

Advocating for Educational Stability for Youth in Foster Care

by Elysia Clemens, Kathleen McNaught, Judith Martinez and Kristin Klopfenstein

In an ideal educational setting, students know what to expect, have their educational needs met, and feel connected to the school community. Such a setting gives students the educational stability to learn and make progress toward a high school diploma and beyond. However, for many youth involved in the foster care system, frequent school changes, gaps in enrollment, and delayed transfer of records can create a disjointed educational experience that has the potential to affect them their entire lives.¹

Those who advocate for the educational success of students in foster care should know the key areas to address before, during, and after out-of-home placements. The *Blueprint for Change*,² a framework developed by the Legal Center for Foster Care and Education, is a tool to identify the full scope of what youth in foster care need to achieve an education. One area of focus within this framework is educational stability. Ensuring educational stability for every child in care promotes positive learning experiences, reduces school disengagement, and interrupted progress.

Educational Stability Protections in the Law

The Every Student Succeeds Act (2015) (ESSA), in coordination with the Fostering Connections to Success and Increasing Adoptions Act of 2008, provides educational stability protections for the time students are in foster care.³ The laws provide that when students in foster care change living placements, they remain in their school of origin unless a determination is made that a school move is in their best interest. If a school move is determined to be in a child's best interest, then the student should be immediately enrolled and records transferred.

Making a quality best interest decision, based on the information available, is a critical step to ensure school stability. Making this decision involves gathering the necessary information

(often within a short timeframe) and navigating this discussion in the midst of other critical concerns involving the safety of the child.

Joint federal guidance released in June 2016 suggests considering the following factors in a best-interest determination:⁴

- child's preference;
- views of the parents or the person with educational decision-making rights;
- child's attachment to school and staff;
- placement of the child's siblings;
- availability and quality of services in the current and potential schools to meet the child's educational and social/emotional needs;
- school climate/safety;
- impact of a school transfer, including the commute; and
- child's special needs.

What the Data Tells Us: School Moves and Placements

Frequent school changes are a barrier to students' successful progression through the K-12 educational system. Analysis of five years' of state-level child welfare education data in Colorado shows that for students in out-of-home care, two out of three school moves they experience are associated with a child welfare placement change. This finding suggests that implementing the educational

stability protections in the ESSA is critical and a partial solution to stabilizing the school experiences of students in foster care. Educational instability often begins before youth enter out-of-home care and is most likely to continue after case closure when the permanency outcome is reunification.⁵ Thus, advocacy efforts should consider the educational stability of the child before, during, and after removal.

Tools to Help Make Best Interest Decisions

Several tools can help caseworkers and advocates make and assess best interest decisions related to whether a child should move to a new school.

- Child welfare agencies (which usually guide this decision-making process and in most states are responsible for making final decisions, with input from others) should develop clear procedures for how these decisions will be made.⁶ The Legal Center for Foster Care and Education has developed a *Best Interest Procedures Guide* as part of a full *ESSA Implementation Toolkit* to help states and local jurisdictions develop such procedures.
- Courts should ask about school stability and whether best interest decisions were made during regular case reviews and permanency hearings. Another Legal Center tool, the *Education Judicial Bench Card*, can guide judges with this inquiry⁷ (see "Judge's Checklist" box for sample questions drawn from the Bench Card).

This article offers questions to ask children and youth that complement the educational stability questions woven throughout the *Best Interest Procedures Guide* and the *Education Judicial Bench Card*.

Judge's Checklist: School Stability

Does the Child Have:

1. Current Education Status Documented?
2. School Stability Since Last Hearing?
3. Educational History Documented?
4. School Records Being Accessed as Needed?
5. Regular Attendance?
6. Good School Performance?
7. Meaningful School Participation?
8. Needs Addressed for Special Education/504 Evaluation, Identification, and Supports, if applicable?
9. Clean Disciplinary Record?
10. Post High School Education Plans (Beginning at Age 14)?
11. A Voice in Education Decisions and Planning?
12. Adults Involved as an Education Advocate?
13. A Clearly Defined Education Decision Maker?
14. Clear Recommendations For, and Findings of, the Court?

Reprinted from: Legal Center for Foster Care and Education, *Educational Judicial Bench Card*, 2014.

