How deep are the child's ties to their current school (school of origin)?
11. Would the timing of the school transfer coincide with a logical juncture such as after testing, after an event that is significant to the child or at the end of the school year?
12. How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time?
13. How would the length of the commute to the school of origin or school under consideration impact the student, in terms of distance, mode of transportation, and travel time?
14. How anxious is the child about being removed from the home and/or any upcoming moves?
15. What school do the student's siblings attend?
16. Are there any safety issues to consider?
17. Which school can better serve the special education (504, IEP) needs of the student and related services?
18. If the student has special needs, what impact will transferring to a new school have on the student's progress and services?
19. What are the immediate and long-term educational plans of, and for, the student?
20. Which school does the student prefer?

Transportation

A BID meeting and meeting about method of transportation are **two different conversations**. It is strongly suggested that these two discussions are **not mixed**, as the method of transportation should not influence school stability. It is understood that many times it is difficult to meet with all important parties more than once, so if a meeting to discuss whether or not it is in the best interest of the student to stay at their SOO and the method of transportation takes place in one meeting be aware that while the convenience and cost of transportation to the school district cannot be a consideration, distance of the commute and its impact on the student's education and/or special needs may be considered during the best interest determination meeting.

Purpose

The Best Interest Determination (BID) form serves two purposes.

It documents:

1. Educational best interest determination when a child enters placement services or a change in placement is necessary, and/or
2. Educational needs and services whenever a child must change schools.

The BID form meets the requirements of Fostering Connections and Every Student Succeeds Act (ESSA) for documentation that must be maintained in the child welfare case file for every child regarding the best interest determination for educational stability.

SCHOOL ENROLLMENT PROCEDURES FOR FOSTER YOUTH

SCHOOL REGISTRATION STAFF:

- Determine whether the child is in a foster care placement. Proof of placement in foster care may be provided to the school for purposes of determining residency. Some children living with relatives are officially placed in foster care through County Children and Youth Services.
- Immediately enroll any child living in foster care, even if fees or materials are owed to the previous school or the child is unable to produce the records or clothing normally required for enrollment such as school records, immunization records, proof of residency, or uniforms.
- When a foster child's home placement is changed, *the student may remain in his or her school of origin* for the duration of the school year when doing so will be in the child's best interest.
- Immediately notify LEA Foster Point of Contact. The POC is trained in the rights of foster students as well as the responsibilities of the LEA. The POC will aid in the enrollment process.
- Request records from the child's previous school and/or school district immediately. The former school must transfer the student out of the school, and deliver the student's educational records to the next school within two business days if records are not received within three business days, contact the former school, foster care POC, and/or the district office.
- Inquire about partial credits, which must be granted for work in progress or completed with the previous school.

- Inquire about the following in order to determine appropriate educational placement:
- Special education needs:
 - a. If the child was in special education and has transferred to a new school, the child must be immediately provided with services comparable to the services required by the existing IEP. If the child is eligible for special education services but you do not have a copy of their IEP, you must still enroll them in school immediately while you obtain the records.
 - b. 504 accommodation plans
 - c. Current expulsion from school
 - d. Person who holds “educational rights” for the child, which could be the child’s parent/guardian, someone appointed by the court, or someone appointed by the school district (keep this information on file)
- Ask the person enrolling the student to identify the social worker or probation officer, legal guardian, person who holds educational rights. Add this contact information to student records.
- Verify if the Foster Student is ACT I eligible. It is highly likely that a foster student maybe eligible for service under ACT I of 2022. If determined eligible a POC should be assigned and services such as a Graduation Plan should be provided.

ADDITIONAL INFORMATION FOR SCHOOL STAFF

Parental consent and court orders are *not* needed by caseworkers and probation officers in order to access a foster child’s school records. Foster youth must have access to the same academic resources, services, extra-curricular and enrichment activities available to all students. This means that you should inform the child’s caregiver (group home staff, foster parent, relative caregiver), social worker, probation officer, advocate, attorney, legal guardian, etc. of all school and afterschool activities, support, and services.

If a dispute arises as to the school placement of a foster child, the student has the right to remain in his or her school of origin pending resolution of the dispute.

A foster child’s grade cannot be lowered due to absences caused by a change in placement, attendance at a court hearing, or a court ordered activity.

Records provided to schools in which a foster child is newly enrolled must include a determination of attendance, full or partial credits earned, classes, grades, immunizations, and, if applicable, special education or 504 plans.

All required records shall be provided to the new school regardless of any outstanding fees, fines, textbooks, or other items or money owed to the school last attended.

