Meeting the Educational Needs of N&D Youth in Foster Care through Cross-Program and Cross-Agency Collaboration

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ABA Center on Children and the Law

Title I, Part D State Coordinators Annual Meeting

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Agenda

- Introductions- who's in the room?

- Foster Care & Education 101
  - ESSA & Fostering Connections

- Overview of how Title I, Part D currently serves students in foster care

- Special issues related to children in foster care
  - Best Interest Determinations and prompt record transfers
  - Education decision-makers and supportive adults
  - Crossover youth & transitioning between systems

- Effective collaboration with state partners

American Bar Association — Center on Children and the Law

Mission - To promote access to justice for children and families.

Structure - Nonprofit grant-funded entity in the American Bar Association with team of attorneys and core staff who work on projects across the country unified by two goals: *to improve legal representation and to improve the legal systems that impact children and families' lives.*

Approach - Collaboration and coalition building at local, state and national levels to build the capacity of legal practices and systems that serve children well and to help change those that do not.

www.ambar.org/child

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Legal Center for Foster Care and Education

A strong national voice for the education of children in foster care. A facilitator of networks for education advocates and child welfare professionals. A provider of training and technical assistance across the country. A centralized source of information on foster care and education including resources, tools, and templates.

www.fostercareandeducation.org

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Who We Are

Our Mission

To transform systems and improve law and practice to create better outcomes for children in foster care

Learn more

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Who's in the room with us?

- Region of the country
- Length serving in the role

How long have you been in this role?

Clap your hands if…

- You're also the Foster Care Point of Contact (POC) in your state
- You work with the Foster Care POCs in your state
- You know who the Foster Care POCs in your state are

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Foster Care & Education 101

Barriers to Education Success for Youth in Foster Care

Living placement and school instability

Delayed enrollment and records transfer

Credit transfer issues & differing graduation requirements

Over- and under-identification for special education

Disproportionate rates of suspension and expulsion

Over-representation in alternative education programs

Inappropriate on-site educational programs

Educational disruption & history of truancy

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Fast Facts
Data-at-a-Glance

https://fostercareandeducation.org/OurWork/NationalDatasheet2022.aspx

EDUCATIONAL EXPERIENCE OR OUTCOME		FINDINGS (National/Multistate)
School Stability	% of youth in foster care who change schools when first entering care	31%–75%[1]
	% of 17-to-18 year-olds who experienced 5 or more school changes	25%–34.2%[2]
School Engagement	% chronically absent from school	About **twice** the rate of non-foster students[3]
	% of 17-to-18 year-old youth in foster care having out-of-school suspensions	**12-23%** (compared to **5-7%** of all students)[4]
	% of 17-to-18 year old youth in foster care being expelled	**3-4 times** that of non-foster students[5]
Reading Attainment	Reading level of 17-to-18 year old youth in foster care	**29-33%** (meet state standards)[6]
Special Education	% of youth in foster care receiving special education services	**30-50%** (compared to 14% for all students)[8]
High School Graduation	% of youth in foster care who complete high school by age 18 (via a diploma or GED)	**64%** of foster youth compared to **87.3%** for non-foster youth[9]
Post-secondary Education	% of 17-to-18 year-old youth in foster care who want to go to college	70-84%[11]
	% of youth in foster care who graduated high school who enrolled in postsecondary education at some level	13%-38%[12]
	% of foster care alumni who attain a bachelor's degree	2%-10.8%[14]

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Quick Quiz!

The Every Student Succeeds Act (ESSA) protects the right of students in foster care to stay in their school of origin, unless there is a determination that it is not in their best interest to stay.

When do the educational stability provisions of ESSA apply?

When a determination is made that it is not in a child's best interest to remain in their school of origin, ESSA requires...

Fostering Connections Act + Every Student Succeeds Act → Shared Responsibility to Support School Stability
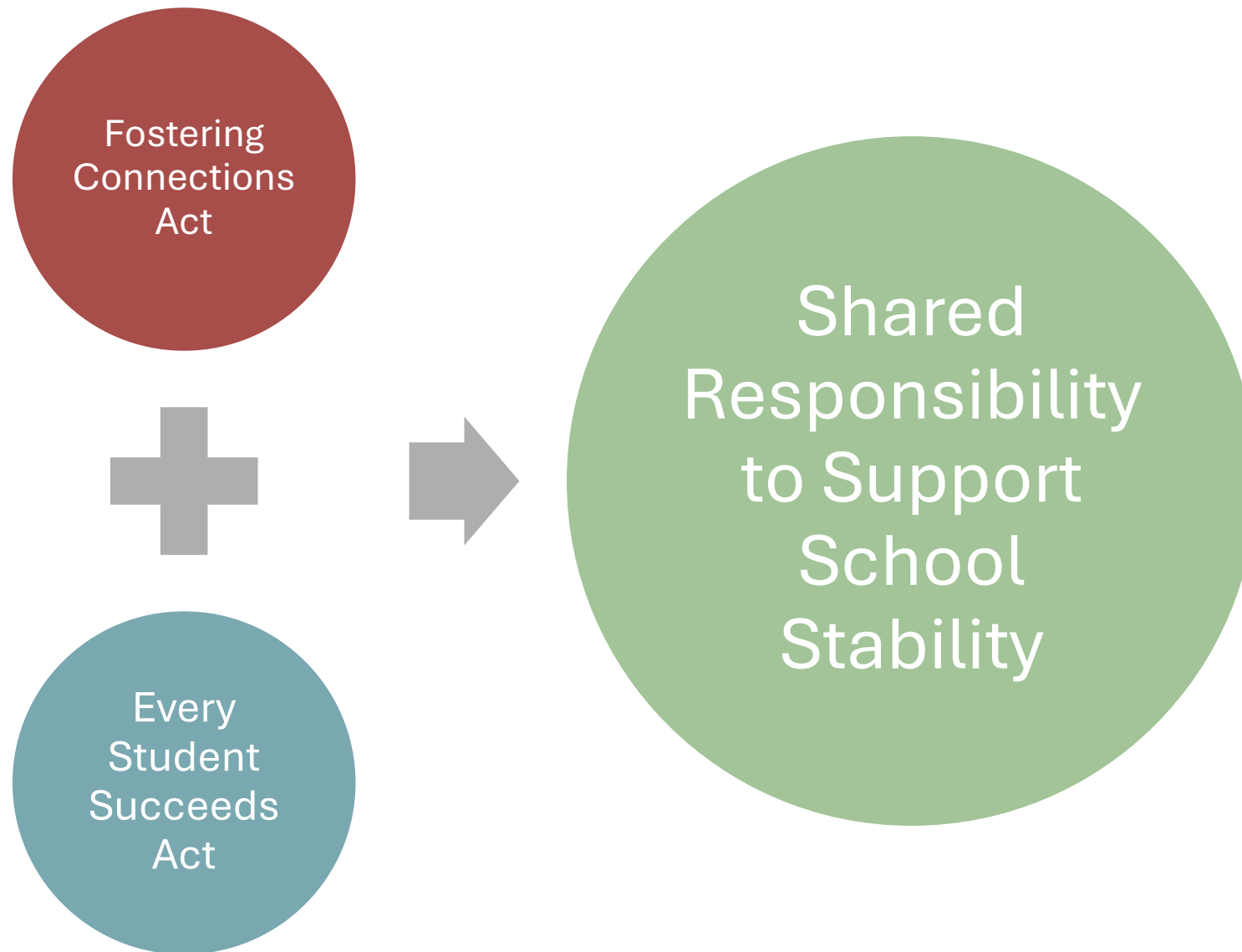
Fostering Connections (2008)

Coordination with Local Education Agencies (LEAs)

Presumption to stay in school of origin

Best interest determinations

Immediate and appropriate enrollment

Permissible use of federal Title IV-E funds to support transportation

Every Student Succeeds Act (2015)

Collaboration with child welfare agencies

Presumption to stay in school of origin

Best interest determinations

Immediate enrollment, even without documentation

Transportation must be arranged, provided and funded

State and local Points of Contact

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How does Title I, Part D serve students in foster care?

Title I, Part D addresses child welfare-involved youth

Subpart 1:

- State Agency application for funds must describe… "how the State agency will, to the extent feasible— A. note when a youth has **come into contact with both the child welfare and juvenile justice systems**; and B. deliver services and interventions designed to keep such youth in school that are evidence-based (to the extent a State determines that such evidence is reasonably available)." [Sec. 1414 (c)(20)(A-B)]
- Subpart 1 funds may be used for programs that provide "targeted services for youth who have come in contact with **both the child welfare and juvenile justice system**" [Sec. 1415 (a) (2) (A) (iii)]

Subpart 3:

- Definition of at-risk includes children who have "**come into contact with the…child welfare system in the past**" [Sec. 1432 (2)]

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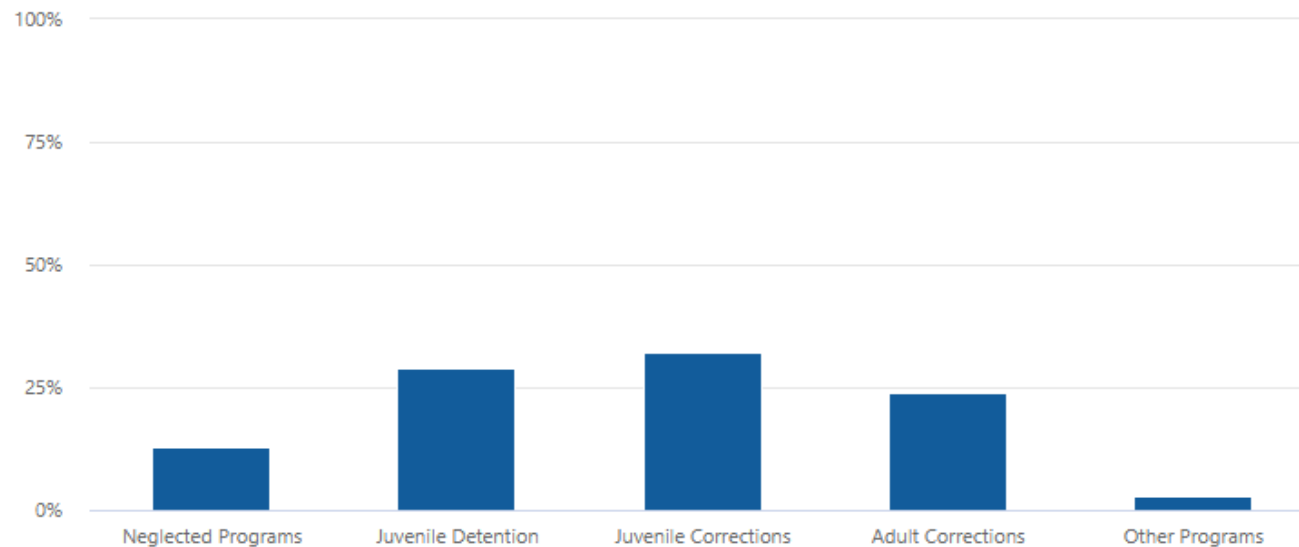# Children in Foster Care Served by Title I, Part D

- Any of these groups might be impacted by Title I, Part D programs...
  - Dually-involved youth in foster care placed in institutional settings
  - Children & youth in institutional settings for "neglected" children and youth
  - Youth transitioning out of qualifying institutions
  - Youth participating in programs for "at-risk" youth funded by Subpart 2

By the numbers

Subpart 1 Funds

Student Participation By Program Type in 2021–2

- 13% of students receiving Subpart 1 funds are in "Neglected Programs"
- 1/3 of students served by Title I, Part D are students with disabilities

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In your state…

- Are you able to **identify** which students are in foster care and/or which students are dually involved?

- Are you able to **effectively support** students in foster care?

