

# The Fostering Success in Education Act

## **BACKGROUND**

- Almost 800,000 children spend time in foster care each year.
- On average, foster children move to new foster homes one to two times per year, and often change schools when they move.
- Research suggests that students lose four to six months of educational progress each time they change schools. Because foster children typically change schools multiple times, it is difficult for them to make significant educational progress.
- Moreover, when foster children change schools, they often experience enrollment delays and difficulties transferring course credits from prior schools.
- Consequently, many foster children fall behind their peers in school, lose hope, and ultimately drop out.

## **Congressional Response**

- In 2008, Congress enacted the Fostering Connections to Success Act—a child welfare law, which, among other things, aims to improve the school stability of foster children.
- The Act directs child welfare agencies to collaborate with local education agencies (LEAs) to ensure that foster children remain in their current schools after they move to new school districts, when it is in their best interest to do so. When it is not in the best interest of particular foster children to remain in their current schools, the Act directs child welfare agencies to collaborate with LEAs to ensure that those children are enrolled immediately in new schools.

## **Next Steps: Completing the Collaboration**

- In order to implement the education requirements of the Fostering Connections Act, child welfare agencies cannot go it alone. They need the full cooperation of state and local education agencies.
- The Fostering Success in Education Act will ensure that child welfare agencies have the full cooperation of state and local education agencies by placing requirements on state and local education agencies that both mirror and extend beyond those placed on child welfare agencies by the Fostering Connections Act.
- Specifically, the Fostering Success in Education Act requires state and local education agencies to collaborate with child welfare agencies to keep foster children in their current schools after they move to new school districts. When it is not in the best interest of particular foster children to remain in their current schools, the Act requires state and local education agencies to collaborate with child welfare agencies to enroll those children immediately in new schools.
- In addition, the Fostering Success in Education Act forbids states from segregating foster children by forcing them to attend separate, and often inferior schools, such as schools at group foster homes, unless it is documented that particular foster children have disabilities that must be addressed in alternative educational settings under the Individuals with Disabilities Education Act (IDEA).

## **Other Requirements of the Act**

The bill requires state education agencies to:

- Designate a foster care coordinator to collaborate with the state child welfare agency on the implementation of the Act.
- Create a process for resolving disputes about whether it is in a foster child's best interest to remain in a particular school after moving to a new school district.

- Develop a system to ensure that foster children can transfer and recover credits when they change schools, and that foster children who have attended multiple high schools with different graduation requirements can graduate.

The bill also requires LEAs to:

- Create a process for determining whether it is in a foster child's best interest to remain in a school in the district served by the LEA after the child moves to a different school district. (The Act outlines factors that must be taken into account when making such a decision.)
- Designate a foster care liaison to coordinate with the local child welfare agency, and oversee the implementation of the Act in the liaison's school district.
- Transfer the school records of a foster child immediately to the child's new school after the child changes schools.

### **Funding**

- The bill authorizes the appropriation of \$150 million.
- States must develop a State Foster Care and Education Plan to be eligible for funding. In the plan, a state must specify how it will satisfy the requirements of the Act, and how it will oversee the efforts of LEAs to comply with the Act.
- Funding will be allocated to states based on the number of foster children in each state, and a minimum of \$300,000 will be provided to each state grantee.
- States must use at least 75 percent of the funds to award subgrants to public agencies on a competitive basis.
- A public agency, such as a LEA or local child welfare agency, or a partnership between such agencies, can compete for a grant based on their ability to demonstrate that there is an established need in their region to address the education of foster children, and based on the quality of the activities they propose to address the need.
- Grantees must use the funding to assist the State in meeting the requirements of the Fostering Success in Education Act and the Fostering Connections Act, such as by using the funds to hire a foster care liaison, or to pay for the transportation of foster children to schools in their old school districts.
- In applying for grants, LEAs and local child welfare agencies can gain a competitive edge by entering into agreements with each other about how they will collaborate to provide and pay for the transportation of foster children to schools in their old school districts in a cost-effective manner.

### **Changes to Child Welfare Law**

- The Act clarifies that a child welfare agency's obligation under the Fostering Connection Act to ensure that a foster child can remain in the same school, includes, when necessary, an obligation to pay for the child's school transportation.
- The Act requires state and local child welfare agencies to identify staff to be the point people on education issues, and to coordinate with state and local education agency coordinators and liaisons for foster children.