

**Section Four**  
**THE EDUCATION SYSTEM**

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### **Educational Challenges for Children in Foster Care**

Chaos in a child's life often results in the neglect of educational concerns. Parents or caregivers may not be available to help with homework, attend school conferences, or make referrals for evaluation when concerns arise. Children entering foster care often have school issues. Addressing these issues can allow a more positive experience for a child who hasn't known the rewards of success in school. Teachers who see the child every day have a wealth of knowledge about the child's behavior, attitude, likes, and dislikes, and about the best ways to communicate with that child. As you inquire about a child's progress in school, you may discover that your child has special educational needs and should be referred for an evaluation. In some areas, an abundance of resources may be available for special-needs children, and in other areas, you may have to advocate for the creation of needed resources.

Children from racial, ethnic, or cultural backgrounds different from the majority culture may also have special needs based on discriminatory practices in the educational system. For instance, children may face racist or homophobic taunts, teachers who believe they can't learn, and testing that is racially/culturally biased. It is important to realistically assess the school difficulties of any child and determine what role the educational system, as well as the child's particular school setting, may be playing in creating or sustaining those problems.



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### **Education Legislation**

#### ***MCKINNEY-VENTO HOMELESS ASSISTANCE ACT OF 1997***

Congress passed the McKinney-Vento Homeless Assistance Act in order to help youth and their families who are experiencing homelessness and to protect the right of homeless youth to attend school.

- The law targets all youth who do not have a fixed, regular, and adequate residence. This includes youth who are staying with friends or relatives because they've lost their housing; youth who are awaiting foster care placement; and youth who are living in emergency or transitional shelters, motels, domestic violence shelters, campgrounds, inadequate trailer parks, cars, public spaces, abandoned buildings, and bus or train stations.
- The law enables homeless youth (including those awaiting foster care placement) to remain in their school of origin if they wish, and it requires school districts to provide transportation to that school if needed. It attempts to remove any barriers to a homeless youth's enrollment, attendance, or success in school, such as compulsory residency requirements. It also seeks to enable homeless youth to choose to attend the local school where they are living, the school they attended before they lost their housing or the school where they were last enrolled. The underlying intent is to give homeless youth access to the same free, appropriate K–12 public education and services that other youth receive.
- Child welfare professionals working with qualifying youth in out-of-home care may be able to use the provisions of McKinney-Vento to keep a particular youth in his or her home school. Each case should be explored individually with the state's McKinney-Vento coordinator. (To find the McKinney-Vento coordinator in your district, check with your local school district.)

#### ***THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT***

The Individuals with Disabilities Education Act (IDEA) was reauthorized in 2004 with a new focus on improving educational stability, opportunities and outcomes for special-needs children in foster care. The act ensures that:

- Children's educational needs are considered by the judge and the child welfare system in making decisions.
- A specific individual is appointed to advocate for each child's educational needs.



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- The child welfare system, the school system and the judicial system communicate with each other about individual foster children.
- Delays are eliminated in enrolling children in new schools or transferring school records when students move because of a new placement. The new school should immediately enroll the child and honor the child's existing Individualized Education Plan (IEP) until a new assessment can be conducted.

### **Eligibility**

Children, from birth through age 21, who need early intervention and/or special education and related services because of a disabling condition are eligible. Eligibility for services is determined through “nondiscriminatory evaluation.” This requires that Early Intervention Providers and school districts use testing materials free from racial or cultural discrimination and presented in the child's native language or means of communicating. Tests must be chosen that assess the child's actual abilities if sensory, motor, language, or other impairments are present. Evaluations cannot be based solely on one general test, such as an intelligence test, and the child is to be assessed across all areas related to the disability by a “multidisciplinary team” or “IEP team.” An appropriate education may include an out-of-district or private school placement if the school district cannot provide appropriate services in the district. The courts have also ruled, however, that an “appropriate” education is not always the same as the “best” education as long as the education services adequately meet the child's needs.

### **Individual Education Program (IEP)**

After a child aged three or older is diagnosed with special learning needs, you may hear the term “Individualized Education Program” (IEP). This is a written, legal document that describes the specialized educational plan and related services to be provided to the student. It guides both teachers and parents in the appropriate education of the child for a period of one year (except in states piloting multi-year IEPs). It is developed in a team meeting in which all members of the IEP team decide what an appropriate education is for the child and identify goals, objectives, description of how progress will be measured, and necessary services. If a child is in the custody of the local child protection agency, the IEP team will likely include teachers, caseworkers, parents, foster parents, and others who interact with the child. The child must be assigned an education surrogate/surrogate parent—a trained community member who advocates for appropriate educational services for the child. The surrogate parent gives permission for testing and for services to meet the needs of the child. Some counties have a list of people who are qualified to assume the role of the surrogate parent, and with training, foster parents or CASA volunteers can assume this role.



## **RESOURCES**

### **American Bar Association Legal Center for Foster Care & Education**

[www.abanet.org/child/education/](http://www.abanet.org/child/education/)

The Legal Center FCE serves as a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system.

### **Arizona Department of Education**

- General: [www.ade.state.az.us](http://www.ade.state.az.us)
- Special Education: [www.azed.gov/ess](http://www.azed.gov/ess)
- Parent Information Network (PINS): [www.azed.gov/ess/SpecialProjects/pinspals/](http://www.azed.gov/ess/SpecialProjects/pinspals/)

### ***Blueprint for Change: Education Success for Children in Foster Care* FACT SHEET**

[http://www.abanet.org/child/docs/Q\\_A\\_1\\_Blueprint\\_FINAL.pdf](http://www.abanet.org/child/docs/Q_A_1_Blueprint_FINAL.pdf)

The Blueprint for Change is a tool for change. The 8 Goals for Youth and Benchmarks for each goal indicating progress toward achieving education success is a framework for both direct case advocacy and system reform efforts. Following each goal are National, State, and Local Examples of policies, practices, programs, and resources that exist to improve educational outcomes for children in foster care.

### ***Foster Children & Education:***

#### ***How You Can Create a Positive Educational Experience for the Foster Child***

<http://www.vera.org/download?file=119/Foster%2Bchildren.pdf>

This paper gives an overview of the educational obstacles facing children in foster care and the role adults can play to have a positive impact on their educational experience.

### **Fostering Futures Research Project**

[http://www.rri.pdx.edu/fostering\\_futures.php](http://www.rri.pdx.edu/fostering_futures.php)

The Fostering Futures Research Project is conducting research on the educational performance and quality of transition planning for foster youth with disabilities. This site provides a link to two articles of interest: “Are We Ignoring Foster Youth with Disabilities?” and “Transition Planning for Foster Youth with Disabilities.”

### **LD OnLine**

[www.ldonline.org](http://www.ldonline.org)

An interactive learning disabilities resource guide for parents, teachers, and students, this site provides a wealth of information, including a section in Spanish.

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### ***Mythbusting: Breaking Down Confidentiality & Decision-Making Barriers to Meet the Education Needs of Children in Foster Care***

[www.abanet.org/child/education/mythbusting2.pdf](http://www.abanet.org/child/education/mythbusting2.pdf)

This paper gives an overview of the education needs of children in foster care, explains the federal laws regarding confidentiality of education records, and debunks myths about confidentiality.

### **National Conference of State Legislatures: *Educating Children in Foster Care***

<http://www.ncsl.org/Default.aspx?TabId=4245>

This informative policy article looks at challenges and services involved in educating children in foster care.

### **National Law Center on Homelessness and Poverty (NLCHP)**

[www.nlchp.org](http://www.nlchp.org)

NLCHP's Children & Youth Program strengthens legislation that guarantees homeless students' right to education, trains state and district education workers and pursues litigation to protect America's homeless students.

### **National Resource Center for Family-Centered Practice & Permanency Planning**

[www.hunter.cuny.edu/socwork/nrcfcpp/info\\_services/education-and-foster-care.html](http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/education-and-foster-care.html)

The Education and Foster Care section of this site provides a wealth of articles and resources on educating and children in care.

### **New Horizons for Learning**

[www.newhorizons.org](http://www.newhorizons.org)

This site is dedicated to improving education. It gives links to student voices, special needs in education, and teaching and learning strategies.

### **A Roadmap for Learning – Improving Education Outcomes in Foster Care**

[www.casey.org/Resources/Publications/RoadMapForLearning.htm](http://www.casey.org/Resources/Publications/RoadMapForLearning.htm)

*A Road Map for Learning* shows how to integrate the predictors of academic success into an educational plan and encourages letting youth in out-of-home care be the primary voice in their own decision-making.