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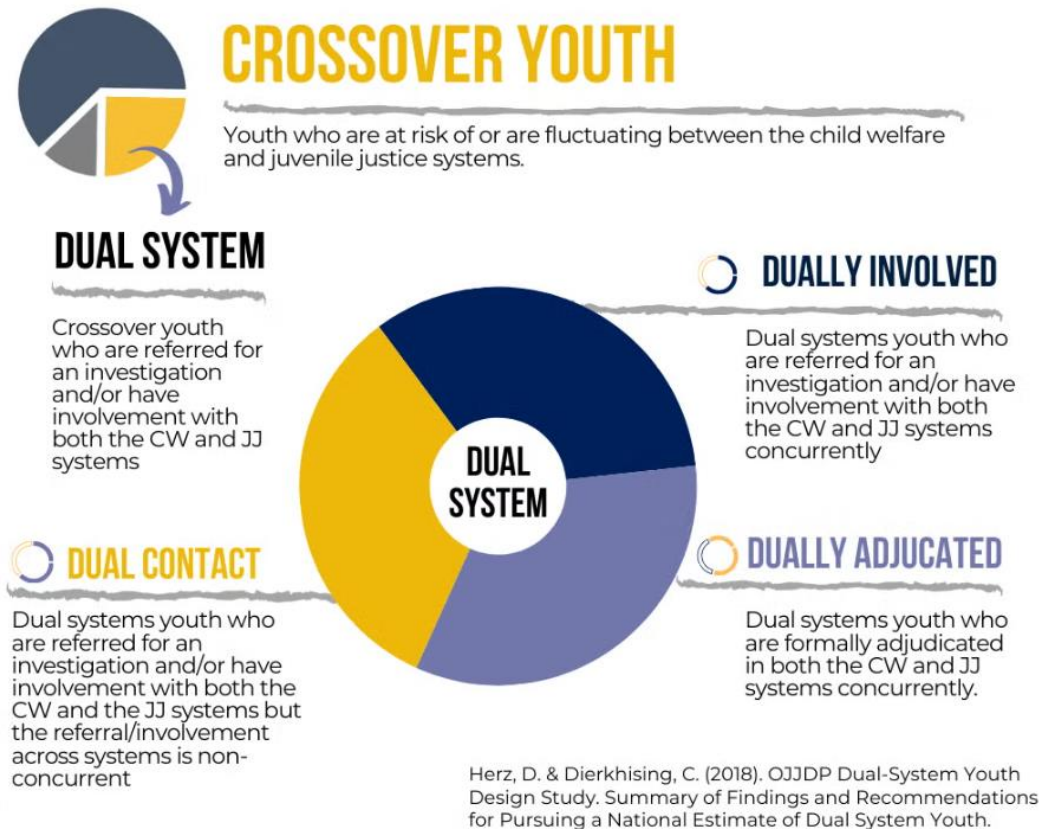In your state, are you aware of how many students receiving Title I, Part D funds are...

Are there any specific programs or supports in your state designed for N&D students in foster care?

Special issues related to students in foster care

CROSSOVER YOUTH

Youth who are at risk of or are fluctuating between the child welfare and juvenile justice systems.

DUAL SYSTEM

Crossover youth who are referred for an investigation and/or have involvement with both the CW and JJ systems

DUAL CONTACT

Dual systems youth who are referred for an investigation and/or have involvement with both the CW and the JJ systems but the referral/involvement across systems is non-concurrent

DUAL SYSTEM

DUALLY INVOLVED

Dual systems youth who are referred for an investigation and/or have involvement with both the CW and JJ systems concurrently

DUALLY ADJUCATED

Dual systems youth who are formally adjudicated in both the CW and JJ systems concurrently.

Herz, D. & Dierkhising, C. (2018). OJJDP Dual-System Youth Design Study. Summary of Findings and Recommendations for Pursuing a National Estimate of Dual System Youth.

Citation: https://cjjr.georgetown.edu/our-work/crossover-youth-practice-model/

- By age 17, over 50% of youth in foster care will have an encounter with the juvenile legal system through arrest, conviction or detentions.

- The risk is even higher for youth with multiple placements. If a child has moved to five or more placements, they are at a 90% risk of being involved with the criminal legal system.

- Key transition points both before and after encounters with the juvenile justice system impact the trajectory of youth in foster care.

Education Decision-Making, Participation, Access to Records

Education Decision-Making:

- The right to make education & special education decisions
- Presumed to be the parent, unless specified in court order or statute
- In special ed context, must give consent for special education services, is a required member of IEP team and must receive notice and every opportunity to participate, has authority to initiate disputes

Participation:

- Multiple people might have rights to participate (e.g., attend school meetings, speak to teachers)

Access to education records:

- Under FERPA, parents have the right to access their child's educational information, absent court order limiting this right
- Under the Uninterrupted Scholars Act, child welfare agency responsible for child's care can also access education records

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Best Interest Determination (B.I.D.)

- The "process through which educational agencies and child welfare agencies partner with important people in a student's life to determine whether it is in a student's best interest to remain at their school of origin or change schools"(E-1, Non-Regulatory Guidance, "Ensuring Educational Stability and Success for Students in Foster Care" [NRG])

  o Students must stay in their school of origin (SOO) until a B.I.D. process is completed.

- Should happen as quickly as possible- e.g., 3 days

  o When a foster care placement change is planned, should be completed **prior to** the placement change. (E-3, NRG)

Factors to consider

✅ What can be considered during a B.I.D. process? ❌	
• "All factors relating to the child's best interest"	• Potential costs of transportation
• "The appropriateness of the educational setting"	• Administrative burden for LEAs or local CWAs
• "The proximity to the [SOO] at the time of placement" (E-5, NRG)	

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Why are B.I.D.s important?

B.I.D.s are the heart of the school stability process

Doing a quality and thoughtful B.I.D can avoid future disputes that may arise

Bring all the systems and individuals involved together to focus on a specific child and think outside of their own individual interests and perspectives

It is not just a check box – it is making sure the decisions are thought out with all the right information from the right people

Know that it is the best decision that can be made at this moment in time

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Key Questions

Who leads the B.I.D. process?

Who should be involved or consulted?

Factors to consider?

Weighing participants viewpoints and factors

Supporting documentation

Timing and frequency of B.I.D.s

Document and provide notice of the decision

Dispute resolution process

Residential Placements: Special Considerations

Entering a Residential Placement

- Ensure a B.I.D. has been done to determine if student can continue attending their school of origin or a community public school
- Identify the student's education decision-maker and think about other supportive adults or advocates who should be involved
- Ensure records have been transferred from their previous school

Receiving Appropriate Services while in a Residential Placement

- If student has IEP or a 504 plan, ensure services, modifications, and accommodations are being provided
- Consider facilitating communication with previous teachers and school staff about meeting the student's needs

Transitioning out of a Residential Placement

- Check if a B.I.D. was done on the front end and reach out to participants from that meeting. Consider which supportive adults we can bring in now
- Identify the last school the student had a meaningful connection to
- For older youth, ensure they have a foster care transition plan and consider how staff at the facility can collaborate with child welfare staff around that plan

In your state...

- Are you ever involved in Best Interest Determinations or brought in about disputes?
  - o If so, what have those experiences been like?
  - o Have you experienced any issues with transportation to school of origin, record transfers, or other issues? If so, how have you resolved?

- When a student is exiting a facility, what does transition planning in your state look like?
  - o What about when a student is also exiting foster care?

Collaborating with cross-agency partners

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Points of Contact

State Educational Agency (SEA) Point of Contact

- Responsible for overseeing implementation of education stability requirements across state
- Responsible for collaborating with state child welfare agency
- Required for all 50 states, Puerto Rico, DC

Local Educational Agency (LEA) Point of Contact

- Oversees education stability requirements across the LEA
- Responsible for collaborating with local CWA(s) – may include local CWAs within neighboring States/jurisdictions
- Required in LEAs when the corresponding local child welfare agency (CWA) notifies the LEA that the local CWA has a point of contact

In your state...

- How do you collaborate with your inter-agency state partners-including at your state education and child welfare agencies?

