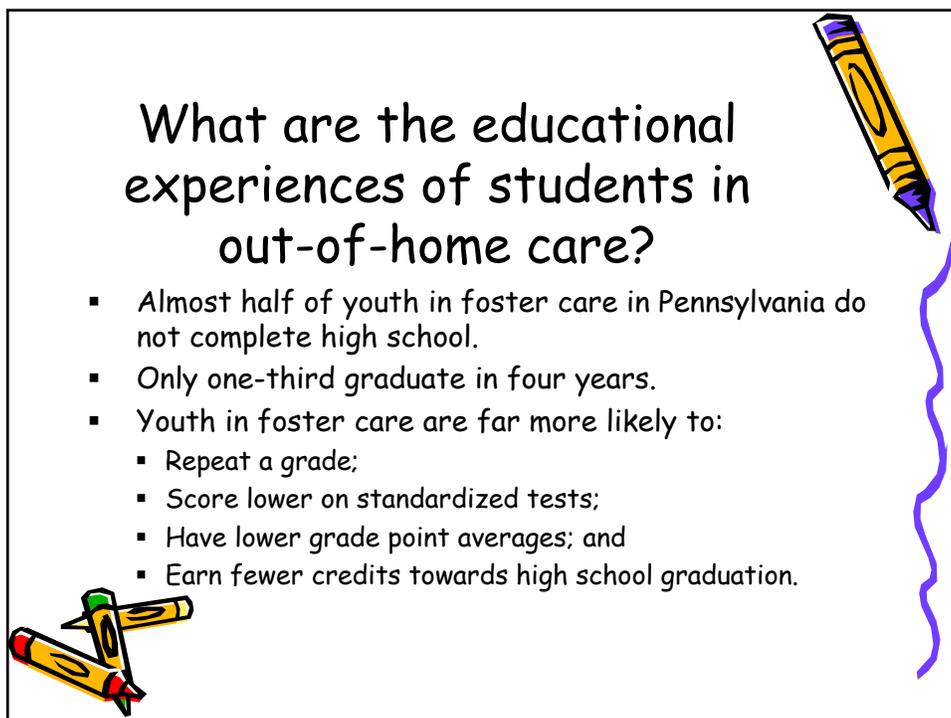




## Opportunities for Enhancing Communication and Collaboration Between Child Welfare and Education Professionals

Cindi Horshaw  
Sonia Pitzi



### What are the educational experiences of students in out-of-home care?

- Almost half of youth in foster care in Pennsylvania do not complete high school.
- Only one-third graduate in four years.
- Youth in foster care are far more likely to:
  - Repeat a grade;
  - Score lower on standardized tests;
  - Have lower grade point averages; and
  - Earn fewer credits towards high school graduation.

## Contributing Factors

- Research shows that any youth can fall 4-6 months behind academically with just one change in school.
- In the past, foster youth have typically had to change schools each time they were moved.
- Foster youth can experience multiple moves; just 2 moves in one year = 1 lost academic year.
- Abuse, neglect, separation/adjustment issues affect concentration and attentiveness.



## Examples of the Barriers to Educational Achievement for Children in Care

- Lack of placement stability
- Delayed enrollment
- Children with special education needs do not access/receive services
- Over-representation in alternative education
- Confusion about legal rights



## Educational Stability

- A critical factor in positive outcomes for youth.
- Part of the "well-being" measure for foster children, for which the Federal government holds Pennsylvania accountable.
- Protected by McKinney-Vento provisions.
- Protected by Fostering Connections provisions.
- Best assured by a minimum of unnecessary school placement changes.



## McKinney-Vento vs. Fostering Connections

### EDUCATION LAW

- McKinney-Vento Act

### CHILD WELFARE LAW

- Fostering Connections to Success and Increasing Adoptions Act of 2008

*How do these laws overlap?*



### McKinney-Vento and Fostering Connections: A Summary

- **McKinney-Vento** requires **school districts** to ensure school stability by providing transportation to the school or origin, allowing continuance in school of choice while disputes are resolved, enlisting school liaisons to assist with immediate enrollment, and access to Title 1 and comparable services, etc.



### McKinney-Vento and Fostering Connections: A Summary

- **Fostering Connections** requires **caseworkers** to ensure school stability by considering **proximity** and **appropriateness** of prior school when placing children, unless remaining in the same school is not in the child's best interest, and ensuring immediate enrollment if school change is necessary.



## McKinney-Vento Rights

- Right to remain in "School of Origin"
  - the school the child or youth attended when permanently housed or the school last enrolled.
- Once eligible applies for remainder of school year or for the period of homelessness.
- Transportation must be provided to remain in school.
  - If no agreement, districts share cost.



## McKinney-Vento Rights

- Guarantees immediate enrollment in a new school if school moves are necessary. Enrollment cannot be delayed, even if typical documentation is not available.
  - Eliminates typical obstacles:
    - residency and record requirements
    - guardianship requirements
    - immunizations
- McKinney-Vento liaisons and state coordinators



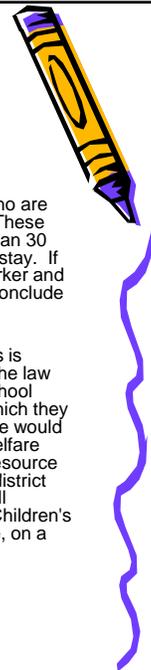
## Updates on McKinney-Vento

- Basic Education Circular (BEC) on Education for Homeless Youth with a revised definition of "Awaiting Foster Care"
- Collaborative effort between Pennsylvania Department's of Education and Public Welfare
- Reissued September 1, 2011



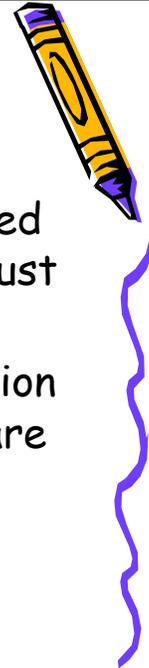
## McKinney-Vento - Awaiting Foster Care

- (v) Children and youths "awaiting foster care placement," which means children who are placed in shelters, emergency foster care, transitional foster care or respite care. These placement settings are intended to be short term, and do not typically last longer than 30 days. However, individual circumstances may, at times, require a longer length of stay. If the placement exceeds 30 days, contact should be made with the child welfare worker and the local McKinney-Vento Coordinator to determine if there is any valid reason to conclude that the child is still "awaiting foster care placement."
- Communication and collaboration among education and child welfare professionals is critical to support school stability and continuity for children in out-of-home care. The law requires child welfare and local education agencies to work together to promote school stability and continuity including trying to ensure children remain in the school in which they were enrolled at the time of placement when it is in their best interest. Best practice would suggest that decisions be made collaboratively between school personnel, child welfare agencies and any other individual involved in the child's case including the child, resource parent, child advocate and attorney. It is imperative that caseworkers and school district administration and staff work together to help ensure the educational progress of all students. Local school officials should consult with their Pennsylvania Homeless Children's Initiative Regional, Site, and State Coordinators, whenever necessary to determine, on a case-by-case basis, whether a child is "awaiting foster care placement."



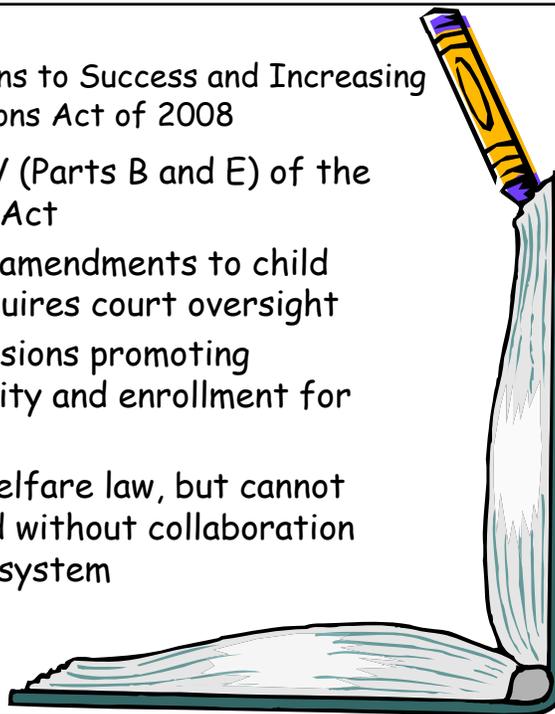
## McKinney-Vento

- Impacts many other children served by the child welfare system, not just those in foster care
- Requires open lines of communication between education and child welfare



## Fostering Connections to Success and Increasing Adoptions Act of 2008

- Amends Title IV (Parts B and E) of the Social Security Act
- Broad-reaching amendments to child welfare law; requires court oversight
- Important provisions promoting education stability and enrollment for youth in care
- Changes child welfare law, but cannot be fully realized without collaboration from education system



## Appropriateness and Proximity

- The child's case plan must include "assurances that the placement of a child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement."

42 U.S.C.A. 675(1)(G)(i)



## School Stability

- The child's case plan must include
  - "(I) an assurance that the state [or local child welfare agency] has coordinated with appropriate local education agencies ... to ensure that the child remains enrolled in the school in which the child was enrolled at the time of placement"

42 U.S.C.A. 675(1)(G)(ii).

- Unless moving is in the child's best interest - in which case - go to part II (immediate enrollment).



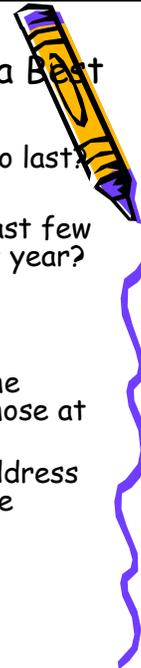
## Federal Requirements

- Education Stability Plan must be a written part of the case plan, reviewed every 6 months.
- Agency could invite school personnel, agency attorneys, guardians ad litem, youth, etc. to discussions about the education stability plan.
- Agency is encouraged to develop standard and deliberate process for determining best interest and properly documenting the steps taken to make the determination.



## Key Questions to Consider When Making a Best Interest Determination

- How long is the child's current placement expected to last?
- What is the child's permanency plan?
- How many schools has the child attended over the past few years? How many schools has the child attended this year? How have the school transfers affected the child emotionally, academically and physically?
- How strong is the child academically?
- To what extent are the programs and activities at the potential new school comparable to or better than those at the current school?
- Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
- Which school does the student prefer?



### Key Questions to Consider When Making a Best Interest Determination cont....

- How deep are the child's ties to his or her current school?
- 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?
- How would changing schools affect the student's ability to earn full credits, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time?
- How would the length of the commute to the school of origin impact the child?
- How anxious is the child about having been removed from the home and/or any upcoming moves?
- What school do the child's siblings attend?
- Are there any safety issues to consider?



### Examples of Best Interest Factors

- ✓ Child's preference
- ✓ Safety of the child
- ✓ Appropriateness of current educational programs in current or other school and how the schools can serve the child's needs (including special education)
- ✓ *COST SHOULD NOT BE A FACTOR!*



## Transportation

- The term foster care maintenance payments includes "reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement." 42 U.S.C.A. 675(4)(A).
- July 2010 Program Instruction from the Federal Government reiterates previous guidance that Title IV-E administrative costs can be used for school transportation.



## Enrolling in a New School

- If remaining in the same school is not in the best interest of the child, the child's case plan must include
  - "(II) ... assurances by the State agency and the local education agencies to provide immediate and appropriate enrollment in a new school, with all of the education records of the child provided to the school." 42 U.S.C.A. 675(1)(G)(ii).



## Fostering Connections Myths

- *Now that there is Fostering Connections, children in foster care aren't eligible for McKinney-Vento.*
  - **False.** Children in foster care can be eligible under both laws.



## Fostering Connections Myths

- *Child welfare agencies and advocates now get to determine which children are eligible under McKinney-Vento.*
  - **False.** MV eligibility is still determined in the same way it has always been for all MV eligible students. Child welfare agencies are now focused on best interest determinations as well, as it relates to FC, but these determinations do not replace the MV eligibility process in place in states. Child welfare advocates' views on best interest should be factored into MV eligibility determinations.



## Fostering Connections Myths

- *Children in foster care who are eligible under MV now must have transportation costs to remain in their home school covered under IV-E child welfare dollars.*
  - **False.** Children in care eligible under MV who require transportation to remain in their same school are still entitled to transportation by the school in accordance with MV, although child welfare agencies should collaborate to support those efforts as much as possible. All children in foster care are not eligible under IV-E, making MV support for transportation costs even more critical for those children.



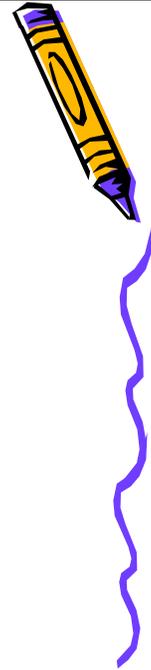
## How the Bulletin and Education Screen Came to Be

- Cross Agency Discussion and Collaboration related to:
  - Special education concerns
  - School stability concerns
  - Legal entitlements



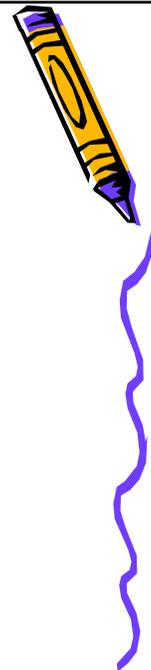
## Bulletin Overview

- In-home and out-of-home
- Single point of contact
- McKinney-Vento
- Fostering Connections
- Collaboration
- Other education rights



## Overview of the Screen

- Short and simple
- General and regular education
- Tools to guide actions



## Implementation

- Roll-out plan
- Responses from the field
- Lessons learned



## Additional Activities Related to Education

- National Association for the Education of Homeless Children and Youth (NAEHCY) Conference in Pittsburgh
- Child Welfare, Education and Courts Meeting in Arlington, Virginia
- Juvenile Court Rules
- House Resolution 2883
- Elementary and Secondary Education Reauthorization Act of 2011



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