

**EDUCATIONAL STABILITY:
A STRATEGY TO IMPROVE THE WELL-BEING OF CHILDREN IN FOSTER CARE**

By Kathleen DeCataldo

To survive in today's economy, workers must be prepared to fiercely compete in a high-tech global marketplace. A high school diploma is no longer the level of educational attainment sufficient to be employed at a living wage. For high school dropouts, the employment options and economic outcomes are even bleaker.¹ Under the Obama administration, \$4.35 billion has been allocated to states in the "Race to the Top" to reform education in schools across the nation.² Another almost \$6 billion will be available through the 2009 budget and the American Recovery and Reinvestment Act. These are investments in the future of our country through improvement of the education children receive in our nation's schools.

However, for certain vulnerable populations, more is needed than this crucial attention to what works to improve school performance. Our children in foster care in New York are one such population. Children in foster care, as compared to their peers not in care, have higher rates of grade retention, lower scores on standardized tests, higher rates of absenteeism, higher rates of truancy and are more likely to drop out of school altogether.³ Children who spend their childhood in foster care without returning home or being adopted – called aging out of foster care – are more likely to become homeless, incarcerated, pregnant and parents before age 20 and the next generation of perpetrators of child abuse and neglect.⁴

With the passage of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008⁵ (Fostering Connections), Congress acted on the need to focus on the educational outcomes of the nation's children in foster care. For too long, the education of these children has been neglected and the need for intervention has been overwhelming. Through Fostering Connections, states are required to comply with a few new key steps to ensure children are enrolled in school, home schooled or incapable of attending school on a full-time basis to be eligible for federal IV-E foster care payments.⁶ New York must determine both how it will assure each child's enrollment and how it will work to prevent children from dropping out of school.

One proven way to decrease school dropout rates is to encourage school connectedness. Research in the education field demonstrates that students in the general population who feel connected to their schools are more likely to succeed academically; more likely to graduate; less likely to be truant or involved in fighting, bullying, vandalism; and less likely to become pregnant.⁷ These are all outcomes we must maximize for children in foster care. Although there are a number of strategies proven to increase school connectedness, educational stability is both mandated by Fostering Connections for children in foster care and sure to make a difference in their educational outcomes.

Maintaining school stability has long been a supportive option for homeless students. The McKinney-Vento Homeless Assistance Act mandates that every school district has a structure of liaisons to help homeless students navigate school systems. It also mandates transportation back to the school of origin, if that is the student's choice, and provides funding to offset the cost of these protections.⁸ While the definition of homeless under the McKinney-Vento Act actually includes "awaiting foster care placement," states have been left to attempt to define the population to be served due to the absence of a federal definition of "awaiting foster care" or other federal guidance. New York has never done so.

Staying in the Same School when Placed in Foster Care Makes a Difference

The act of removing a child from his or her home – the rupture of primary relationships with caregivers and other family members, loss of friends, familiar surroundings and daily routines – is traumatic.⁹ Placement in an appropriate setting after removal from home is one of the most important decisions made regarding a child once the decision is made to remove the child from home. While a stable placement is important on many levels, the stability of that placement is not assured. Placement disruption exacerbates the sense of loss and not belonging experienced by children who are removed from home.¹⁰ As a result of multiple foster care placement disruptions, children may experience further trauma and damage to their social, emotional and cognitive development.¹¹ Nationally, children in care experience, on average, one to two placement changes per year which leads to a median of three to four placement changes for children during their time in foster care.¹² How can any child keep up with school work when they must deal with personal trauma and tragedy compounded by the need to adjust to new foster parents and a new home, new school, new friends, new neighborhood?

For children in foster care, it has been shown that feeling connected to school is a critical factor in promoting resilience and preventing school drop out and other subsequent negative health and behavioral outcomes.¹³ School stability maintains connections to teachers, friends, the school nurse, counselors, coaches and extracurricular activities. These people may have provided a refuge or support to a child during a difficult home situation, such as the school nurse who is familiar with a small child frequently coming in with a stomach ache or a coach who gives an aspiring athlete a ride home when there is no one to pick her up from practice. And who doesn't remember their best friend from third grade? Since many foster care placements occur in the middle of a school year, staying in the same school also permits a student to continue with the same curriculum.