Questions to Ask

When a school move is proposed in response to a change in child welfare placement, the caseworker and other advocates should ask key questions to gather information to help make the best interest determination. Questions need to be asked of the parents, caretakers, school professionals who have contact with the child, and the child him or herself. Asking the child developmentally appropriate questions will provide crucial information to ensure a quality best-interest determination is made. Consider the following:

Ask about the current school:

- Tell me about your school.
- What do your teachers say most often to your class? To you?
- What are you good at, and what is hard for you at school?
- Which adults at your school know you best?
- Tell me about the other students at your school.

Ask about previous school moves that occurred before, during, and after child welfare placements.

- How many elementary, middle, or high schools have you attended?
- What grade were you in the last time(s) you changed schools? Was it over the summer or during the school year?
- Why do you think you changed school(s)?
- Follow up with questions about how those school moves affected:
 - relationships with teachers,
 - relationships with peers,
 - academic success, and
 - participation in school activities.

Ask about the proposed school move:

- What do you know about the proposed new school?
- Do you want to change schools?
- What is important to you if you move schools?

Responses to Listen for Based on Research

Student responses to these questions should be interpreted in light of the research on how school moves impact

educational success.

Elementary school students

Children in elementary school are still learning how to be students. For those who have experienced trauma, school may be especially challenging because they may have less-developed executive functioning and self-regulation skills than their peers.⁸ Advocates should listen for responses to questions that provide insight into classroom behavior.

For example, asking students what their teacher says most often yields classroom management responses such as “listen” or “use your planner to be prepared.” The follow-up question of what their teacher says to them and what they are good at in school provides insight into the messages the students are receiving and how well they are engaged and participating in class. If a student’s response suggests that they are struggling to meet the behavioral expectations in class that is an indicator to gather more information from teachers and/or guardians about classroom management strategies that support the student’s learning.

Other things to look for are changes in curricula from one elementary school to another, and whether students attribute knowledge gaps to a lack of ability. Elementary students often assess their ability by comparing themselves to others; peers may seem to learn faster due to familiarity with a given curriculum. Attributions about ability are important because students’ motivation and persistence tend to be shaped by their beliefs about their ability.⁹

Middle school students

At this stage, students are navigating a more complex academic curriculum. They are also finding that peer relationships and extracurricular activities are increasingly important to school engagement.¹⁰ Transferring to a new school may be challenging for some students because peer groups are well-established. A school move can mean losing social support; on the other

hand, a school move might offer a clean slate and opportunity to improve social decision making. In any case, it is important to listen for middle school students' views on the social consequences of a proposed school move.

Once a decision is made to move the student, advocacy may be needed to ensure the student can participate fully in school activities, such as by having fees waived and eligibility for sports and other activities addressed. Federal law now improves youth's access to join "normal" school activities, such as field trips, sports, and extracurricular activities, by reducing administrative obstacles.¹¹

High school students

Less than one-third of students who change high schools three or more times are expected to graduate within four years of entering high school.¹² If even one school change occurred in ninth grade, students are more likely to be off-track for graduation.¹³ Differences in graduation requirements or course offerings may impact ability to graduate from high school in four years. When determining whether a move is in a high school student's best interest, consider whether the student would benefit from a transcript audit to determine how long and what supports are needed to meet graduation requirements at the current school compared to the proposed new school.

Conclusion

School success for children and youth in the child welfare system depends on few school disruptions, access to developmentally appropriate coursework, opportunities and connections, and coordination of educational transition services when necessary. It takes leadership, effective decision making, and systems working together to ensure educational stability of students in foster care. Advocates can use the questions in this article along with the *Best Interest Procedures Guide* and *Education Judicial Bench Card* to gather information from youth to learn what they need to succeed in school.

The ESSA and Foster Connections Act together create a policy framework to improve educational outcomes of children and youth involved in child welfare. Education and child welfare systems now have the same mandates to ensure efforts are made to promote school stability and prepare children in care to succeed in school and in life. State and local jurisdictions must now implement these laws and policies in a way that is informed by research and supports all youth in foster care. Advocates for children play a critical role identifying signs of education instability and disengagement and taking steps to address underlying factors and promote school success.

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Endnotes

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