

February 4, 2015

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor and
Pensions
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor and
Pensions
United States Senate
Washington, DC 20510

RE: Recommendations for promoting educational stability and success for children in foster care in the ESEA Reauthorization bill

Dear Chairman Alexander and Ranking Member Murray:

The undersigned organizations are writing to you because of our commitment to promoting and improving the well-being of children and youth who come to the attention of the child welfare system, including those who are in foster care. Of the more than 400,000 children in foster care, 260,000 are school aged (5-18), and success in school can be a positive counterweight to the maltreatment and trauma they experienced. Education has the potential to markedly improve their life chances and their ability to contribute to society as productive adults; however, research shows that far too many students in foster care are not succeeding in school and that a concerted effort is needed to address their unique educational needs.

We urge you to include recommendations to promote educational stability and success for children in foster care in the Senate Committee on Health, Education, Labor and Pensions' bill to reauthorize ESEA. These recommendations build on complementary obligations already required of child welfare agencies in federal law and a joint letter by the Departments of Education and Health and Human Services issued last year.

- **Right to Remain in the Same School:**
ESEA should require children remain in their same school when they enter care and change placements provided it is in their best interest. Children in foster care frequently change schools – when they originally enter foster care and when they later move from one foster care living arrangement to another, impeding their academic progress and contributing to low test scores and academic achievement, and high drop-out rates. Instability makes it difficult for children to develop supportive relationships with teachers or peers.
- **Right to Immediate Enrollment in School:**
ESEA should ensure children in foster care can enroll immediately when a school change is necessary, even without the records normally required for enrollment. These children frequently face delays in school enrollment, often because of delays in sending school records, missing or incomplete records or the failure to meet requirements for enrollment, such as proof of immunizations.

- **Maintaining and Transferring Records:**
ESEA should ensure that school records are maintained and immediately transferred if a child in foster care enters a new school. Children in foster care frequently change schools, which often results in important school records being lost or delayed while being transferred to the new school. When a child in foster care enters a new school it is important that any records ordinarily kept by a school – including records of immunizations, health screenings, and other required health records, academic records, birth certificates, evaluations for special services or programs, and any individualized education programs – are maintained and available and immediately transferred to the enrolling school even if the child owes fees or fines or was not withdrawn from the previous school in conformance with local withdrawal procedures.
- **Help from a “Point of Contact”:**
ESEA should require school districts and child welfare agencies both to have points of contact designated to assist children in foster care to get the education they need. A “point of contact” plays a vital role in helping children in care – by making it easier to identify a child’s educational needs, making sure the child is receiving the necessary supports and services to ensure educational success, and ensuring children are transferred promptly, receive credits, and have transportation to school. For children changing schools frequently, a point of contact can play a critical role in connecting the child with his or her new school community and supporting interagency collaboration and training. In current law, every local education agency (LEA) must designate a homeless liaison for students who are homeless, which has been an invaluable resource. Many of them already have large caseloads and separate points of contact should be included for students in foster care, particularly in high needs LEAs. The point of contact for students in foster care at the State Education Agency must also be different than the point of contact for students who are homeless and protected under McKinney Vento.
- **District and School Data on Children in Foster Care:**
ESEA should promote the collection, evaluation and sharing of information on the education of children in foster care to help improve educational outcomes. Data can be useful in preventing individual children from falling behind and adjusting relevant policies, programs and practices for students in foster care. Currently too little data and information sharing exists. At a minimum, the federal government must be able to obtain relevant data that exist and encourage states to use data collection to better understand the educational needs of these children. The Education Department should also add foster care status to the disaggregated data it collects.
- **Ensuring Credit for School Work Completed:**
ESEA should require that credits children in foster care receive travel with them and are recognized when school moves are necessary. More than half of the children in foster care change schools while in care; more than a third of youth ages 17-18 have changed schools at least five times. Frequently, these moves don’t coincide with natural breaks in the school calendar and children in care often receive no credit for work already completed, resulting in their repeating courses and grades, being short of credits, and unable to graduate on time. Some end up dropping out of school. ESEA should require

states and school districts to ensure students in foster care receive credit for work completed and that such credits are accepted as students move from school to school and district to district.

- **Providing Needed Transportation:** **ESEA should require child welfare and education agencies to collaborate to develop and implement a plan on how transportation will be provided, arranged and funded to keep students in foster care in their school of origin when it is in the child’s best interest.** Not every child in foster care requires transportation to remain in their current school. For other children, transportation can be provided at low or no cost. However, some children will need transportation to a school or school district. Without a clear obligation on the child welfare or education agency to provide transportation, children are deprived of school stability. Arrangements often are best made at the local child welfare agency and school district level and a collaborative state plan can help ensure that happens. Local educational agencies also should be required to provide transportation back to their school for children who leave foster care before the end of the school year, if it is in the child’s best interest to stay at that school.
- **Amending McKinney Vento upon implementation of these new recommendations for students in foster care.** Assuming progress in promoting educational stability and success for children in foster care with the above recommendations, two years after all the recommendations are enacted , the phrase “Or Awaiting Foster Care Placement” should be deleted from the Definition of Homeless Children and Youth in Subtitle B of the McKinney Vento Homeless Assistance Act.

We strongly urge you to include the recommendations noted above in the HELP Committee’s ESEA Reauthorization bill to promote the educational stability and success for children in foster care. It is the lifeline to a successful future for many of them.

We would appreciate the opportunity to discuss any or all of our comments with you in further detail and to provide specific language. Please contact MaryLee Allen at the Children’s Defense Fund (202-662-3573/mallen@childrensdefense.org) or Jessica Feierman at the Juvenile Law Center (215-625-0551/jfeierman@jlc.org) to make the necessary connections with us.

Sincerely yours,

National Organizations:

Adopt America Network
Alliance for Children’s Rights
American Psychological Association
Center for the Study of Social Policy
CenterLink: The Community of LGBT Centers
Child Welfare League of America
Children Awaiting Parents
Children's Advocacy Institute
Children's Home Society of America

Dave Thomas Foundation for Adoption
Donaldson Adoption Institute
First Focus Campaign for Children
Foster Family-based Treatment Association
FosterClub
Generations United
Girls Inc.
Healthy Teen Network
Human Rights Project for Girls
John Burton Foundation
Juvenile Law Center
National Alliance to End Homelessness
National Association for the Education of Homeless Children and Youth
National Association of Counsel for Children
National Association of County Human Services Administrators
National Association of Social Workers
National Center for Lesbian Rights
National Center for Youth Law
National Council for Community and Education Partnerships
National Crittenton Foundation
National Disability Rights Network
National Foster Care Coalition
National Foster Parent Association
National Juvenile Justice Network
National Law Center on Homelessness & Poverty
National Network for Youth
North American Council on Adoptable Children (NACAC)
School Social Work Association of America
The Adoption Exchange, Inc.
The Congressional Coalition on Adoption Institute
The Council for Children With Behavioral Disorders
The Daniel Initiative
The Trevor Project
Voice for Adoption

State and Local Organizations:

Adoptions Together
Advocates for Children of New York
Child and Family Policy Center
Children's Action Alliance (Arizona)
Citizens' Committee for Children of New York
Coalition to Abolish Slavery & Trafficking (CAST)
Education Law Center - PA
Foster Care Counts
Further the Work
JustChildren Program of the Legal Aid Justice Center

KidsVoice
Legal Advocates for Children and Youth
Michigan's Children
New York State Citizens' Coalition for Children
Pridelines Youth Services
Public Counsel
Redwood Community Services
Rocky Mountain Children's Law Center
Rutgers School of Law – Camden, Children's Justice Clinic
Ruth Ellis Center, Inc.
School Justice Project, Inc.
Students in Transition Educational Program (STEP)
Support Center for Child Advocates
The Children's Law Center, Inc.
The San Diego LGBT Community Center
The Schuyler Center for Analysis and Advocacy
Time Out Youth
Treehouse
University of Miami School of Law Children & Youth Law Clinic
Violence Prevention Coalition of Greater Los Angeles