

Educational Stability and Foster Youth

Thursday, February 17, 2022

8:00 am – 8:05 am | Introduction

8:05 am – 8:45 am

The Data Behind Why Educational Stability Matters for Youth in Foster Care

This presentation will discuss social science data on foster youth and educational stability.

Elysia Clemens, PhD, LPC

Dr. Elysia Clemens is the Deputy Director and Chief Operating Officer at the Colorado Evaluation and Action Lab located at the University of Denver. The “Colorado Lab” is a social and health policy lab that supports all three branches of government in generating and using data to inform policy development and practice. Prior to joining the Colorado Lab, Dr. Clemens was a tenured professor at the University of Northern Colorado. She holds a doctorate in counseling and a masters in school counseling. She has worked in child and adolescent inpatient psychiatric units and in K-12 schools. Since 2014 Dr. Clemens has worked to take a data-informed approach to improving educational attainment of youth in foster care. With funding from the US Department of Education’s Institute for Educational Science, she connected state-level child welfare and education records to examine how educational stability relates to high school graduation rates. The information gleaned from this research was used to advocate for the educational stability provisions in the Every Student Succeeds Act provisions.

8:45 am – 9:30 am

Every Student Succeeds Means Students in Foster Care Too

The presentation will discuss federal law and available federal funds related to foster youth and educational stability.

Emily Peeler, Staff Attorney, ABA Center on Children and the Law

Emily Peeler is a Staff Attorney at the American Bar Association Center on Children and the Law. Emily works on a variety of projects at the ABA, including the Legal Center for Foster Care and Education, Pennsylvania Education Barriers, the Capacity Building Center for Courts, kinship care, and parent representation. Prior to working at the ABA Emily managed a legal diversity pipeline program with law firms and high schools across the country and worked as a youth advocacy coordinator at CASA for Children of DC. Emily received her J.D. from the University of Louisville Brandeis School of Law and her M.S.W. from Boston University.

9:30 am – 10:15 am

State law and Missouri interpretations of Fostering Connections and ESSA

Dawn Blunda, Managing Attorney, Children’s Division

Ms. Blunda will discuss the factors Children’s Division considers and obstacles Children’s Division faces when determining whether to move a child to a new school. Ms. Blunda will also discuss Individual Education Programs (IEPs) and how IEPs effect school stability decisions.

10:15 am – 10:30 am | Break

10:30 am – 11:30 am

**Policy Discussion of the Fostering Connections Act and ESSA:
A Parent's Attorney Perspective**

Jeannie Boettler, Stinson, LLP, Partner

Madison Connolly, Stinson, LLP, Associate

Martha Nweke, Stinson, LLP, Associate

Ronald Johnson, Stinson, LLP, Associate

11:30 am – 12:15 am

Discussion of the youth perspective of educational stability

Ms. Collier and Ms. Christian are both former Missouri foster youth. They will share their experiences in foster care including regularly moving schools and the effects educational instability had on their lives.

Ayanna Collier

Hello, my name is Ayanna Collier. I am a 19-year-old former kid of foster care. I was adopted two days before my 18th birthday. School has always been my number one priority because that was the only out I felt I had. With going to 3 different elementary schools, 3 different middle schools, and three different high schools, I was used to moving and having to work extra hard. I just wish it wouldn't have been so easy for me to constantly be moved from school to school so I could have had some stability. I wish schools especially colleges understood more about mental health. I am a hard-working kid, but all the moving takes a toll.

Glo Christian

Gloryonna Christian is a former foster youth who aged out at 21. She is currently in her senior year of college studying business administration at Harris Stowe State University in her hometown St. Louis. In her free time, she enjoys meditating/yoga, cooking, reading, traveling, and spending time with family and friends. She is currently a youth specialist for a nonprofit organization called Cherished Youth made to encourage the youth by educating them on finances, themselves, and God. Her current job is in sales as a mobile expert at TMobile.

12:15 pm – 1:00 pm

View from the bench

*Family Court Commissioner Diane Monahan of the 21st Judicial Circuit,
St. Louis County*

HOSTED BY

Missouri's 21st Judicial Circuit



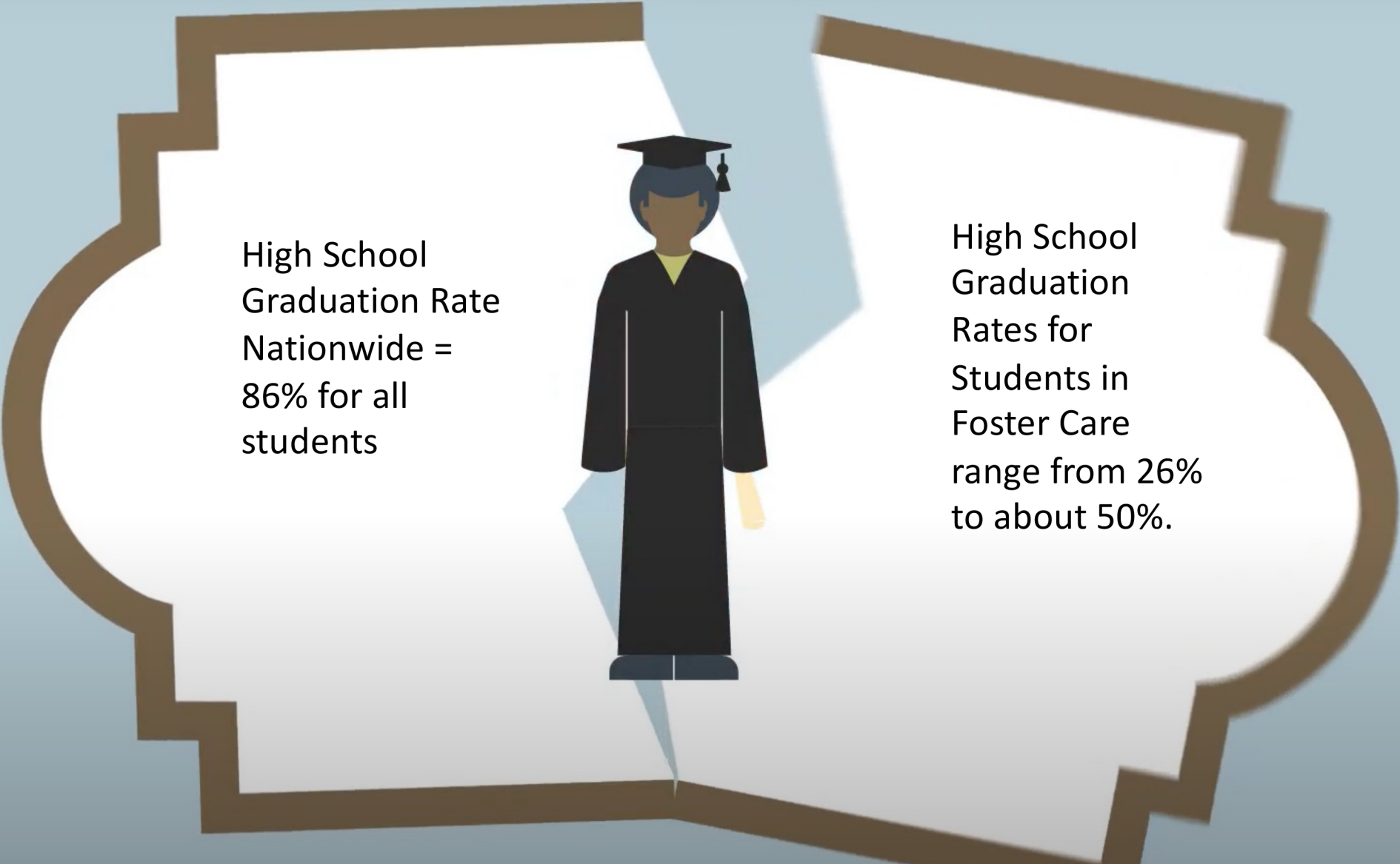


**STUDENTS WHO EXPERIENCE FOSTER CARE
ARE AMONG THE MOST VULNERABLE
STUDENT POPULATIONS IN THE U.S.**

The Data Behind Why Educational Stability Matters for Youth in Foster Care

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Large Gaps in Educational Attainment

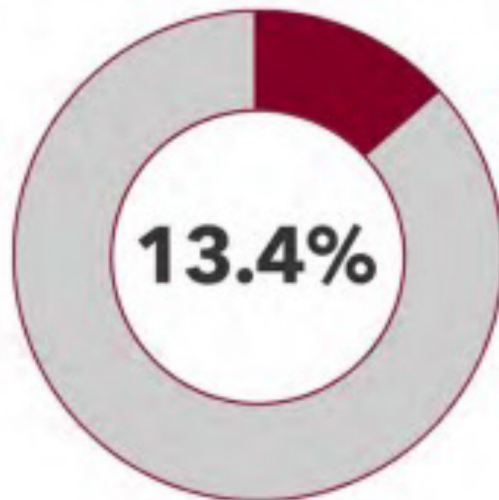


High School
Graduation Rate
Nationwide =
86% for all
students

High School
Graduation
Rates for
Students in
Foster Care
range from 26%
to about 50%.

Of Those That Graduate from High School...About 3% Graduate from a 4-Year College

Only 13% of youth who were in foster care during high school entered postsecondary education by age 21



Students attended two-year institutions at 2.4 times the rate of 4-year institutions.



Setting Young People Up for Success in School and Life

**Educational Stability Throughout K-12
Educational Experience**

**Coordination Between Child Welfare and
Education**

So that...youth are....

Connected to School

Develop the Academic and Behavioral
Skills

Educational Stability



SCHOOL STABILITY



**SEAMLESS
TRANSITIONS**

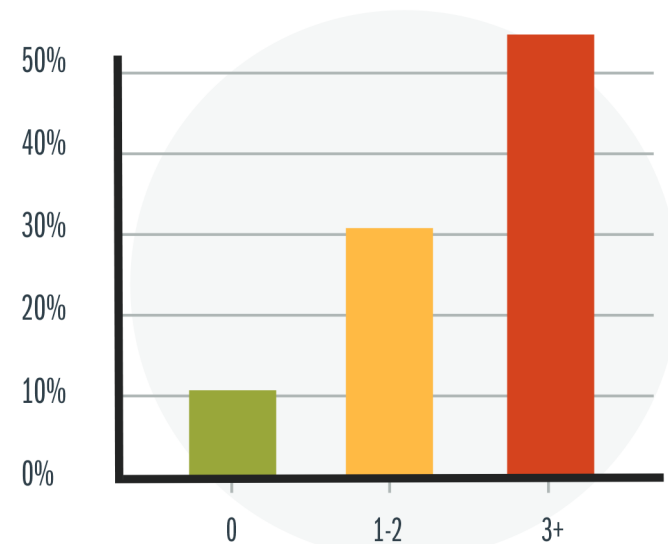
The Relationship Between School Changes and Earning a High School Credential

Sample: 3,357 students who experienced an out-of-home placement during high school

- 59% of students in foster care changed schools 3 or more times in high school

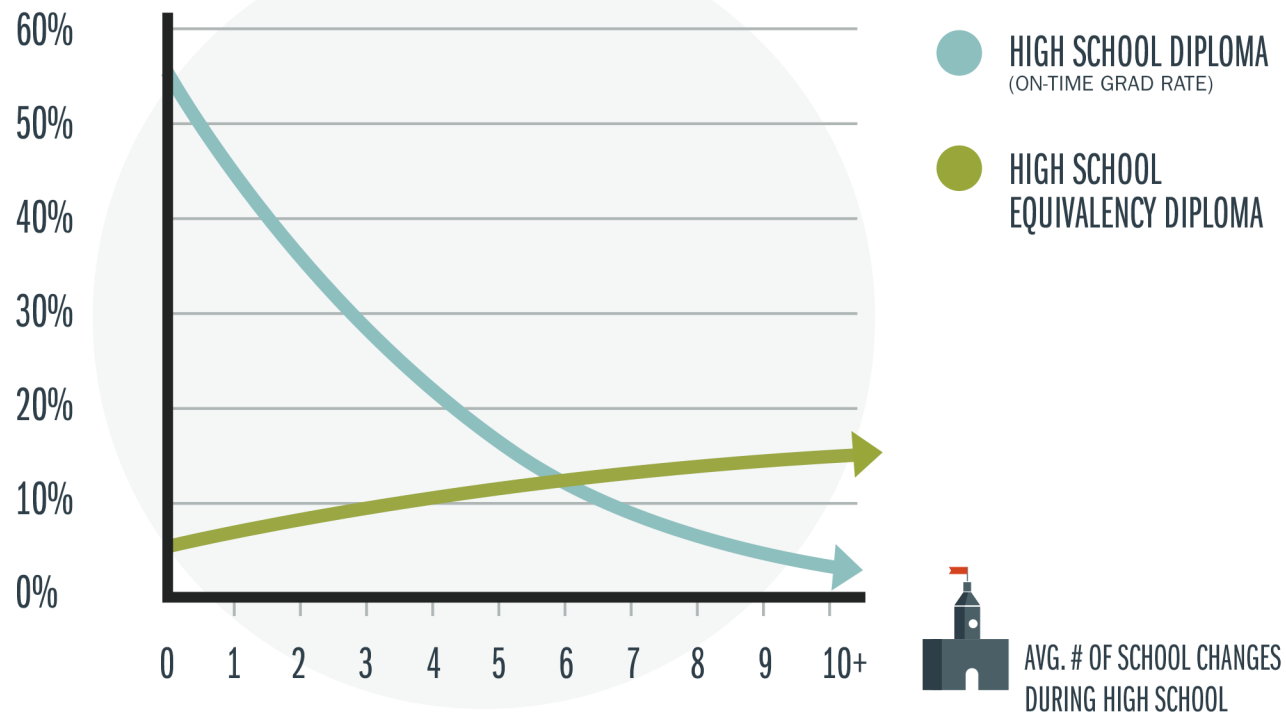
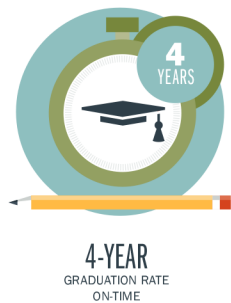


NUMBER OF SCHOOL CHANGES DURING HIGH SCHOOL



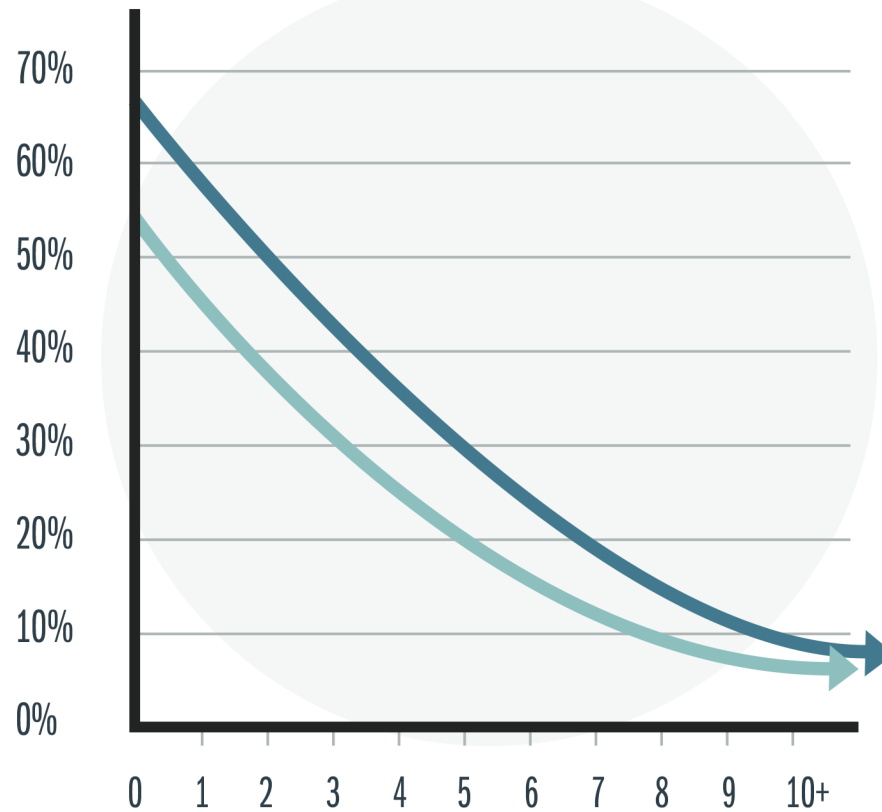
AVG. # OF SCHOOL CHANGES
DURING HIGH SCHOOL

Improving Educational Stability is Likely to Increase the On-Time Graduation Rate & Decrease the Rate of Earning a High School Equivalency Diploma (GED)



More Time and Stability Are Needed

Comparison of Expected Graduation Rates at 4 and 6 Years After Initially Entering Ninth Grade

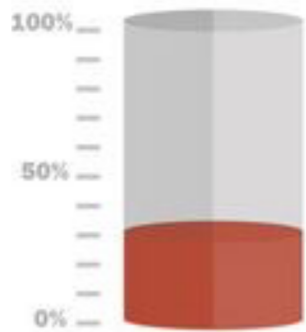


- 4-YEAR GRADUATION RATE
- 6-YEAR GRADUATION RATE



AVG. # OF SCHOOL CHANGES
DURING HIGH SCHOOL

Timing of School Changes Matters



35%
OF STUDENTS

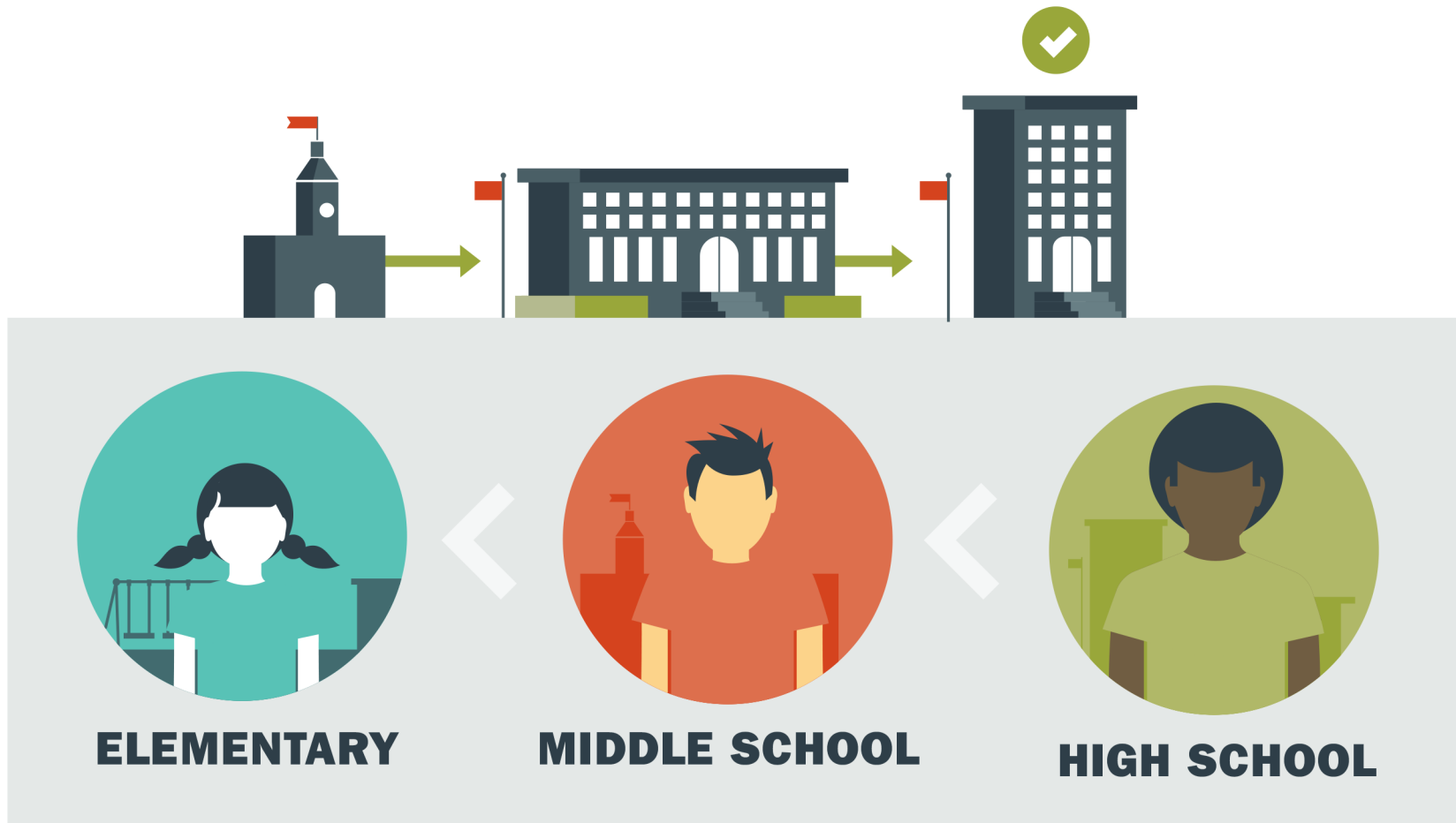
**WHO ARE REUNIFIED WITH THEIR
FAMILIES **CHANGE SCHOOLS** IN
THE MIDDLE OF A SCHOOL YEAR**

HALF
OF STUDENTS



**TRANSITIONING FROM CONGREGATE CARE TO
FAMILY-LIKE PLACEMENTS **CHANGE SCHOOLS**
IN THE MIDDLE OF A SCHOOL YEAR**

AS STUDENTS MOVE UP THROUGH SCHOOL LEVELS, THEY CHANGE SCHOOLS MORE OFTEN.



The Implications of Instability are Different at Each Level

Students Change Schools Even More Often Than Placements



2 PLACEMENTS = **3** SCHOOL CHANGES



3 PLACEMENTS = **5** SCHOOL CHANGES



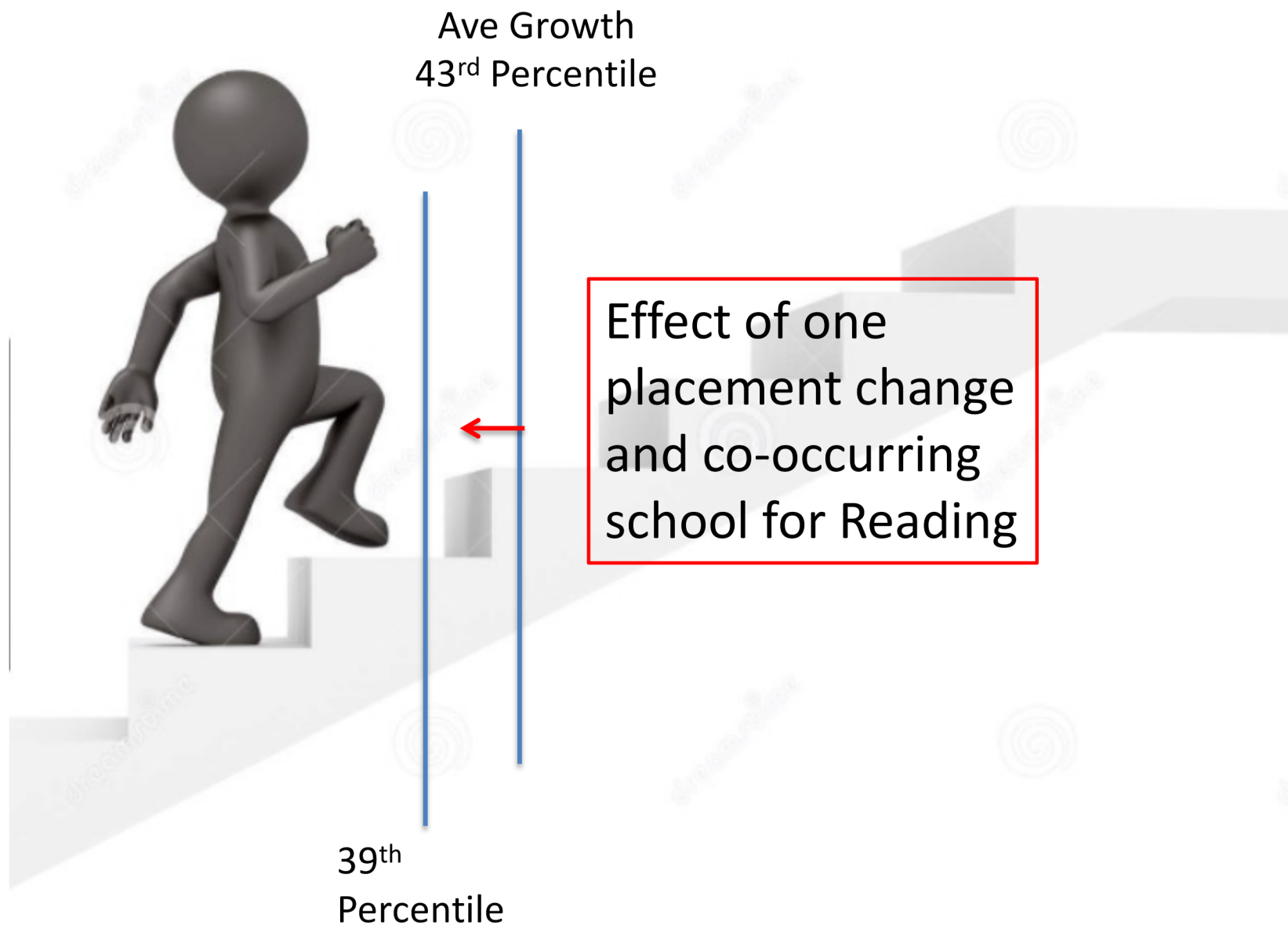
5 PLACEMENTS = **8** SCHOOL CHANGES

Gaps in Knowledge

**“EACH SCHOOL I MOVED TO JUST
TAUGHT ME MULTIPLICATION.
I DON'T KNOW DIVISION...”**



Academic Growth and Placement + School Changes



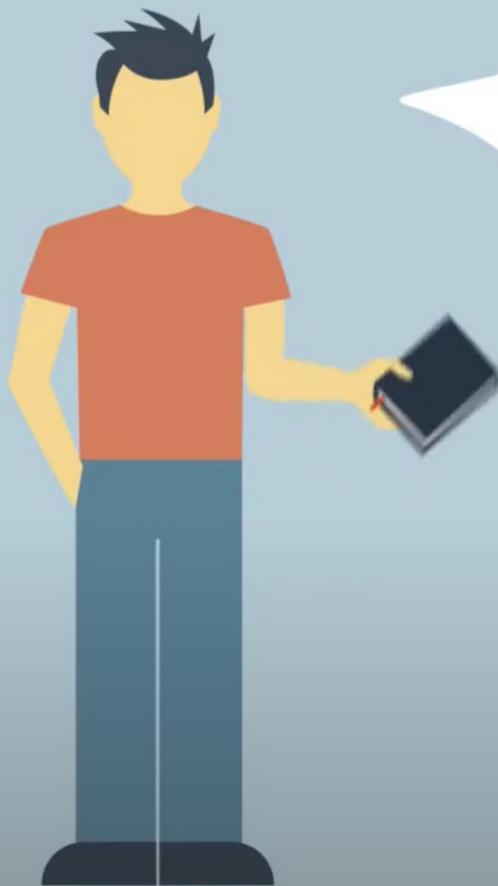
Academic Growth and Domino Effect Toward Dropping Out of School



Not on grade level
in reading = 81%
increased risk of
dropping out.

Not on grade level
in math = 58%
increased risk of
dropping out.

Connectedness to School



“I’M NOT EVEN GOING TO HAVE A
CHANCE TO LEARN. I’LL BE GOING TO
A DIFFERENT SCHOOL, SO **WHO CARES?**”

Coordination Between Child Welfare and Education

THE 3 T'S



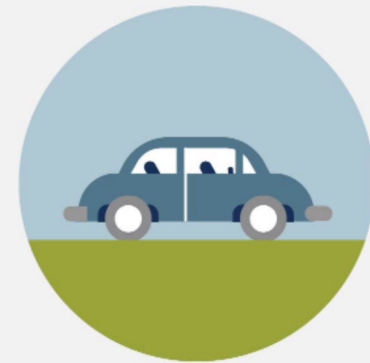
TRANSCRIPTS

STUDENTS ARE PLACED IN THE RIGHT CLASSES AND RECEIVE CREDIT AND PARTIAL CREDIT AS APPROPRIATE



TRANSITIONS

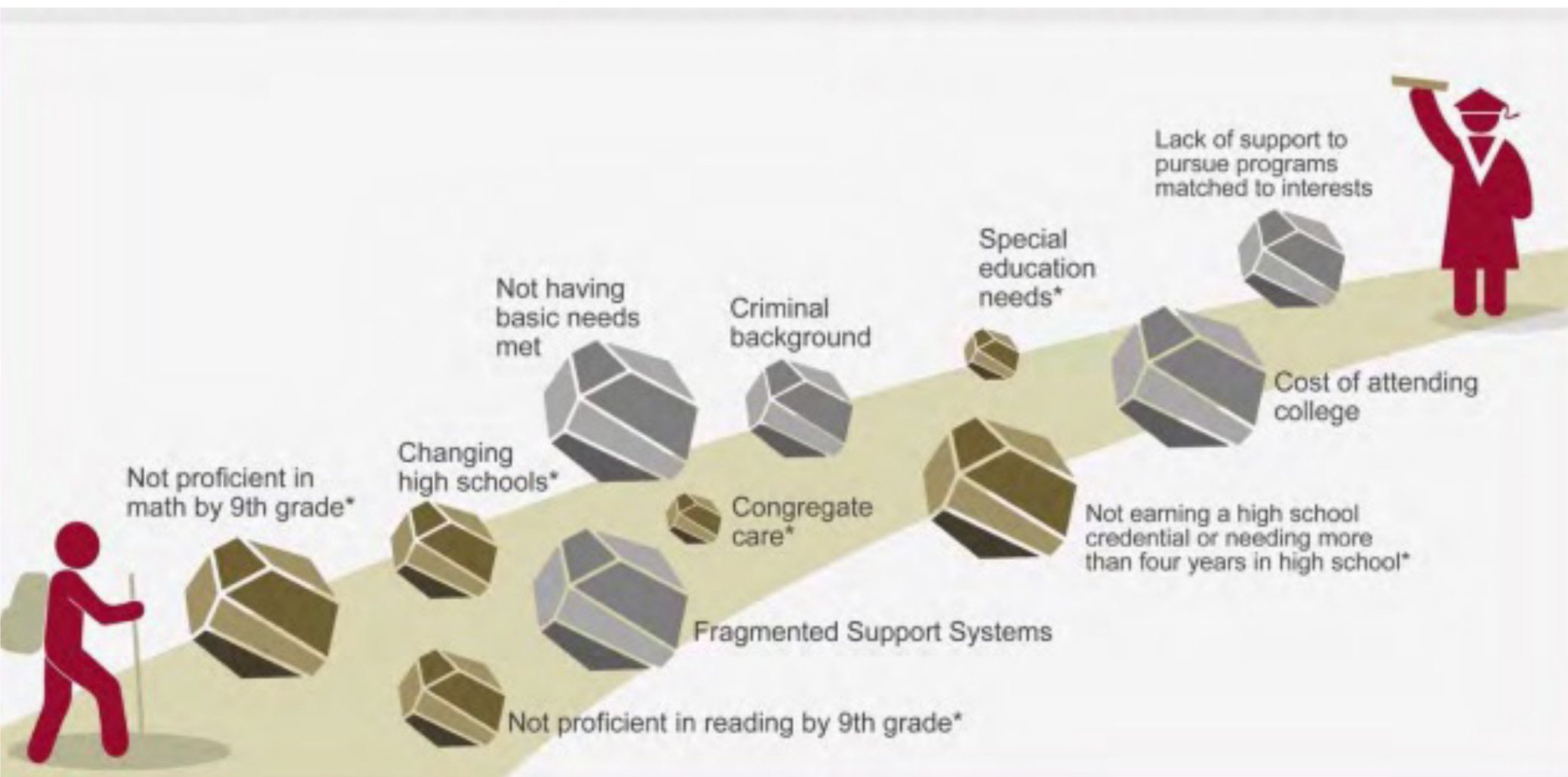
SCHOOL CHANGES OCCUR WHEN IT IS IN A CHILD'S BEST INTEREST, SCHOOLS ARE NOTIFIED BY CHILD WELFARE THAT THE STUDENT IS COMING, STUDENTS ARE IMMEDIATELY ENROLLED, STUDENTS AND SCHOOLS ARE PREPARED FOR THE TRANSITION



TRANSPORTATION

SOLUTIONS IN PLACE SO IT IS PRACTICAL FOR STUDENTS TO STAY IN SCHOOL OF ORIGIN IF THAT IS IN THEIR BEST INTEREST

Summary of Barriers to Educational Attainment



RECOMMENDATION #1

INTERVENE EARLY

**PROVIDE STUDENTS WITH ACADEMIC SUPPORT
AS SOON AS THEY ENTER THE CHILD WELFARE SYSTEM
BEFORE THEY ARE IN FOSTER CARE**



RECOMMENDATION #2

PLAN FOR STABILITY



**CONSIDER THE NEGATIVE EFFECTS OF
PLACEMENT CHANGES AND SCHOOL MOVES
EVEN STUDENTS WHO ARE ON GRADE LEVEL
ARE LIKELY TO SLIP AND NEED SUPPORT**

RECOMMENDATION #3

OFFER LONG-TERM SUPPORT

**STUDENTS WHO EXIT FOSTER CARE
ARE STILL AT RISK OF POOR ACADEMIC OUTCOMES
THEY NEED TARGETED, LONG-TERM SUPPORT
TO ENSURE THEIR FUTURE SUCCESS**



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THANK YOU!

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Every Student Succeeds Means Students in Foster Care Too

BARRIERS TO SUCCESS

FEDERAL LAWS

MISSOURI CLE, FEBRUARY 2022

ABA Center on Children and the Law

Center on Children
and the Law

A nonprofit grant-funded entity within the American Bar Association with a mission to promote access to justice for children and families. Projects support collaboration and coalition building at local, state and national levels to build the capacity of legal practices and systems that serve children and families.

www.americanbar.org/child

- *Court Improvement*
- *State Permanency Barriers*
- *Foster Care and Education*
- *Youth Empowerment and Representation*
- *National Alliance for Parent Representation*
- *Family Justice Initiative*
- *Kinship Care/Grandfamilies*
- *Immigration and Child Welfare Law*
- *Child, Adolescent and Parent Health*



WWW.FOSTERCAREANDEDUCATION.ORG

- In-depth expertise in legal and policy issues related to education and foster care
- State and local technical assistance and support
- Listserv, Training Materials, Webinars, Factsheets and Searchable Database
- Facilitate networks and workgroups

Barriers to Success For Children in Foster Care

- Lack of placement stability = school instability
- Delayed enrollment
- Credit transfer issues & graduation requirements
- Special education needs are not identified, misidentified or students fail to receive services due in part to frequent school moves
- Disproportionate rates of suspension and expulsion
- Over-representation in alternative education programs
- Inferior on-site educational programs
- Educational Disruption & history of truancy

The Importance of Education Advocacy

National Factsheet on Educational Outcomes of Students in Foster Care (2021)

Educational Experience or Outcome	National/Multistate Data
% of youth in foster care who change schools when first entering care	31%-75%
% of 17-18 year-olds who experienced 5 or more school changes	25%-34.2%
% chronically absent from school	About twice the rate of other students
% of 17-to-18 year-old youth in foster care having out-of-school suspensions	12%-23% (compared to 5-7% all students)
% of 17-to-18 year-old youth in foster care being expelled	3-4 times that of other students
Reading level of 17-to-18 year-old youth in foster care	29% -33% (meet state standards)
% of youth in foster care receiving special education services	30%-50%
% of 17-to-18-year-old youth in foster care who want to go to college	70% - 84%
% of youth in foster care who complete high school by age 18 (via a diploma or GED)	28% -55%
% of youth in foster care who complete high school by age 21	65%- 77% for youth still in care; 68% for youth not in care (national data)
% of youth in foster care who graduated high school who enrolled in post-secondary education at some level	13%-38%
% of foster care alumni who attain a bachelor's degree	2% -10.8%

Blueprint for Change: Education Success for Children in Foster Care

8 **Goals** for Youth



Benchmarks for each goal indicating progress toward achieving education success



National, State, and Local **Examples**

www.fostercareandeducation.org/AreasofFocus/BlueprintforChange.aspx

Blueprint for Change: Goals for Youth

Goal 1: Remain in the Same School

Goal 2: Seamless Transitions Between Schools

Goal 3: Young Children Are Ready to Learn

Goal 4: Equal Access to the School Experience

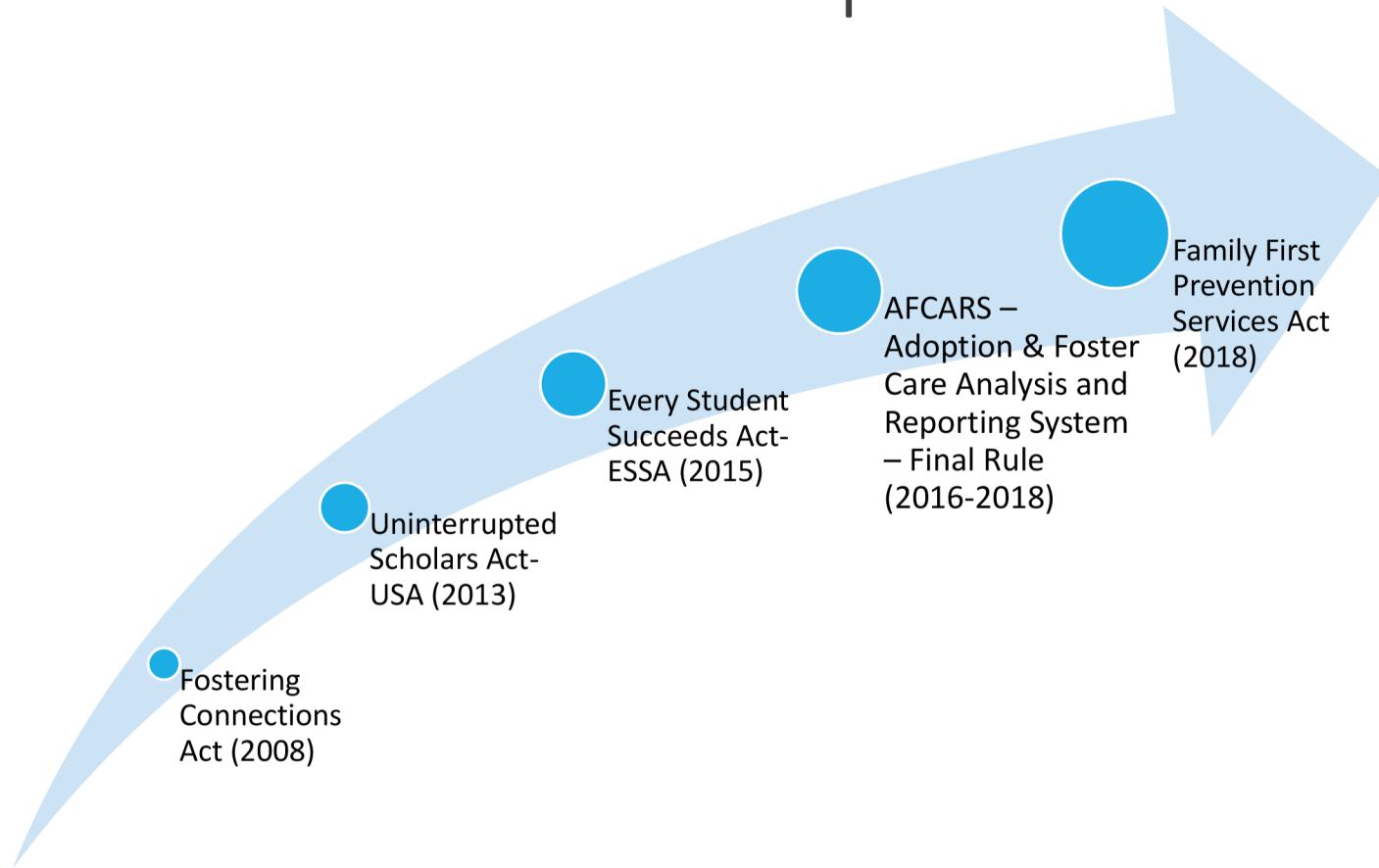
Goal 5: School Dropout, Truancy, and Disciplinary Actions Addressed

Goal 6: Involving and Empowering Youth

Goal 7: Supportive Adults as Advocates and Decisionmakers

Goal 8: Obtaining Postsecondary Education

A Decade of Federal Law Improvements



ESSA School Stability Protections

Remaining in the same school:

- School of origin, unless it is not in their best interest.

Best interest determinations:

- Factors including: appropriateness of the current educational setting, and proximity to the school in which the child is enrolled at the time of placement.
- Transportation *cannot* be a factor.

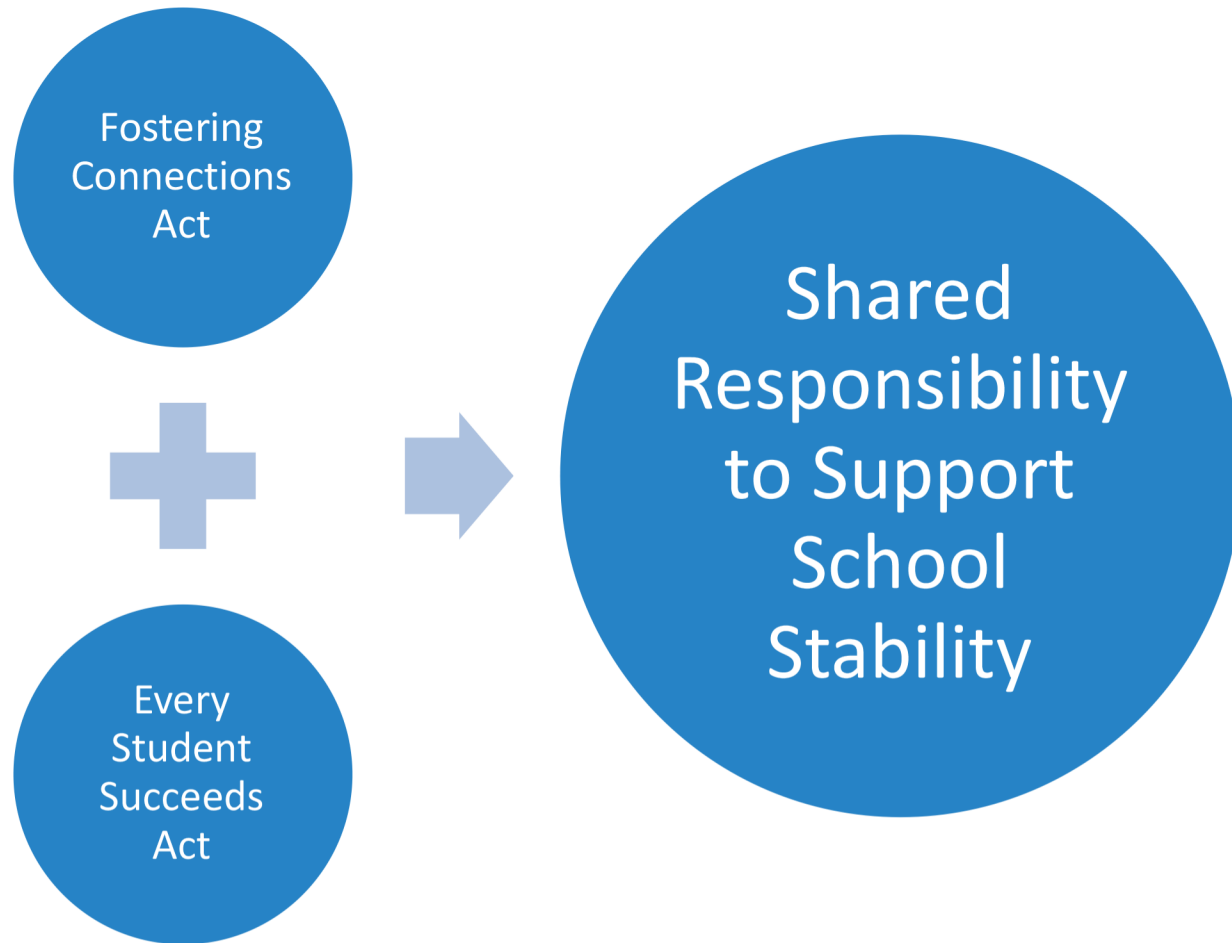
Immediate enrollment, if it is not in the child's best interest to remain in the school of origin:

- Even without normally required records.
- The enrolling school must contact the previous school to obtain academic and other records.

ESSA School Stability Protections - Transportation

Transportation when necessary for youth to remain in school of origin:

- School districts must collaborate with child welfare agencies to:
 - Develop and implement clear written procedures for how transportation will be provided, arranged, and funded.
 - Ensure that children needing transportation promptly receive transportation.
- Procedures must ensure:
 - Promptly receive it in a cost-effective manner
 - If there are additional costs school districts will provide it if they are:
 - Reimbursed by the child welfare agency,
 - Agrees to pay the costs in full, or
 - Agree to share the costs



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

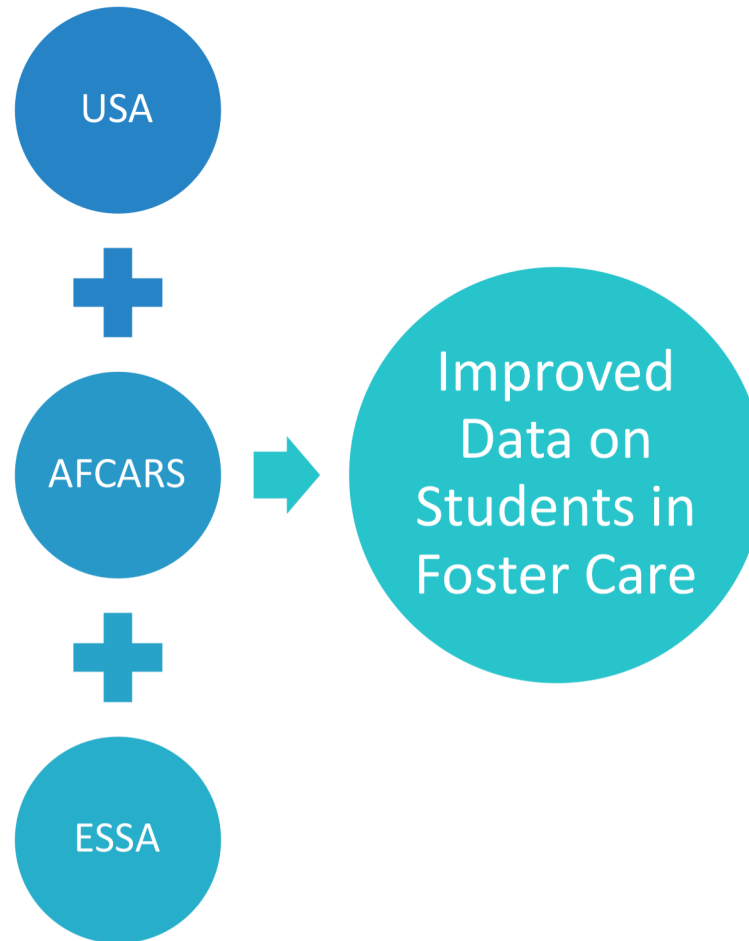
Presumption to stay in school of origin

Best interest determinations

Immediate enrollment, even without documentation

Transportation must be arranged, provided and funded

State and local Points of Contact



Students in Foster Care: Data in Federal Law

Uninterrupted Scholars Act

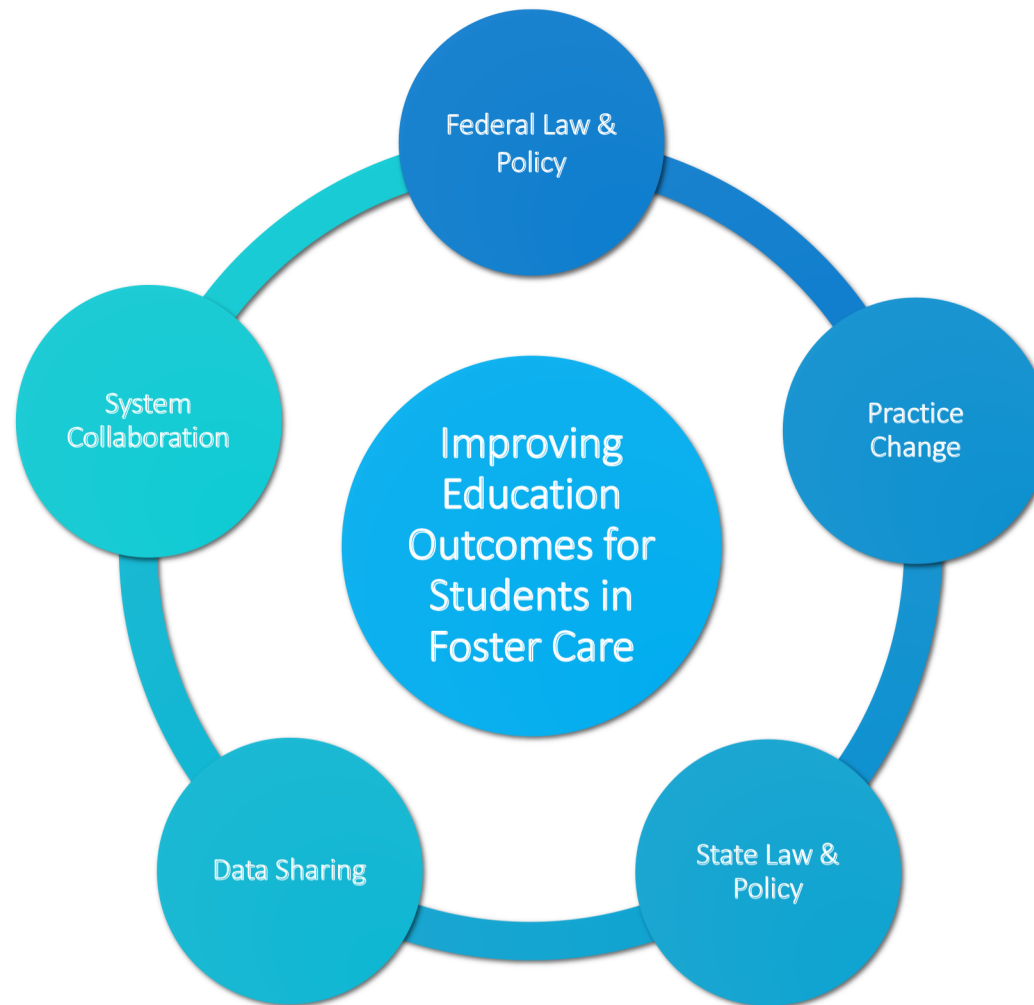
- USA creates a new “child welfare exception”
- USA eliminates duplicative notice for the “court order exception”

AFCARS

- Grade
- School moves
- Special education

ESSA

- Student achievement on academic assessments
- Performance on other academic indicators
- High school graduation rates



Questions to ask about School Stability

If the child has entered care or changed living placements has a best interest determination been made?

- Were the appropriate parties consulted?

If the child remained in their school of origin, do they need transportation?

If the child is enrolled in a new school was the enrollment immediate? Has it been a smooth transition?

- If there are any barriers what advocacy is needed?

If the child is in special education or has a 504 plan, are their needs being met?

Check-in about regular attendance, school performance, and school participation.

Make sure child (if age appropriate) has a voice in their education decisions/planning.

Does the child need an EDM?

Clear Recommendations and Findings of the Court?

Has court appropriately considered the recommendations put forth by the school, child welfare worker, child's attorney, or any other education advocate, to support the education needs of the student?

Does the court require any additional information be provided in consideration of these recommendations?

Has the court reviewed all supplemental education information? Is there anything missing that the court needs to make the necessary findings? (i.e., Attendance record, report card, IEP or 504 plan)?

Are there any additional recommendations the court should make to address the education needs of the student?

Contact Us

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Educational Stability for Foster Youth – A Parent's Attorney Perspective

Jeannie Boettler, Stinson LLP
Madison Connolly, Stinson LLP
Ron Johnson, Stinson LLP
Martha Nweke, Stinson LLP

Right to Educational Stability Under Federal and Missouri Law

Foster Youth Statistics

- On September 30, 2019, there were approximately 423,997 children in foster care nationwide.
- In Missouri, there were approximately 20,250 children in foster care as of June 30, 2021.
- Despite the growing number of children in foster care, foster care youth, on average, fail to attain the same educational success as their non-foster peers.
- A 2010 study at the University of Chicago concluded that:
 - over 40% of school-aged children in foster care had educational difficulties;
 - high school dropout rates were three times higher for foster youth than other low-income children; and
 - only about 50% of foster youth ended up finishing high school, while less than 3% graduated from a four-year college.

What is the cause?

- Various causes, including the lack of educational stability
- Foster youth experience a disjointed educational experience, including:
 - frequent school changes;
 - gaps in enrollment; and
 - delayed transfer, or even loss, of records.

Brief Overview of Federal Law

- Historical progress that started with the McKinney-Vento Homeless Assistance Act
- Most recent:
 - the Fostering Connections to Succeed and Increasing Adoptions Act of 2008 ("FCSIAA"); and
 - the Every Student Succeeds Act of 2015 ("ESSA")
- Both provide, among other things, requirements for state foster care agencies and educational systems to provide educational stability to foster youth.

FCSIAA

- State foster care agencies must develop a case plan that provides a plan for ensuring the educational stability of a child in foster care, including:
 - assurances that each placement of the 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; and
 - one of the following:
 - an assurance that the state agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or
 - if remaining in such school is not in the best interests of the child, assurances by the state agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of such child provided to the school.

ESSA

- Child welfare agencies and local educational entities who educate foster children must coordinate to help ensure foster children's best educational interests.
- Students in foster care must **remain in their school of origin** unless a determination is made that a school move is in the **child's best interest**.
- If a school move is determined to be in the best interests of the child, the local educational agency must:
 - **immediately** enroll the foster youth in the new, enrolling school; and
 - **immediately** facilitate the transfer of the educational and medical records of the youth to such school.

"Best Interest" Determination

- The U.S. Department of Education and the U.S. Department of Health & Human Services released joint guidance in June 2016.
- Factors:
 - preferences of the child;
 - preferences of the child's parent(s) or education decision maker(s);
 - the child's attachment to the school, including meaningful relationships with staff and peers;
 - placement of the child's sibling(s);
 - influence of the school climate on the child, including safety;
 - the availability and quality of the services in the school to meet the child's educational and socioemotional needs;
 - history of school transfers and how they have impacted the child;
 - how the length of the commute would impact the child, based on the child's developmental stage;
 - for children with disabilities, the availability of required services in a school other than the school of origin; and
 - for children with limited English communication proficiency, the availability of required services in a school other than the school of origin.
- Factors expressly do **NOT** include transportation

Missouri Law

- Key laws:
 - the Foster Care Bill of Rights; and
 - the Foster Care Education Bill of Rights.
- Generally:
 - Foster care youth have the right to remain in and attend the child's school of origin pending resolution of school placement decisions
 - Ultimate priority = the best interests of the child
 - All foster youth are entitled to at least six hours per school day under the guidance and direction of teachers.
 - Except for protective custody, no child can be removed from school prior to the end of the official school day without a court order.
- Requirements for both foster care agencies and educational systems

Foster Care Agencies – Service Plan

- Written service plan must:
 - be developed within 72 hours of admission into foster care;
 - be updated for continued placement if the child remains in care beyond 30 days;
 - include the education plan for the child; and
 - be continually evaluated and updated.

Foster Care Agencies – Additional Placement Responsibilities

- Foster care agencies must also:
 - determine that the educational needs of each child in placement are met;
 - not place a child unless an educational program appropriate to the child's needs can be provided;
 - provide education, training or work experience if the child is excluded or otherwise unable to attend school; and
 - ensure that each foster home provides appropriate space and supervision for quiet study after school hours and that each child has access to sufficient reference materials and school supplies.

Requirements for the Education System

- In coordination with foster care agencies, school districts must:
 - designate and maintain an educational liaison;
 - efficiently transfer the records of the foster youth;
 - enroll foster youth in substantially similar coursework and recognize prior credits without grade reduction; and
 - provide the opportunity to graduate.

Education System – Educational Liaison

- Each school district must designate a staff person to act as the educational liaison to:
 - ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;
 - assist foster care pupils when transferring from one school to another or from one school district to another, by ensuring proper transfer of credits, records, and grades;
 - request school records within two business days of placement of a foster care pupil in a school; and
 - submit school records of foster care pupils within three business days of receiving a request for school records.
- Ultimately, must provide flexibility and cooperation among the educational system, foster parents, and the foster care student in order to achieve educational success for the student

Education System – Records

- If the relevant authorities do determine removal of the child from such child's school of origin is in the child's best interests, the relevant school districts must:
 - ensure that the student is not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district; and
 - provide for the uniform collection and sharing of information among schools, foster care children, and their families.

Education System – Coursework, Programs, Credits and Grades

- When a foster care student transfers before or during a school year, the school district must facilitate:
 - the student placement process as to not disadvantage foster youth by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment; and
 - the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.
- The receiving school must actually honor placement of the student in educational courses and programs based on enrollment, including fully- and partially-completed coursework, and assessments from prior school, including:
 - honors and other advanced placements;
 - vocational and technical course placements; and
 - gifted and English as a second language (ESL) programs.
- Receiving schools must also provide flexibility in granting waivers for prerequisites and other preconditions.
- If the student is absent from school due to a school placement change, court appearance or another court-ordered activity, the student's grades and credits cannot be lowered as a result of such absence and must be calculated as of the date the student left school.

Education System – Graduation

- Each school district is required to facilitate the on-time graduation of foster care children.
- Upon a transfer from a school of origin, receiving schools must:
 - waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school **or** must provide reasonable justification for denial of such waiver **and** provide an alternative means of acquiring required coursework so that graduation may occur on time; and
 - accept exit or end-of-course exams, national norm-referenced achievement tests or alternative testing in lieu of testing requirements for graduation in the receiving school.
- If a foster care student transferring at the beginning or during such student's senior year is ineligible to graduate from the receiving school after all alternatives have been considered, the sending and receiving schools must ensure the receipt of a diploma from the sending school if the student meets the graduation requirements of the sending school.
- If the pupil remains under the jurisdiction of the juvenile court and completes the graduation requirements of the student's school district of residence, then such school district must allow such student to graduate and issue a diploma to the student.

Educational Decision Maker

What are “educational decisions”?

- Providing input regarding the child’s grade level, classroom, course selection and school
- Determining participation in special programs or extracurricular activities
- Advocating for a child’s school stability and appropriate placement
- Ensuring a child’s records and credits transfer between schools
- Serving as a participant in school meetings
- Protecting a child’s interests in school discipline proceedings

Who is the EDM for foster youth?

The adult with whom the child lives is considered to be "acting as a parent" with implicit authority from the natural parent(s) to act as an educational decision-maker, unless the natural parent has informed the school that despite the fact that their child is living elsewhere, they intend to continue to be the educational decision-maker.

It is advisable for a school to clarify the intent of the natural parent/s when a child is living outside the home by sending a letter to the parent and indicating that the school will look to the adult the child lives with to make educational decisions, unless the parent notifies the school otherwise.

Depending on the child's needs and age, different people may participate in making education-related decisions including the DSS caseworker, school staff, the caregiver, the child and the CASA volunteer. It is very important for CASA volunteers to define their role and work with everyone involved to get the best educational outcome for the child.

Who is the EDM for foster youth?

- The court can also appoint another person to serve as EDM for a child in foster care. Persons other than a child's parents who may be able to accept appointment to serve as educational decision-maker for a youth may include a family friend or relative, a child's mentor or CASA, or a former or current foster parent.

Who is the EDM for foster youth?

- The school may ask a child's guardian ad litem or social worker to make educational decisions when the school has concerns about a child's academic, social-emotional, or behavioral needs and believes special education evaluations and programming may be warranted, and the child's parents are otherwise not available to engage in the special education process.
- In the abuse and neglect context, if a parent is not willing or able to fulfill the role of educational decision-maker, any party may petition the court to appoint someone other than the parent to serve as a child's legally designated educational decision-maker

Special Rules for Students with Disabilities

- For a child to be provided with special education services, a parent must first sign consent for the initial evaluation. This requirement is intended to assure that the unique and extensive knowledge about a child that parents possess enhances the planning and delivery of educational services and that the authority held by parents as their child's guardian is recognized and upheld.
- For children in Missouri who have been removed from their biological parents' custody, the adult with whom the student lives is considered to be "acting as a parent" with implicit authority from the natural parent(s) to act as an educational decision-maker, unless the natural parent has informed the school district that they intend to continue to be the educational decision-maker.
- It is advisable for a school district to clarify the intent of the natural parent(s) when a child is living outside the home by sending a letter to the parent and indicating that the school will look to the adult the child lives with to make educational decisions unless the parent notifies the school otherwise.

Special Rules for Students with Disabilities

- If a child is living in a foster home, the foster parent is the educational decision-maker, as the foster parent is considered to be "acting as a parent."
- If a child is living in a group home or staffed private residential setting, the child's legal parent continues to be the educational decision maker as long as he/she has retained parental rights and provided evidence of this. If no evidence is provided, an educational surrogate needs to be appointed. A Division of Children's Services caseworker can temporarily serve as an educational decision maker until an educational surrogate has been assigned by the Department of Education or by the judge overseeing the child's case. The responsible public agency, however, must pursue that assignment without delay.
- Section 162.999.1, RSMo prohibits the Educational Surrogate from having a conflict of interest with the child represented and prohibits the Children's Division from serving in this role for any child in CD custody. An Educational Surrogate appointment can be requested from DESE who trains and contracts with impartial individuals around the state.

What is the process for getting authorization to serve as a surrogate EDM?

- 18 years of age
- Be free from any personal or professional interest that may be a conflict of interest
 - Not an employee of DESE, responsible public agency or any other agency that is paying for some or all of the services the student needs.
- Completed the required training provided by DESE and pass the training quiz
- Complete application and Background Check
- Receive approval from Missouri DESE

Advocate Strategies

- “In a perfect world no child would need an advocate, but children in foster care often need a strong and reliable advocate when their parents are unable to fill that role. There are many areas in which a parent is typically involved in their child’s life at school, including discipline, attendance, grades, assessments, extracurricular activities and tutoring. Foster children need even more diligent attention in these areas.”

Advocate Strategies

- Maintain a child focused approach using the “best interest” standard.

Advocate Strategies

- Attend IEP and other school meetings if possible.
- Support students in areas of interest – communicate with students about their goals and interests and help connect students to opportunities that support this whenever possible.
- Connect students with school staff mentors.
- Encourage positive behavior and work completion. This helps to reinforce teacher and foster parent rules. Help students with accepting responsibility and following through.
- Monitor behavior reinforcement systems. Make sure the child's school follows through on positive behavior systems and plans.

Other Policy Examples

Colorado Law

- This law aligns with the ESSA and permits students in out-of-home placement at any time during the school year to remain in their school of origin, rather than move to a different school upon placement outside of the home or changes in placement, unless the county department of human or social services (county department) determines that it is not in the child's best interest to remain in his or her school of origin.

Colorado HB 18-1306

- The act requires county departments to develop a process for determining the best interests of a child or youth in remaining in the school of origin. Counties are required to provide services, including transportation, for students remaining in the school of origin and services for those students transferring to another school, and to enter into agreements with education providers regarding the provision of these services and funding for the services.
- The act updates the definition of "homeless child" to include children and youth and amends education statutes relating to school attendance and services for homeless children and youth.
- The act permits the board of education of a school district to transport residents of any other school district, without the consent of the district of residence, or to reimburse a parent or guardian for furnishing transportation of his or her child or other children to the school district, without the consent of the district of residence.
- The act requires education providers to immediately enroll students in out-of-home placement in school even without academic and immunization records and includes provisions for requesting and receiving records from a sending school.
- The act removes barriers to obtaining a high school diploma by allowing education providers to waive course requirements or provide competency-based measures to satisfy graduation requirements.

Kansas Law

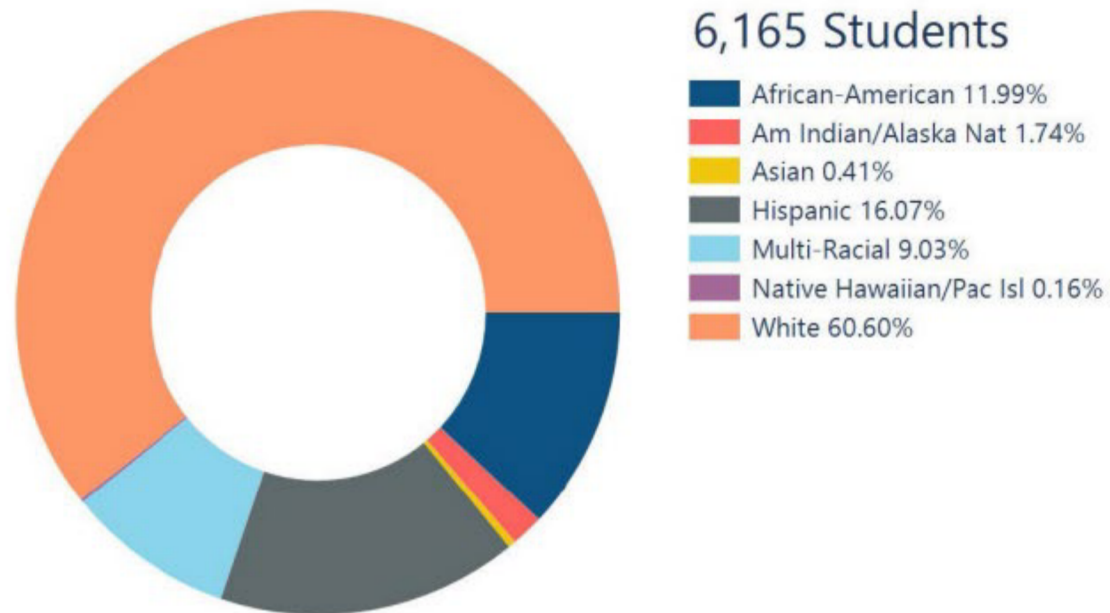
- This law requires an annual report card for children in foster care to be delivered to the Kansas house of representatives standing committee on education.

Kansas HB 2134

- This act requires that the state department of education and the department for children and families shall collaborate to prepare a Kansas foster care children annual academic report card.
- The annual report card shall include the following data for the preceding school year:
 1. The graduation rate of students in foster care
 2. The number and percentage of students in foster care who were promoted to the next grade level
 3. The number and percentage of students in foster care who were suspended during the school year and the average length of time of such suspensions
 4. The number and percentage of students in foster care who were expelled during the school year
 5. State standardized assessment scores for students in foster care
 6. The number and percentage of students in foster care enrolled in any preschool-aged at-risk program, Kansas preschool pilot program or early 9 childhood special education program under section 619 of part B of the individuals with disabilities act
 7. The number and percentage of students in foster care who participated in the mental health intervention team pilot program or a similar mental health program
 8. The total number of students in foster care enrolled in a school district or nonpublic school and the disaggregated number and percentage of students in foster care enrolled in school districts and accredited nonpublic schools

Kansas Foster Care Statistics

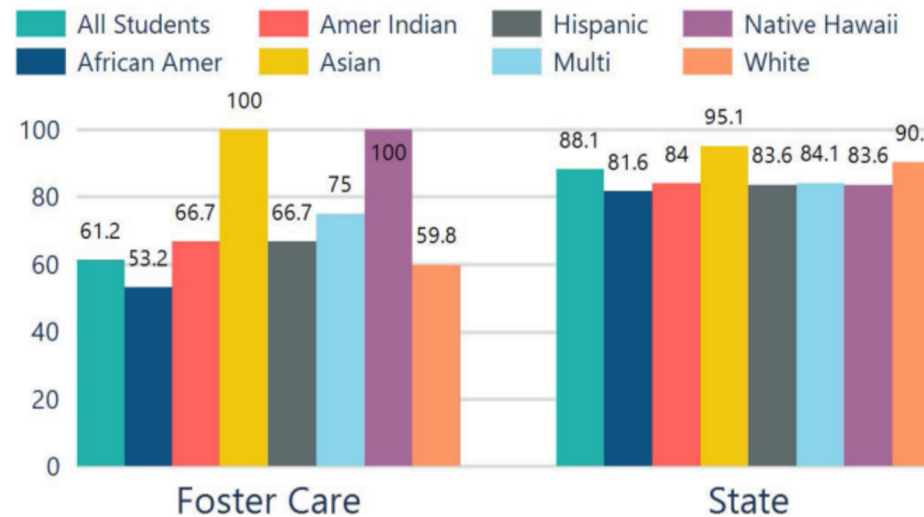
TOTAL FOSTER CARE STUDENT ENROLLMENT & DEMOGRAPHICS



Kansas Foster Care Statistics

GRADUATION RATE

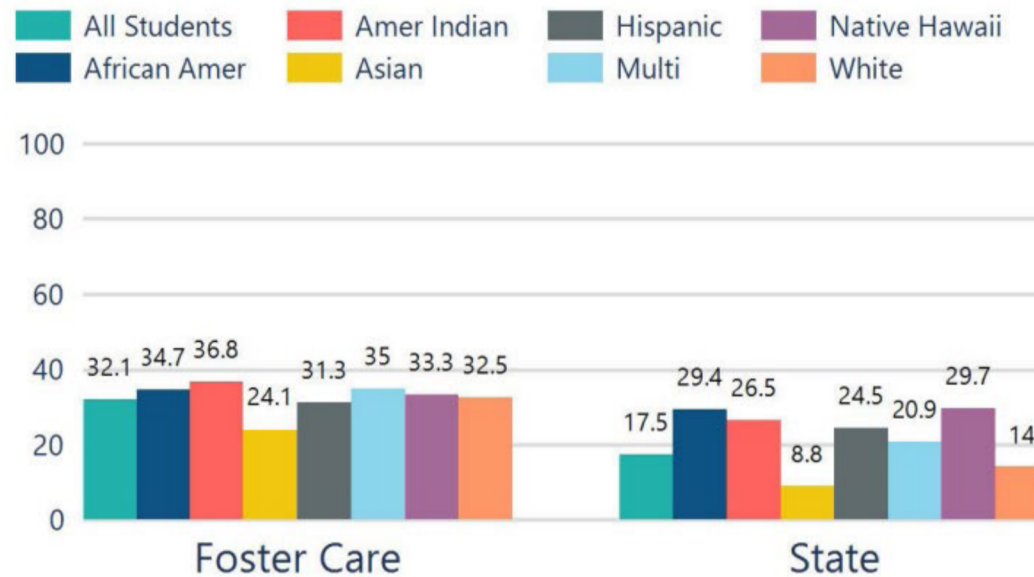
The four-year adjusted cohort graduation rate is the percentage of foster students and subgroups of foster students in a cohort, adjusted for transfers into and out of the school district or state, who graduate with a regular high school diploma within four years of entering high school.



Kansas Foster Care Statistics

CHRONIC ABSENTEEISM

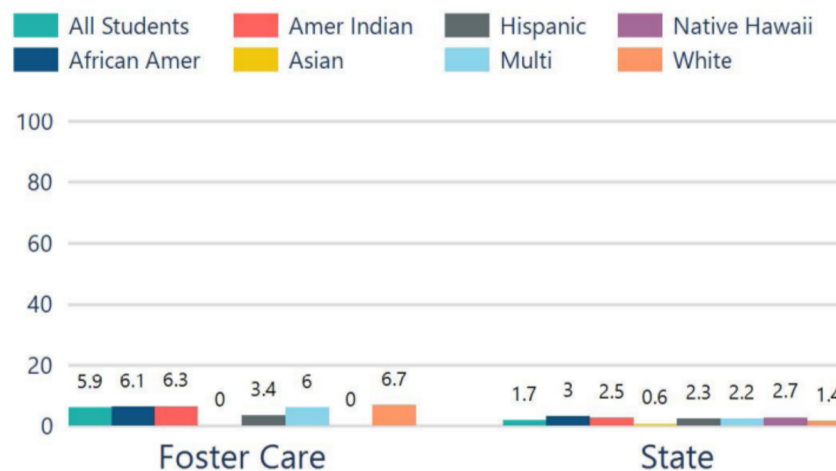
Percentage of students who miss 10% or more of school days per year either with or without a valid excuse.



Kansas Foster Care Statistics

DROPOUT RATE

The dropout rate is calculated annually and reflects the number of seventh – twelfth grade students who drop out in any one school year. A dropout is any student who exits school between October 1 and September 30 with a dropout EXIT code AND does not re-enroll in school by September 30.



Thank You



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Madison A. Connolly



Ronald A. Johnson



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