- Do you ever collaborate with your LEA points of contact? What does this look like?

- What challenges to collaboration have you encountered?

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How do you collaborate with your inter-agency state partners and LEA points of contact? What challenges to collaboration have you experienced?

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Is there anything you would like to share with or ask of your state foster care POCs?

Collaboration: Key Resources and Promising Examples

- Key Resources for Reducing Crossover
  - [Crossover Youth Practice Model | Center for Juvenile Justice Reform | Georgetown University](#)
  - [Dual Status Youth Reform | Robert F. Kennedy National Resource Center for Juvenile Justice](#)

- Promising Examples to Support Students via Cross-Agency and Community-based Partners
  - Utah: [Educating Youth in State Care (2021)](#)
  - Washington State: [Treehouse Report (2023)](#)

EDUCATING YOUTH IN STATE CARE
2021
utah department of
human services

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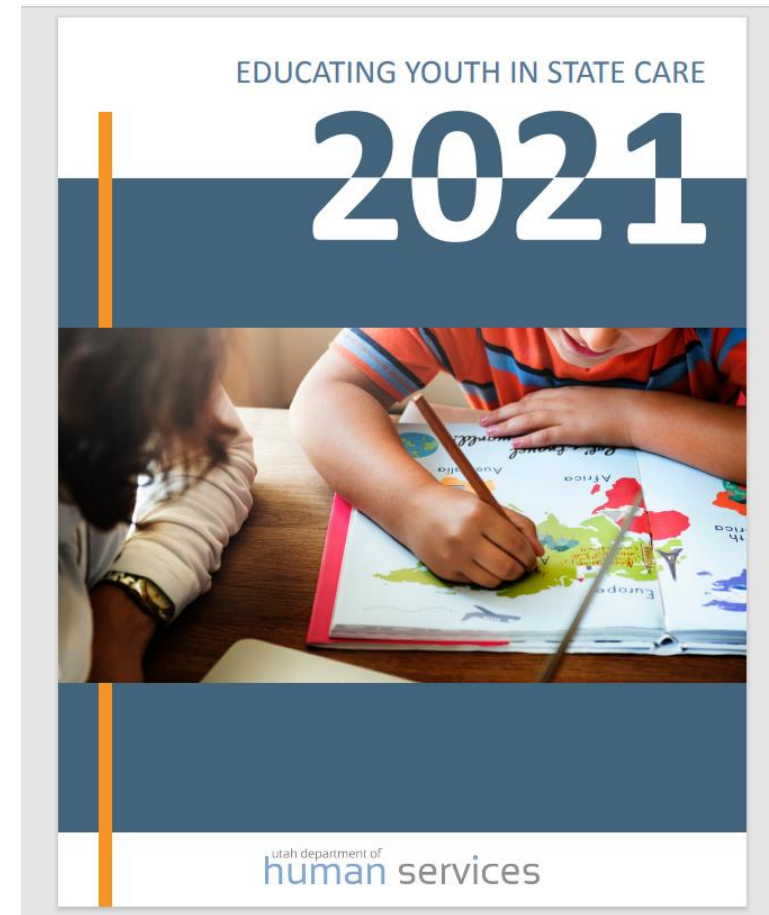
Collaboration Best Practices

- Holding regular meetings with cross-agency partners
- Facilitate cross-agency trainings and technical assistance opportunities
- Review and update statewide guidance
- Senior leadership should model cross-agency collaborate and ensure staff have time and capacity to meaningfully engage in collaboration
- Coordinating across programs on policy and funding decisions to leverage supports for students impacted by multiple systems
- Work collaboratively with community partners
- Data sharing: Develop routines for regular exchange of data and information
  - Identify which students are in foster care to ensure they receive services they are entitled to
  - Share student's academic progress, see impact of school changes, identify interventions
  - System-level data to identify needed resources, measure progress, implement change

For more information, see C-1 to C-9 of NRG

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Bringing it back home…

- What one collaboration practice do you want to adopt?
- Are there other practices not mentioned that you want to highlight?

What one practice from today will you bring back home?

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