INFORMATION FOR SCHOOL ADMINISTRATORS

For special education students, use the 30-day interim placement period to identify the parent, legal guardian, or holder of educational rights, and/or to appoint an educational representative or surrogate parent if needed.

Referral for special education assessment may be made by a foster youth's parent, guardian, teacher or other service provider, or foster parent. [Assessment plans, IEPs, and 504 accommodation plans must be signed by the person who holds "educational rights".

County-employed social workers and probation officers cannot hold educational rights for a foster youth. Similarly, group home or other non-public agency employees who provide educational care to the youth or have a conflict of interest cannot hold educational rights.

What Teachers and Educators Can Do to Help Youth in Foster Care

Develop a plan for collaboration and communication with the LEA Foster Point of Contact.

Contact the student's former teacher and school to find out about academic status, strengths, challenges and history. Help ensure that school records and Individual Education Plans (IEPs) for students enrolled in special education are updated with all relevant information and evaluated by the appropriate staff at your school in a timely fashion.

Be aware that each move a child makes can delay academic progress by months. Understand that many children and youth in foster care have a harder time learning because of their experiences. They may have been in educational settings in which they were not well supported because they were viewed as transient students bound to be moved again.

Invite the resource parents – foster parents, kinship caregivers, adoptive parents, etc. – to work with you in assessing the student's current level of achievement and setting reasonable goals for the academic year.

Find out who the student's educational decision-maker is and reach out to this person to ensure that you are both on the same page.

In the Classroom

Be aware that children and youth in care generally tend to perform less well in school than their peers do. Thirty to forty percent of youth in foster care are also in special education, so your

student may already have an IEP or may need one. Determine the student's academic, social and emotional level and then find ways to help him or her fit into the class by using accommodations and adaptations to support educational success. Connect the student to appropriate supports, such as tutoring and mentoring.

The student may have a learning disability due to poor maternal health during pregnancy or prenatal exposure to drugs and alcohol. The enormous emotional burdens of grief, loss and uncertainty about the future can also impair a child's ability to concentrate, learn and acquire new skills. You can support the student's development by insuring that routines are regular and that he or she has opportunities to practice needed skills and is alerted to any schedule changes.

Structure materials and tasks in the classroom to help the student achieve success, even if academics are a problem. Help offset the chaos in the student's life by providing structure and predictability in the classroom.

Respect the child's right to privacy. Students and teachers who do not have responsibility for teaching the child do not need to know about his or her foster care status. Become knowledgeable about confidentiality and how to address confidential issues appropriately.

Encourage students to participate in holistic educational opportunities like after school programs, extra-curricular activities, and special school events.

Broaden the diversity of families depicted in the books and materials in your classroom to include foster, adoptive and relative caregiving families.

Keep in mind that a youth in foster care (or one who has been adopted) may not be able to complete certain assignments as easily as their peers. For example, constructing a family tree or bringing in a baby picture may be difficult for a child who has been frequently and suddenly moved or has little contact with his or her birth family. Similarly, securing permission for a special activity such as a field trip can be problematic when the current caregivers do not have legal authority to give permission. It may take more lead-time than normal to get approval through the appropriate channels.

Your Relationship with the Child and Family

Like other students, a child or youth in foster care needs to be accommodated, but does not want to be treated differently. Strive to ensure that the student does not feel exposed as a "special case" as he/she does in so many other settings. At the same time, be lenient when circumstances warrant it.

Remember that many children and youth in foster care find it difficult to trust adults, often for good reason. Recognize you may have to work harder to achieve a trusting relationship over time.

Behavior and attitudes intended to be caring can appear just the opposite when they have been experienced in a negative context in the past. Be patient and consistent.

Some teachers may feel challenged by highly involved resource parents who advocate very strongly for the student. Remember that these children and youth need someone who is on their side, even if that person seems over-involved. Try to work with the energy the parents bring to their child's academic life.

What children and youth in foster care need most are strong advocates in their schools. Educators, resource parents, agency staff and birth families can all contribute to school success when they understand the challenges and have the opportunity to collaborate in providing support to these students.

Preparation for Postsecondary Education, Training and Career Goals

Prepare students for postsecondary education and training while in middle and high school, helping them become aware of the full range of postsecondary program options. Have high aspirations for their post high school lives.

Train students early in self-determination and self-advocacy so they can speak up for themselves, direct and redirect their lives, solve problems, reach valued postsecondary education and training goals, and take part in their communities.

Provide students with access to appropriate academic supports, high school course planning, SAT/ACT and other assessment preparation