Fostering Connections now requires that the case plan maintained by a social services district for a child entering foster care includes a plan to provide educational stability. The case plan must take into account the appropriateness of the child's current educational setting. The child's placement must take into account the proximity to the school in which the child is enrolled at the time of placement (school of origin). A determination must be made that it is not in the child's best interests to remain in their school of origin before the child may be enrolled in another school. If it is determined that it is not in the child's best interests to remain in the

school of origin, there must be “immediate and appropriate enrollment” in a new school with the child’s entire educational record provided to the school. The Fostering Connections Act also requires that the “state agency”¹⁴ coordinate with appropriate educational agencies to ensure that the child remains in the school of origin at the time of placement. Some additional federal funding resources are also made available through the Act.

Although this sounds like a simple mandate to execute, the decisions and coordination necessary in each child’s case are difficult, and are potentially costly. Whether it is in a child’s best interests to stay in the same school must first be assessed on a safety basis, e.g., is there a need for a child’s location to be kept from his or her parents. In addition, both federal and state laws mandate locating relatives who may be willing to care for a child. There is no guarantee that a relative will live anywhere near a child’s school. Placing siblings together, another state and federal mandate, may make it more difficult to find a placement close to a child’s current school. Distance and age of a child should also be considered in making this “best interests” determination.

And how many children are we considering transporting? There is no real answer to this question, since currently, children in New York are not afforded the opportunity to stay in the same school and there is no measure of school mobility. In an effort to determine a ballpark figure, the Permanent Judicial Commission on Justice for Children, in collaboration with Erie, Tompkins and Albany Counties, conducted a study to determine the number of children who were placed outside their school district of origin and potentially could need transportation to remain in their school of origin. Using both a retrospective and prospective study of foster care placements and school placement upon entry into foster care, we found an average 34 percent of children entering foster care could potentially require transportation to remain in their school of origin.

And how will transportation be provided? Fostering Connections contemplates that the “state agency” – in New York State, the Office of Children and Family Services (OCFS) – will coordinate with the local educational agencies – school districts. However, OCFS has delegated this responsibility to the individual social services districts.¹⁵ This is a daunting task for local social services districts to coordinate with the numerous school districts in their respective counties – as many as 69 school districts in one county!¹⁶

There remains significant work necessary to make educational stability more than an illusory federal protection for children in foster care in New York State. We must define a process for the earliest stages of a child’s removal from home to determine whether it is in the child’s best interests to remain in the school of origin. Who makes that determination must include in most cases at minimum, the social services district, the child in consultation with the child’s attorney, and the parent. We can no longer leave a child’s school enrollment to the foster parent’s determination. There must be a dispute resolution process quickly accessible if the parties cannot agree. The roles of the social services district and the individual school districts

must be clearly defined. Who will provide transportation? Who will pay for the transportation? Can there be joint funding from both child welfare and education, since both have a responsibility to an individual child?

Fostering Connections also provides us with the opportunity to bring greater focus to the education of children in foster care in both the child welfare and education communities. For too long, the fact that a child has entered foster care has been hidden due to concern over confidentiality strictures. Letting appropriate educational authorities know that a child in their school has entered foster care allows the school to provide additional supports to the child, such as counseling or appropriate consideration of the child's school absences due to court appearances or necessary appointments. Unnecessary special education placements can be avoided with knowledge of the child's current response to crisis that may not necessitate a long-term special education response. Services available to support and assist the child can be coordinated between child welfare and education. Cross training opportunities for both systems will increase knowledge and awareness, again allowing professionals to better navigate complicated systems and providing additional support for individual children. Collaboration can also lead to increased and eased data sharing to ensure that educational outcomes are improving.

A study of the school engagement of youth in foster care who have run away from care concludes that "education is the one thing that gives kids hope."¹⁷ We need to provide better supports for our children to allow them to succeed – to realize that hope. Only then will we have met our responsibility of not only keeping our children safe but also encouraging them to thrive and be successful.

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¹ In 2007, the median earnings for all workers by educational level were: without a high school diploma \$19,405, high school diploma \$26,894, some college \$32,874, bachelor's degree \$46,805 and advanced degree \$61,287. In 2007, the poverty threshold for a four-person family was \$20,650. Crissey, Sarah. 2009. *Educational attainment in the United States: 2007*. Washington, DC: U.S. Census Bureau; U.S. Department of Health and Human Services. 2007. The 2007 HHS poverty guidelines. *Federal Register* 72:3147-3148.

² President Obama. 2009. *President Obama, U.S. Secretary of Education Duncan announce national competition to advance school reform*. Press Release, July 24, 2009.

