

Clearing the Path to School Success for Students in Out-of-Home Care

Introduction

The Legal Center for Foster Care and Education and the National Center for Homeless Education present this guide to help educators and child welfare advocates clear the path to school success for children and youth who are forced to leave their homes due to abuse, neglect, and family dysfunction. Two federal laws, among others, provide tools to clear the way: The McKinney-Vento Act and the Fostering Connections to Success and Increasing Adoptions Act. This guide provides basic information about both laws and suggests practical strategies for their implementation. The lives of three young people provide the context to show how child welfare and education staff can ensure school stability, attendance, and full participation for children and youth in out-of-home care.



Student Profiles

Ricky

Fourteen-year-old Ricky and his 8-year-old sister Tracey have been in the custody of the Department of Child and Family Services for several years, placed in the same foster home. Yesterday (April 9), Ricky's foster family contacted his case worker to inform her that today would be the last day they could have Ricky in their home. With little time to find an alternate placement, the case worker has secured a space for Ricky in the Capital City Youth Center. She has requested a court hearing, which will take place next week. It is unclear how long Ricky will remain at Capital City, although his permanency plan calls for adoption.

Who is homeless?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)

The term “homeless children and youth”—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
 1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 2. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...
 3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 4. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

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The Legal Center for Foster Care ■ www.abanet.org/child/education/
 The National Center for Homeless Education ■ www.serve.org/nche

Mariana

Mariana is also staying at Capital City. She is a 17-year-old girl who ran away from her home in another state several months ago because her stepfather was abusing her. Mariana's mother believes it is better for the family if Mariana stays away from home. Mariana is not now, and never has been, in the custody of a child welfare agency. She has been out of school and surviving on her own since leaving home, but hopes to enter Capital City's nearby transitional housing program and return to school soon.

Tracey

Meanwhile, Tracey is struggling to adjust to Ricky's absence. She has not had a good year at school, and her foster parents and case worker have been considering enrolling her in a local public charter school with small classes and an arts program that interests her. Tracey is refusing to return to school and begging to be transferred to the charter school immediately. Tracey's foster parents hope to adopt her and are worried about her current difficulties.

Support for Overcoming Obstacles

The path to school success for Ricky, Mariana, and Tracey is cluttered with obstacles: family dysfunction, precarious connections to siblings, residential instability, school mobility, emotional unhealth, unmet basic needs, and inconsistent relationships with peers and adults. However, countless youth, educators, local homeless education liaisons, and child welfare professionals have shared effective strategies to clear away these obstacles. With support, students like Ricky, Mariana, and Tracey can travel the path to school success, high school graduation, higher education, and beyond.

Ricky and the McKinney-Vento Act

1. Is Ricky covered by the McKinney-Vento Act?

The McKinney-Vento Act applies to children and youth experiencing homelessness. The law defines homeless to include children and youth: sharing the housing of others due to loss of housing, economic hardship or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or awaiting foster care placement.¹

The law does not define the phrase "awaiting foster care placement"; however, many states have adopted definitions through policy or practice.² Where state guidance is lacking, many school districts have defined the term. Almost universally, a student who has been placed in a group home or shelter on a short-term or emergency basis will be considered to be "awaiting foster care placement." Therefore, Ricky will be covered by the McKinney-Vento Act in virtually every school

¹ 42 U.S.C. 11434a(2).

² State policies vary from tailored definitions that focus on the intended duration or stability of the placement, to eligibility for all children in out-of-home care. To search for policies by state, visit <http://www.abanet.org/abanet/child/education/search.cfm>.

district in the country.

The school district's local homeless education liaison must determine each student's eligibility for McKinney-Vento services. In making the determination, the local liaison should consult persons who could provide needed information to inform the decision fully and should explain to those persons the state or local definition of "awaiting foster care placement." Such persons may include a birth parent (even if the child is not living with the parent) a foster parent, relatives or other potential caretakers, a child welfare case worker, a Court-Appointed Special Advocate (CASA), the child's attorney, or a Guardian ad Litem (GAL). For an accurate determination of eligibility, it is critical that these persons provide the school with basic information about the nature of the student's placement and its expected duration. Any information provided must be in compliance with federal and state laws that protect the child's and family's privacy. Such information is extremely sensitive and personal; school staff should not be informed that a child is in out-of-home care unless they need the information to comply with the law or provide appropriate services, and details about the family's situation should always remain confidential.

If there is a dispute about eligibility, the local liaison must provide the student's parent or guardian with information about the state's dispute resolution process and facilitate access to that process. When a child is in foster care, it may not always be obvious who is fulfilling the role of parent or guardian. In general, even when a child is in care, the child's birth parent will continue to make education decisions unless a court has limited those rights; in such cases, another individual, such as a foster parent or relative caretaker, may be the one to make these decisions. The caseworker should inform the local liaison about who has the authority to make parental decisions.

Clearing the Path

State education and child welfare agencies should develop shared definitions of "awaiting foster care placement" via inter-agency agreements. They should train state and local personnel on the definition and strategies to implement it. Local child welfare workers, advocates, and McKinney-Vento/Homeless liaisons should consult the State Coordinator for Homeless Education¹ at the state education agency to see if their state has a policy defining "awaiting foster care placement."

¹ Every state has a State Coordinator. Contact information is available at http://www.serve.org/nche/states/state_resources.php.

2. What school should Ricky attend?

The McKinney-Vento Act gives Ricky the right to attend the school other students living in the same attendance area as Capital City are eligible to attend.³ The law also allows Ricky to attend his "school of origin": the school he attended when permanently housed, or the school in which he was last enrolled.⁴ Ricky must be enrolled immediately in whichever one of those schools is in his best interest.⁵

In evaluating Ricky's best interest, the school district must keep him in his school of origin, unless that is not feasible or is against his parent's or guardian's wishes. The feasibility determination is student-centered and centers on a consideration of Ricky's specific circumstances, such as: his age; the

³ 42 U.S.C. 11432(g)(3)(A).

⁴ 42 U.S.C. 11432(g)(3)(A)&(G).

⁵ 42 U.S.C. 11432(g)(3)(B)&(C).

distance to the school of origin and the impact the commute may have on his education; his safety; his need for special instruction; the length of anticipated stay in his current placement; and the time remaining in the school year.⁶

Based on the information provided, it would be in Ricky's best interest to continue attending the school in which he was last enrolled.⁷ It is April, and changing schools this close to the end of the school year will disrupt Ricky's educational continuity, relationships with peers and teachers, and participation in extracurricular activities. Perhaps most importantly, Ricky is unlikely to stay at Capital City for more than a few days or weeks, which would permit him to make little, if any, progress if he transferred to the local school. Finally, Ricky is 14 years old, old enough to cope with commuting to a distant school (within reason).

Clearing the Path

To make an informed best interest determination, the school district needs input from those involved in the child welfare case, including the biological parents (if their rights have not been limited), caseworker, advocates, and foster parents. The caseworker should explain the expected duration of the placement and any special needs or safety concerns. Caseworkers could inform the local liaison of family team meetings or team decision making meetings (FTMs or TDMs) that are happening for the child and invite the local liaison to attend and participate. If no such meetings are scheduled, the local liaison could work with the caseworker to find another efficient way of gathering information from all appropriate parties to make an informed best interest determination. The local liaison must consider this information, as well as input from the student's school. If there is a dispute, the local liaison must provide the student's parent or guardian, or the appropriate education decision maker for the child, with information in writing about the state's dispute resolution process and facilitate access to that process.

3. How will Ricky get to and from his school of origin?

The McKinney-Vento Act requires the school district to provide or arrange transportation for Ricky to and from his school of origin.⁸ If Capital City is in the same school district as his school of origin, that school district is responsible for transportation. If Ricky will be crossing district lines, the two school districts share the responsibility and cost.

The specific method of transportation can vary, as long as it is safe and appropriate.⁹ In Ricky's case, he is old enough to travel on public transportation at the school's expense, if it is available and gets him to school on time and safely. Other options would include a school bus (including special routes and sharing routes with other districts), a taxi, reimbursing a licensed adult from Capital City for the transportation, or other appropriate means of transportation available in the local area and consistent with state and local student transportation policies.

⁶ U.S. Department of Education (2004). *Education for Homeless Children and Youth Program, Non-Regulatory Guidance, G-4.*

⁷ For more information on feasibility and best interest, including a checklist of considerations, see *School Selection for Students in Out-of-Home Care* at <http://www.serve.org/nche/briefs.php>.

⁸ 42 U.S.C. 11432(g)(1)(J)(iii).

⁹ U.S. Department of Education (2004). *Education for Homeless Children and Youth Program, Non-Regulatory Guidance, H-4.*

Clearing the Path

Schools must arrange transportation expeditiously, so the student does not miss school. Caseworkers must inform schools immediately of pending changes in a student's home placement, or when the student has moved, so the school can adjust transportation arrangements. Particularly when students are crossing school district lines, transportation can be expensive and logistically complex. Therefore, caseworkers, foster parents, and others can facilitate transportation by helping to coordinate logistics and sharing the responsibility for transportation.

4. What other strategies can be used to clear the path to school success for Ricky?

The McKinney-Vento Act requires Ricky's school of origin to provide him with full participation in school; therefore, Ricky must be allowed to continue his participation in extracurricular activities, special classes or projects, and other school activities. The school must provide transportation to those activities that is comparable to what is provided to other students and must work to remove barriers to Ricky's retention in school.¹⁰ The Act also requires the school to ensure that Ricky is not "stigmatized or segregated" based on his experiencing homelessness.¹¹ For example, school staff who know Ricky is in out-of-home care must keep that information confidential; Ricky cannot be placed in a separate school or class; and he cannot be penalized for absences due to court appearances or other obligations related to his child welfare case.

Finally, the McKinney-Vento Act requires schools to coordinate with other agencies or programs serving eligible children.¹² Ricky's teachers, counselors, the local liaison, and other appropriate educators should work with his caseworker, other child welfare advocates, and staff from Capital City to ensure all his educational needs are met.

Clearing the Path

Since the school's obligation to transport Ricky to and from afterschool activities is limited, caseworkers, foster parents, staff at Capital City, coaches, teachers, and other advocates can ensure Ricky's full participation by facilitating transportation. They should also help Ricky maintain his school friendships, which may be strained now that he is living farther from school. Finally, the school must ensure access to any needed and available mental health services, physical health services (including those provided by a school nurse), academic support, and Title I programming.¹

¹ McKinney-Vento students are automatically eligible for Title I services. 20 U.S.C. 6315(b)(2)(E) & 6313(c)(3).

¹⁰ 42 U.S.C. 11432(g)(1)(I) & (g)(4).

¹¹ 42 U.S.C. 11432(g)(1)(J)(i).

¹² 42 U.S.C. 11432(g)(5).

Ricky and the Fostering Connections Act

1. Is Ricky covered by the Fostering Connections Act?

Most of the education provisions of the Fostering Connections Act apply to all children in foster care. Although he is currently living in a group home/shelter, Ricky is in the custody of the child welfare system. Therefore, the Act covers Ricky.

Clearing the Path

Child welfare agencies and school districts should conduct joint trainings on the Fostering Connections and McKinney-Vento Acts so that each agency is aware of all the education rights of students in out-of-home care. Although the McKinney-Vento Act provides Ricky with the most important educational rights, the Fostering Connections Act requires the child welfare agency to participate actively in ensuring his school stability, participation, and success. It also requires the school and child welfare agency to coordinate their efforts to support Ricky.

2. What school should Ricky attend?

The Fostering Connections Act requires child welfare agencies to include "a plan for ensuring the educational stability of the child while in foster care" as part of every child's case plan.¹³ Further, the placement of the child in foster care must take 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 the child welfare agency must coordinate with school districts to ensure that the child remains in the school in which the child is enrolled at the time of placement, unless moving to a new school would be in the child's best interest.¹⁴ The same best interest factors considered under the McKinney-Vento Act should be considered under the Fostering Connections Act.

The Fostering Connections Act is clear that child welfare agencies should strive to minimize school changes for students in care. School stability and success contribute to placement stability and success. Therefore, Fostering Connections complements the McKinney-Vento Act fully in requiring the child welfare agency to keep Ricky in his school of origin.

Clearing the Path

Providing Ricky with stability in his foster care placement and placing him close to his school of origin will clear significant obstacles to his school success. Therefore, when Ricky's caseworker is working to identify possible living options for Ricky, she should work closely with other child welfare advocates, as well as teachers and other staff from Ricky's school, who could help identify a suitable, stable placement for him as quickly as possible. Once Ricky is placed, the caseworker should provide consistent support and services to Ricky and his placement family or agency, to avoid the need to move him again.

¹³ 42 U.S.C. 675(1)&(5).

¹⁴ 42 U.S.C. 675(1)&(5).

3. How will Ricky get to and from his school of origin?

The McKinney-Vento Act requires schools to provide or arrange transportation for Ricky. The Fostering Connections Act permits states to access federal child welfare funding that may be used to cover reasonable transportation to the school of origin for a student in foster care.¹⁵ State child welfare agencies still have to contribute state dollars in order to access these federal funds.

Clearing the Path

In Ricky's case, the child welfare agency could pursue the use of child welfare funds to assist the school district in meeting the cost of transportation.

4. What other strategies can be used to clear the path to school success for Ricky?

It is the responsibility of both schools and child welfare agencies to meet the education needs of children in out-of-home care.¹⁶ For that reason, the Fostering Connections Act requires child welfare agencies to coordinate with school districts to ensure educational stability for students in foster care.¹⁷ Finally, many states have laws providing additional education rights to students in out-of-home care. Advocates should work to ensure that the full weight of these laws is used to support Ricky in his education and placement.¹⁸

Clearing the Path

Ricky's current residential instability may undermine his emotional well-being, making it harder for him to focus on schoolwork. Therefore, Ricky's caseworker, staff at Capital City, his school counselor, and his teachers should work together to support him during this stressful time. Ricky's caseworker should also strive to limit his case-related absences from school by scheduling appointments, visits, court hearings, and other meetings after school hours. The child welfare agency should ensure Ricky's physical and mental health needs are met quickly and completely and assist in coordinating visits with friends, participation in afterschool activities, and contact with his sister and other family members, as appropriate. Each of these strategies will increase Ricky's stability and allow him to focus on his schoolwork.

¹⁵ 42 U.S.C. 675(4).

¹⁶ Under the federal Child and Family Service Reviews (CFSRs), one of the seven case outcomes reviewed by federal child welfare auditors is: "Are we meeting the education needs of children in foster care?" All states are required to examine the education outcomes for children in foster care and take steps to improve efforts and results; 45 C.F.R. 1355.34(b)(1)(iii)(B).

¹⁷ 42 U.S.C. 675(1)&(5).

¹⁸ For information about such state laws, visit <http://www.abanet.org/abanet/child/education/search.cfm>.

Mariana and the McKinney-Vento Act

1. Is Mariana covered by the McKinney-Vento Act?

The McKinney-Vento Act applies to youth who are living in emergency or transitional shelters, among others. Mariana ran away from a foster home and entered Capital City on her own. Therefore, Capital City is serving as an emergency or transitional shelter for Mariana. As such, Mariana would be eligible for McKinney-Vento rights and services.

Clearing the Path

Most, if not all, of the children and youth staying at Capital City and in similar situations will be covered by the McKinney-Vento Act. Therefore, local liaisons from nearby school districts should establish relationships with the shelter director and staff, develop enrollment and transportation protocols, and adopt other practices to facilitate the immediate enrollment and attendance of students at the shelter.

What school should Mariana attend?

Mariana can continue attending her school of origin or enroll immediately in any school other students living in the same attendance area as Capital City are eligible to attend, depending on her best interest. The local liaison should seek more information from Mariana regarding the school she attended when permanently housed and the school in which she was last enrolled. However, since Mariana's home was far from Capital City, we may assume returning to her school of origin would require a lengthy commute. Mariana has been separated from her school of origin for some time and plans to remain at Capital City's transitional housing program for the near future. Given these facts, it is likely in Mariana's best interest to enroll in the local school.

If students living in the same attendance area as Capital City are eligible to attend more than one high school (for example, charter schools or alternative high school programs), the local liaison should ask Mariana about her educational strengths, interests, and goals to ensure Mariana enrolls in the school best suited to her needs and wishes. The local liaison is responsible for helping Mariana choose and enroll in a school, ensuring her enrollment, and informing her of her rights.¹⁹

¹⁹ 42 U.S.C. 11432(g)(6)(A).

Clearing the Path

The McKinney-Vento Act requires the local school to enroll Mariana immediately, even without school records or other documents required normally for enrollment, and even if her parent or guardian is not present to sign or help her enroll.¹ The local school district should have a policy for enrolling unaccompanied youth; for example, Mariana may enroll herself in school, or may be enrolled by staff at Capital City or the local liaison. The school must contact Mariana's previous school immediately to request her records.² In the meantime, the enrolling school can ask Mariana about her classes and academic level, or call the counselor or teachers at her previous school.³

¹ 42 U.S.C. 11432(g)(3)(C).

² 42 U.S.C. 11432(g)(3)(D).

³ For strategies to enroll students without records, see *Prompt and Proper Placement* at <http://www.serve.org/nche/briefs.php>.

2. How will Mariana's new school ensure she can participate fully in school?

Mariana's right to immediate enrollment includes attending classes and participating fully in school activities.²⁰ Therefore, Mariana has the right to participate in classes, educational programs, extracurricular activities, sports, and other school activities without regard to deadlines, fees, or duration-of-residency requirements; the school must waive such requirements. The McKinney-Vento Act also requires the school to eliminate barriers to Mariana's retention in school.²¹ For example, Mariana must be able to earn credits and otherwise progress academically. If Mariana has no means to pay fees for special classes, field trips, or extracurricular activities. The school may waive those fees or pay for them with Title I funds or funds from a McKinney-Vento subgrant, if the school district receives one.

Clearing the Path

Given that Mariana has been out of school for some time, she likely will need support in catching up academically. First, the school should ensure Mariana will earn full or partial credit for the work she completes between now and the end of the academic year. Second, the school should offer her credit recovery opportunities to make up for the time she's missed, such as independent study, computer-based modules, online learning, and opportunities to complete additional schoolwork before or after school.

3. What other strategies can be used to clear the path to school success for Mariana?

The McKinney-Vento Act requires schools to eliminate barriers to Mariana's enrollment and retention in school and to ensure she is not "stigmatized or segregated" due to her living situation. Further, the Act requires schools to coordinate with other agencies or programs working with Mariana. Therefore, Mariana's school counselor, teachers, school nurse, and the local liaison should work with Mariana and Capital City staff to ensure that her basic needs are met, including hygiene, clothing, nutrition, housing, and physical and mental health care.

²⁰ 42 U.S.C. 11434a(1).

²¹ 42 U.S.C. 11432(g)(1)(I).

If Mariana's teachers suspect she may have a disability, they should contact the school district special education office for guidance as to who can refer her for evaluation in the absence of a parent. It is likely that the school district will have to assign a surrogate parent to consent to the evaluation and for services to begin, if Mariana is eligible; the appointment of a surrogate parent should take place within thirty days of the school district deciding an evaluation is needed. It can be difficult to recognize a disability in highly mobile students like Mariana, especially when they are older and have missed extended periods of school, so educators should act quickly if they suspect Mariana may need special education and related services.²²

Clearing the Path

Many schools provide peer and/or adult mentors for youth like Mariana, to help them adapt to a new school and to guide them through the challenges of high school. Since Mariana does not have a stable adult at home, a mentor or school counselor should help support her in meeting her educational and personal goals, and work with her to meet those goals.¹

¹ For additional strategies to support unaccompanied youth, see *Using What We Know: Supporting the Education of Unaccompanied Homeless Youth* at http://www.naehcy.org/naehcy_pubs.html.

Mariana and the Fostering Connections Act

Mariana is not in the custody of the child welfare system. Therefore, the Fostering Connections Act does not apply to her.

However, Mariana has experienced abuse and neglect. While she may not wish to be involved in the foster care system, other resources within the child welfare system can support her school success. For example, Mariana's full participation and integration into school requires that her basic needs be met. The local child welfare agency could help Mariana obtain adequate food, appropriate clothing, hygiene products, and physical and mental health care. The agency can provide such services without necessarily taking Mariana into custody, through deliberate partnerships with Capital City, Mariana's school, local health and mental health systems, the family or juvenile justice court, and other organizations serving youth.

Most importantly, the child welfare agency should respect Mariana's wishes and support her placement in Capital City's transitional housing program. Like Ricky, Mariana's current residential instability is likely to undermine her emotional well-being, making it harder for her to focus on schoolwork. Mariana wants to enter Capital City's transitional housing program. This is her solution, which also appears to be appropriate and beneficial for her. By connecting her and Capital City with additional financial resources and other support, the child welfare agency can help maintain her stability over time.

²² For additional information about special education for youth experiencing homelessness, see *Supporting Homeless Students with Disabilities: Implementing IDEA* at <http://www.serve.org/nche/briefs.php>.

Clearing the Path

Although Mariana is caring for herself with the help of Capital City's staff, it may be advisable for her and her advocates to consider the benefits and legalities of opening a child welfare case. Benefits may include independent living services, counseling and employment services, and Education Training Vouchers (ETVs), which can fund post-secondary education and related needs. This additional support can play an important role in Mariana's achieving her personal and professional goals.

Tracey and the McKinney-Vento Act

Tracey has been in a stable, pre-adoptive foster home for some time. Despite her struggles since Ricky left the home, her foster family remains committed to adopting her. Under most interpretations of "awaiting foster care placement", Tracey would not be eligible for the McKinney-Vento Act's protections.²³

However, educators have an important role in clearing the path to school success for all children in out-of-home care, even if the McKinney-Vento Act does not apply. Many of the strategies suggested to support Ricky are equally applicable to Tracey. Further, if Tracey enrolls in the charter school, the school should ensure her enrollment is accomplished quickly and smoothly, providing her with immediate access to all needed services and full participation in all school activities. Her previous school should forward school records to the charter school immediately.

Several additional strategies can ease Tracey's transition into her new school, including: giving Tracey and her foster family a tour of the school and her classroom; explaining school rules clearly, so she will know what is expected of her; describing all the school services and activities available to Tracey and her foster parents so she can be sure to get the services she needs and participate in all the activities that interest her; assigning Tracey a peer mentor to orient her to the school culture and introduce her to a social group; giving Tracey a small welcome gift with the school colors and/or mascot; encouraging Tracey's teachers to take the time to involve classmates in welcoming Tracey to the school; and inviting Tracey to share information with the teacher through a "get-to-know-you" questionnaire or journal assignment.

Clearing the Path

Being "the new kid" in school is difficult in the best of situations. Being in foster care may complicate Tracey's transition to school further. The school should ensure she has access to the school counselor, who can ask her if she would like her teachers or any other school staff to know she is living apart from her birth family. Such awareness will allow them to be sensitive to Tracey's situation.

²³ Many states have laws that provide Tracey with education rights as a child in foster care, regardless of her eligibility under the McKinney-Vento Act.

Tracey and the Fostering Connections Act

1. Is Tracey covered by the Fostering Connections Act?

Most of the education provisions of the Fostering Connections Act apply to all children in foster care. Tracey's pre-adoptive foster placement makes her eligible for all the Act's protections.

2. If Tracey's foster parents and caseworker decide to enroll her in the public charter school, how should the child welfare agency support Tracey's immediate enrollment and full participation?

The Fostering Connections Act requires child welfare agencies and schools to provide immediate and appropriate enrollment in a new school and to provide all of the student's educational records to the new school. Child welfare agencies must keep updated education records as part of students' case plans, including names and addresses of educational providers, information on grade-level performance, and school records. Therefore, Tracey's caseworker should have education records available and must provide them to the new school promptly. The Fostering Connections Act also requires the child welfare agency to coordinate with the education agency to ensure this immediate enrollment and transfer of records. The child welfare agency must take the lead in forging this collaborative relationship to ensure the appropriate enrollment of Tracey.

Clearing the Path

Tracey's new art program is likely to require a variety of supplies and materials. Tracey may need a school uniform, an art smock, or other clothing to "fit in" at school. Her caseworker and foster parents should ensure Tracey has all the clothing and supplies she needs to participate fully in school. Additionally, many charter schools do not offer transportation to extracurricular activities, so Tracey's foster parents and caseworkers should coordinate to ensure transportation does not pose a barrier to Tracey's participation.

3. What other strategies can be used to clear the path to school success for Tracey?

School success and stability at home are interrelated. Federal law recognizes this fact by giving both schools and child welfare agencies responsibilities to meet the education needs of children in out-of-home care. Tracey's school must ensure that her educational needs are met, including meeting any special education needs, and providing her with access to Title I services, free school meals, and other supports. The child welfare agency needs to support Tracey's school achievement by providing her with safety, stability, physical and mental health services, and material needs.

Clearing the Path

It appears that Tracey is struggling to cope with separation from her brother. It will be extremely challenging for her to adjust to a new school while dealing with this emotional crisis. Therefore, Tracey's caseworker and foster parents should make every effort to ensure that Tracey and Ricky can spend as much time together as possible and appropriate, and should make sure she gets the counseling she needs, either in school or out of school, to help her deal with this issue.

Whom Can I Call for Help?

For school-related issues: To determine the local definition of "awaiting foster care placement", evaluate best interest, facilitate transportation, and ensure immediate enrollment and full participation in school, contact the school district's local homeless education liaison by calling the school district central office, or by contacting the State Coordinator for Homeless Education to request contact information. Contact information for State Coordinators is available at http://www.serve.org/nche/state/state_resources.php. Some state and local education agencies also have designated Foster Care liaisons. Check with the state department of education and local school district to see if Foster Care liaisons have been designated or to suggest that someone fill this role.

Depending on the students' needs, advocates may consult with the school district's offices of Title I, special education, bilingual education, gifted/talented programs, vocational education, community colleges, alternative programs, and others. Finally, many school building staff should be involved in supporting the education of students affected by abuse and neglect, such as school counselors, social workers, nurses, and teachers.

For child welfare-related issues: For information about a child's foster care placement, education decision maker, special needs, or other concerns, contact caseworkers and supervisors via the local child welfare office. Many state, regional, and local child welfare agencies also have designated education specialists. Check with these offices to see if education specialists are in place or to suggest that the agency hire, contract with, or designate such staff.

General coordination: Child welfare caseworkers and advocates, group home staff, foster parents, school and school district staff, and other advocates should work together to ensure a coordinated approach to education. The goals, wishes and needs of the students should guide these efforts.

This brief was developed by:

National Center for Homeless Education

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LEGAL CENTER FOR
FOSTER CARE & EDUCATION

Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at http://www.serve.org/nche/states/state_resources.php.

For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail homeless@serve.org.



Local Contact Information: