



LEGAL CENTER FOR FOSTER CARE & EDUCATION

FACT SHEET

Educational Stability and Continuity for Children and Youth in Out-of-Home Care

FACTS ABOUT EDUCATION AND CHILDREN IN OUT-OF-HOME CARE

It is universally acknowledged that a quality education is important for the future success of all children. For example:

- Recent U.S. Census Bureau statistics reveal that adults age 18 and over with a high school diploma earn an average of \$28,645 per year. Those without a high school diploma earn an average of \$19,169 per year.¹
- People who graduate from high school on average live 6 to 9 years longer than those who drop out of high school due to a variety of factors, including income, living conditions, occupational safety, and access to health insurance.²

Children in foster care are struggling academically. Studies have shown that:

- Fifteen-year-old students in out-of-home care are about half as likely as other students to have graduated from high school 5 years later, with significantly higher percentages of students in care having dropped out (55%) or been incarcerated (10%).³
- Only 54% of young adults who age out of care have completed high school.⁴
- Youth in foster care attending public schools score 16 to 20 percentile points below youth in the general population in statewide standardized tests.⁵
- Youth in foster care on average read at only a 7th grade level after completing 10th or 11th grade.⁶

Children in foster care are often highly mobile.

- Children and youth in out-of-home care experience on average 1 or 2 foster care placement changes per year.⁷
- One third of children in foster care stay in care for less than 5 months, and another 17% remain in care for one year or less.⁸
- Over a third of young adults reported having had 5 or more school changes.⁹

Mobility is affecting the education outcomes for children in foster care.

- Frequent school changes are associated with an increased risk of failing a grade in school and of repeated behavior problems.¹⁰
- By the 6th grade, students who change schools 4 or more times lose approximately 1 year of educational growth.¹¹
- In a national study of 1,087 foster care alumni, youth who had one fewer placement change per year were almost twice as likely to graduate from high school before leaving care.¹²

Efforts are underway to improve education outcomes for children in foster care, but much more work is needed.

The National Working Group on Foster Care and Education¹³ has identified 4 objectives with the potential for improving educational opportunities and outcomes for children in foster care:

- Improved educational stability for children and youth in foster care,

- Seamless educational transitions for children and youth when school changes do occur,
- High quality educational experiences, expectations, and aspirations for young people in foster care, and
- Greater national attention to the disparate educational outcomes for young people in foster care, particularly youth of color.

FACTS ABOUT THE MCKINNEY-VENTO ACT

The McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 *et seq.*, is an important vehicle that provides educational stability to many children across the country. The Act currently helps to reduce the barriers that eligible children and youth face in enrolling, attending, and succeeding in school.

- McKinney-Vento includes more educational benefits than many advocates realize.
- The Act provides educational stability, continuity, and a unique system of support to help children in transition navigate the education system with greater ease and helps to enhance their academic and social growth.
- The McKinney-Vento Act provides funding for McKinney-Vento programs in many school districts across the country that are the vehicle to ensuring the rights of eligible children are protected and appropriate services are delivered.

Currently, *some* children in out-of-home care are eligible for the benefits of the McKinney-Vento Act.

- The definition of children eligible under the McKinney-Vento Act includes “children awaiting foster care placement.” While this term has not been defined in the federal law or regulations, many states and jurisdictions have created their own definition. For example:
 - **Delaware** defines “awaiting foster care placement” as all children in foster care.
 - **Massachusetts** and **Connecticut** have reached state level agreements between their education

and child welfare agencies to include certain children in foster care under McKinney-Vento.

- Other states and local jurisdictions have chosen to have informal policies to determine when a child in foster care is eligible under McKinney-Vento.
- The definition of children eligible under the McKinney-Vento Act includes children who lack a “fixed, regular, and adequate nighttime residence.” Because foster care by definition is temporary, many children in care have placements that may not be fixed or regular. Some states and jurisdictions have used this rationale to determine their policy for which children in foster care are eligible under McKinney-Vento.

Students eligible under the McKinney-Vento Act (including some children in out-of-home care) are entitled to numerous specific educational rights and benefits.

- Educational Stability. Children in out-of-home care benefit tremendously when allowed to stay in their original school when their living placements are changing or in flux. The Act entitles students to remain in their original school even when they move to a foster placement in a different school district, to the extent feasible, unless it is against the parent or guardian’s wishes. In these situations, school districts must provide transportation to the original school at the request of the parent or guardian.
- Immediate School Access. Children and youth in foster care, like homeless students, often lack the documents required for school enrollment, such as school records, medical records, or proof of residency. Without legal protections, children moving to new foster care placements can experience days, weeks, or even months of exclusion from school while waiting for documents to be located. To prevent this problem, the McKinney-Vento Act requires schools to enroll eligible students immediately, even if they do not have required documents. The children must not only be enrolled in classes, they must also be permitted to participate fully in school activities.

- Liaison for McKinney-Vento Eligible Students. Liaisons are school staff who play a critical role in stabilizing students who are McKinney-eligible and promoting their academic achievement. Children in out-of-home care critically need a designated school staff person who understands their circumstances and needs. The McKinney-Vento Act requires each school to designate an appropriate staff person as a liaison for eligible students whose role is to ensure appropriate children and youth are identified, enrolled in school, and have full and equal opportunity to succeed in school activities.
- Title I Eligibility. Children who are eligible for McKinney-Vento protections are also eligible for Title I benefits, without needing to qualify based on their current academic performance.

McKinney-Vento is a successful program, with positive outcome evaluations and good progress being reported.

- A March 2006 U.S. Department of Education report concluded that: “[S]tates and local educational agencies (LEAs) have generally made significant progress in reducing the barriers that homeless children and youth face in enrolling, attending, and succeeding in school. The legislation has prompted States and LEAs to focus more on the needs of homeless students and has helped facilitate the expansion of local support networks to meet those needs... Although the appropriation levels for this program are relatively small, the impact of the program has been very widespread.”¹⁴
- Federal data collection also reveals that, over the past 4 years, the participation and proficiency rates of homeless students have increased in reading and math assessments.

In states where children in out-of-home care are not benefiting (or where only some are benefiting) from the protections and supports of McKinney-Vento, other vehicles have been created to attempt to achieve McKinney-like protections (similar to the ones listed above) for children in foster care.

Examples include:

- California: Effective January 2004, California passed a comprehensive foster care/education state law, known as AB 490, that provides almost all of the McKinney-like protections to children in out-of-home care. AB 490 did not include a mandate for transportation to a child’s school of origin, however, even when determined to be in that child’s best interest. Maintaining enrollment in the school of origin, then, has been the least successful of the McKinney-like protections under AB 490.
- Oregon: Effective July 2005, Oregon also passed a foster care/education state law that allowed children to remain in their school of origin if a juvenile court determines it is the child’s best interest to do so. Under state law, the child welfare agency is responsible for providing transportation to the school of origin, but only in such years where the funds have been designated. Currently, Oregon has committed to funding transportation through the 2006–2007 school year.

- ¹ See <http://www.census.gov/>.
- ² Wong, M., Shapiro, M., Boscardin, W. & Ettner, S. (2002). Contribution of major diseases to disparities in mortality. *New England Journal of Medicine*, 347, 1585-1592.
- ³ Smithgall, C., Gladden, R.M., Howard, E., Goerge, R., Courtney, M. (2004). *Educational experiences of children in out-of-home care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago. This report compared children in the Illinois Chicago Public Schools system.
- ⁴ Cook, R. (1994). Are we helping foster care youth prepare for the future? *Children and Youth Services Review*. 16(3/4), 213-229. Data were collected via in-person and telephone interviews of 810 young adults aged 18-24 years old 2.5 to 4 years after leaving foster care.
- ⁵ Burley, M., & Halpern, M. (2001). *Educational attainment of foster youth: Achievement and graduation outcomes for children in state care*. Olympia, WA: Washington State Institute for Public Policy.
- ⁶ Courtney, M.E., Terao, S. & Bost, N. (2004). *Midwest evaluation of the adult functioning of former foster youth: Conditions of youth preparing to leave state care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago. Wave One of Longitudinal study in three waves following 732 youth age 17 or 18 still in jurisdiction in Illinois, Iowa and Wisconsin as they age out of foster care.
- ⁷ AFCARS Report #13: Preliminary 2005 Estimates as of September 2006, U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report13.htm⁸ Id.
- ⁹ Courtney, M.E., Terao, S. & Bost, N. (2004).
- ¹⁰ Wood, D., Halfon, N., Scarlata, D., Newacheck, P., & Nessim, S. (1993). Impact of family relocation on children's growth, development, school function, and behavior. *Journal of American Medical Association*, 270(11), 1134-1338.
- ¹¹ Kerbow, D. (1996). *Patterns of urban student mobility and local school reform*. Technical Report No. 5, October. Washington, DC: Center for Research on the Education of Children Placed at Risk. The data used included students in a stratified, random sample of public elementary schools and sixth-grade students in the Chicago Public Schools in the spring of 1994.
- ¹² Pecora, P.J., Williams, J., Kessler, R.C., Downs, A.C., O'Brien, K., Hiripi, E., & Morello, S. (2003). *Assessing the effects of foster care: Early results from the Casey National Alumni Study*. Seattle, WA: Casey Family Programs. Case record reviews and interviews were conducted for 1087 alumni served by the 23 Casey Field offices in operation in 1998.
- ¹³ For more information about the National Working Group on Foster Care and Education and resources from this group visit www.casey.org/friendsandfamilies/partners.
- ¹⁴ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. (2006). *The AF-CARS report No. 13: Preliminary FY 2005 estimates as of September 2006*. Washington DC: U.S. Department of Health and Human Services. Retrieved November 7, 2006, from http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report13.htm.

This publication is provided by the Legal Center for Foster Care and Education, an initiative generously supported by Casey Family Programs as part of a collaboration with the American Bar Association Center on Children and the Law, in conjunction with the Education Law Center-PA and the Juvenile Law Center. For more information on the Legal Center for Foster Care and Education, visit the website at www.abanet.org/child/education.