³ Pecora, P., R. Kessler, J. Williams, K. O'Brien, C. Downs, D. English, J. White, E. Hiripi, C. White, T. Wiggins and K. Holmes. 2005. *Improving family foster care: Findings from the Northwest foster care alumni study*. Seattle, WA: Casey Family Programs; Smithgall, C., R. Gladden, E. Howard, R. Goerge, and M. Courtney. 2004. *Educational experiences of children in out-of-home-care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago; Vera Institute of Justice. 2004. *Foster children and education: How you can create a positive educational experience for the foster child*. New York, NY: author; Yu, E., P. Day and M. Williams. 2002. *Improving educational outcomes for youth in care: A national collaboration*. Washington, DC: Child Welfare League of America Press.

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- ⁴ M. Courtney, A. Dworsky, G. Cusick, T. Keller, J. Havlicek, A. Perez, S. Terao and N. Bost. 2002. *Midwest Evaluation of the Adult Functioning of Former Foster Youth*, Chicago, IL: Chapin Hall Center for Children at the University of Chicago; NYS Office of Children and Family Services. 2009. *Long-term consequences of juvenile delinquency: Perpetration of child maltreatment and crime in early adulthood*. Presentation to NYS Governor's Children's Cabinet Advisory Board, 9/3/2009.
- ⁵ Fostering Connections to Success and Increasing Adoptions Act of 2008, P.L. 110-351.
- ⁶ *Id.*
- ⁷ Lonczak, H. S., R. D. Abbott, J. D. Hawkins, R. Kosterman and R. Catalano. 2002. "The effects of the Seattle Social Development Project: Behavior, pregnancy, birth, and sexually transmitted disease outcomes by age 21." *Archives of Pediatric Adolescent Health*, 156: 438–447; Samdal, O., D. Nutbeam, B. Wold and L. Kannas. 1998. "Achieving health and educational goals through schools." *Health Education Research* 13(3): 383–397; Schapps, E. 2003. *The role of supportive school environments in promoting academic success*. Sacramento, CA: California Department of Education Press; Wilson, D. and D. Elliott. 2003. *The interface of school climate and school connectedness: An exploratory review and study*. Paper presented at the Wingspread Conference on School Connectedness: Strengthening Health and Educational Outcomes for Teens, Racine, WI.
- ⁸ McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 *et seq.*
- ⁹ Walker J. and A. Weaver. 2007. "Traumatic stress and the child welfare system." *Focal Point* 21(1): 3.
- ¹⁰ Jackson, S. and N. Thomas. 1999. *On the move again? What works in creating stability for looked after children*. Ilford, England: Barnardos.
- ¹¹ The Center for Human Services. 2008. *Literature review of placement stability in child welfare services: Issues, concerns, outcomes and future directions*. Davis Extension, University of CA.
- ¹² U.S. Department of Health and Human Services. *AFCARS Report #10: Preliminary 2003 Estimates as of April 2005*. Children's Bureau, Administration on Children, Youth and Families. Yu, E., P. Day and M. Williams. 2002. *Improving educational outcomes for youth in care: A national collaboration*. Washington, DC: Child Welfare League of America Press; U.S. Department of Health and Human Services. *AFCARS Report #10: Preliminary 2003 Estimates as of April 2005*. Children's Bureau, Administration on Children, Youth and Families.
- ¹³ Alexander, K., D. Entwisle and N. Kabbani. 2000. *The dropout process in life course perspective: Part I, Profiling risk factors at home and school*. Baltimore, MD: Johns Hopkins University; Christenson, S. L. and M. L. Thurlow. 2004. "Keeping kids in school: Efficacy of Check & Connect for dropout prevention." *NASP Communiqué* 32(6): 37–40; Lonczak et al., 2002.
- ¹⁴ The majority of states have a state administered child welfare system. New York is one of the few states which has a state supervised, locally administered child welfare system. In New York there are 58 separate social services districts, as the five New York City counties are combined into one district and there are 57 other counties.
- ¹⁵ Emergency Regulations, 18 NYCRR § 430.11(c)(i).
- ¹⁶ In 2008, there were over 730 individual school districts in New York State. Suffolk County, with 69 school districts, has the largest number. NYS Education Department. *School districts in New York State*. <https://www.nystart.gov/publicweb/AllDistrict.do?year=2008> (accessed 10/23/09).
- ¹⁷ A. Skyles, C. Smithgall and E. Howard. 2007. *School engagement and youth who run away from care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago.