

# Best Practices: Immediate Enrollment for Children and Youth in Foster Care

Office of the Superintendent of Public Instruction: Foster Care Education Program

## *Introduction*

Children and youth in foster care represent one of the most vulnerable student subgroups in this country. Of the approximately 415,000 children in foster care in 2014, nearly 270,000 were in elementary and secondary schools.<sup>1</sup> Studies find that children in foster care are much more likely than their peers to struggle academically and fall behind in school. Students in foster care at age 17 are also less likely to graduate from high school, with only 65 percent graduating by age 21<sup>2</sup> compared to 86 percent among all youth ages 18 to 24.<sup>3</sup>

## *Legal Framework*

The passage of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) was a significant step towards supporting the importance of school stability for children in foster care in Federal law. The legislation requires child welfare agencies to collaborate with educational agencies to keep children in foster care in the same school when living placements change, if remaining in that school is in their best interest. The Fostering Connections Act also requires child welfare agencies to ensure that children in foster care who do change schools are promptly enrolled in a new school, with the relevant school records.

In December 2015, Congress passed the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), and created new protections for children in foster care. These provisions, which take effect on December 10, 2016, complement those in the Fostering Connections Act and require SEAs and LEAs to work with child welfare agencies to ensure the educational stability of children in foster care.

## *Educational Stability*

Children in foster care experience much higher levels of residential and school instability than their peers; one study showed that 75 percent of children in foster care made an unscheduled school change in one school year, compared to less than 40 percent for children not in foster care. Unplanned school changes may be associated with delays in children's academic progress, leaving highly mobile students potentially more likely to fall behind their less mobile peers academically.<sup>4</sup>

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<sup>1</sup> Adoption and Foster Care Analysis and Reporting System (AFCARS) FY 2014 data.

<sup>2</sup> National Youth in Transition Database. Unpublished analyses (April 2016). Administration on Children, Youth and Families, HHS.

<sup>3</sup> National Center for Education Statistics (2014). Digest of education statistic. Retrieved from [https://nces.ed.gov/programs/digest/d15/tables/dt15\\_104.40.asp?current=yes](https://nces.ed.gov/programs/digest/d15/tables/dt15_104.40.asp?current=yes).

<sup>4</sup> National Working Group on Foster Care and Education. (2014.) Fostering success in education: National factsheet on the educational outcomes of children in foster care. Retrieved from <http://www.fostercareandeducation.org/OurWork/NationalWorkingGroup.aspx>.

The Elementary and Secondary Education Act (ESEA) Section 1111(g)(1)(E), states that the enrollment of a child or youth in foster care must not be denied or delayed because documents normally required for enrollment have not been provided.

ESEA also states that the enrolling school must immediately contact a child's school of origin to obtain the relevant records and documentation (ESEA Section 1111(g)(1)(E)(iii)), and the school of origin should immediately transfer those records.

### *What does "Immediate" Mean?*

According to the US Department of Education, "immediate enrollment" means that a child in foster care should be enrolled in, and attending, a new school "as soon as possible."

### *What Does "Enrollment" Mean?*

Enrollment means that a student is attending classes, participating fully in school activities, and the student's educational needs are being met.

### *Reducing Barriers*

Students in foster care must be provided with access to a free and appropriate public education, including a public preschool education, as provided for other children and youth. In order to provide equal access, State educational agencies (SEAs) and local educational agencies (LEAs) should remove all barriers that could cause students to miss critical learning opportunities. Barriers could include policies and procedures that have unintended consequences for children and youth in foster care.

### *Enrollment Barriers: Strategies for Implementation*

Local Foster Care Liaisons should:

- Work with DSHS/Children's Administration staff and others to review state and local laws, regulations, practices, and policies and bring them into compliance with the foster care provisions in ESEA;
- Build, in collaboration with DSHS/CA, a system of accountability that ensures compliance with Title I, Part A and the Fostering Connections Act (2008);
- Eliminate school enrollment barriers through proper staff training about the enrollment rights included in ESEA;
- Collaborate with DSHS/CA to establish clear protocols for student enrollment and transportation, if appropriate; and
- Determine the average length of time it takes between when students attempt to enroll and when they actually are participating fully in school, and create processes to shorten this time, if needed.

### *Immediate Enrollment: Implementation Strategies*

Under the direction of the foster care liaison, school districts should consider the following strategies for the immediate enrollment of homeless children and youth.

- Develop an enrollment protocol and ensure that all enrollment personnel are informed of it.
- Instruct DSHS/CA staff, school secretaries, school counselors, school social workers, and principals on the Title I, Part A foster care requirements and the school or school district's procedures and protocols for enrolling children and youth in foster care.
- Have counselors meet with caregivers or education decision-makers and youth during registration to eliminate the need for additional trips to the school to arrange services for children and youth in out-of-home care.
- Accept previous school records directly from caregivers or educational decision-makers.
- Contact the previous school for assistance with placement decisions until records are received.
- Create new school records for students whose records are damaged or missing.
- Establish school- and classroom-level procedures to facilitate incoming and departing student transfers.

### *Full Participation in School: Strategies for Implementation*

- Devise short educational assessments based on the school's curriculum to facilitate placing students quickly in an appropriate learning environment while awaiting the arrival of complete academic records.
- Make the appropriate arrangements so that students can attend school immediately and receive all necessary services.
- Inform caregivers, educational decision-makers, and youth of the student's right to receive transportation to and from the school of origin if their placement changes.
- Work with district transportation staff and Children's Administration to develop a clear protocol for providing and arranging transportation services.
- Develop a clear, understandable processes to use when providing written explanations of school decisions, and informing caregivers and educational decision-makers' right to appeal the district's enrollment decision and the process for appeal.
- Ask the caregiver, educational decision-maker, or youth about the services they have received in the past and what activities in which the youth has participated or would like to participate.
- During enrollment, inform caregivers of the student's right to receive free school meals and Title I, Part A services.
- Work with athletic associations to ensure that students in foster care are not blocked from athletic participation because of placement changes.