

## Fostering Educational Success: Legislation and Policies to Promote Positive Educational Experiences for California's Foster Youth

### Background

Nationwide, approximately half a million youth are in foster care, including 85,000 in California alone. There is very little information available about educational outcomes for foster youth, but the available data points to substantially worse achievement, attendance, and discipline for foster youth compared to other students. These problems persist even after foster youth exit the foster care system. One out of five foster youth in California ends up incarcerated and one in four becomes homeless within two years of aging out of the foster care system. National studies of adults who have been in foster care have shown high unemployment and low rates of post-secondary educational attainment.<sup>1</sup>

There are many reasons for the poor educational performance of foster youth. Students in the foster care system are disproportionately poor, minority youth, and receive special education services, factors associated in the research with lower academic achievement. Additionally, foster youth have histories of abuse or neglect that can result in developmental deficiencies or emotional trauma that impair school performance. Foster youth often experience multiple school transfers due to changes in foster care placements and must also manage the stress of court appearances, separation from siblings, and the stigma associated with foster care, all of which further contribute to difficulty focusing on academic work.<sup>2</sup>

### Overview of Relevant Legislation

The California legislature has addressed the problem of poor educational outcomes for foster youth by requiring improved record keeping and educational services through the legislation outlined below:

**SB 543 (1999)** *mandated that health and school records be maintained in a Health and Education Passport (HEP)* that follows the child through placements in order to reduce delays in service provision for foster youth transitioning to new settings.

**AB 636 (2001)** *sought to improve the collection and reporting of information on foster youth by:*

- Requiring that the California Department of Social Services (CDSS) report quarterly data to counties and the public on use of HEPs, timely enrollment and stability in school, delivery of special education services, school attendance, and higher education enrollment;
- Mandating that each county develop a System Improvement Plan (SIP), updated every four years, that outlines strategies to improve outcomes that the data show to be below state standards; and
- Holding counties accountable for making progress on those goals, with possible corrective action ranging from technical assistance up to state takeover of the county foster care system.

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<sup>1</sup> Trout, A. L., Hagaman, J., Casey, K., Reid, R., & Epstein, M. H. (2008). The academic status of children and youth in out-of-home care: A review of the literature. *Children and Youth Services Review*, 30(9), 979-994.

<sup>2</sup> Finkelstein, M. et al. (2002). *What keeps children in foster care from succeeding in school? Views of early adolescents and the adults in their lives*. New York: Vera Institute of Justice. [http://www.vera.org/publication\\_pdf/169\\_280.pdf](http://www.vera.org/publication_pdf/169_280.pdf).

**AB 490 (2003) served as a Bill of Rights regarding foster youth and their education, guaranteeing them:**

- The right to remain in the same school until the end of a school year, even when placed in a foster home outside the school's enrollment zone;
- Transportation to ensure that students are able to stay at the school;
- Transfer of the students' educational records within two days after a student transfers;
- Immediate enrollment in a transfer school even if records have not arrived and acceptance of partial course credits for courses or partial courses that the student had completed; and
- A foster care liaison designated by each school district to oversee placement and transfer proceedings.

## **Implementation Challenges and Considerations**

Although well intentioned, these reforms have proven difficult to implement. One of the greatest obstacles to implementation of these reforms has been the capacity of school districts and child welfare agencies to gather data for highly mobile youth with their current data infrastructures. Although all three reforms described above mandate or rely on better data collection, they have not provided a mechanism to do this. Until the recent implementation of the California Longitudinal Pupil Achievement Data System (CALPADS), there was not a centralized way to track students when they moved between districts and counties. Additionally, schools update enrollment numbers only once annually in the fall, making it difficult to track students who move multiple times within a school year. Although the HEPs were supposed to alleviate these mobility-related issues for foster youth, HEPs frequently are incomplete.<sup>3</sup>

In the case of AB 490 specifically, one obstacle has been providing transportation (which can be costly) to allow foster youth to continue attending their school of origin. Other obstacles have included resistance by schools to enroll students without records—especially special education students—and hesitation to share records between districts and child welfare agencies because of concerns over data confidentiality laws.<sup>4</sup>

Overcoming these implementation challenges requires the collaboration of school districts, child welfare agencies, and other agencies that provide services to dependent youth, but inter-agency work presents some additional challenges. One is assigning responsibility for reporting on outcomes to meet the AB 636 mandates. Even when agencies do collaborate to generate those data, who is accountable for the educational outcomes, which depend as much on the work of the child welfare system as on schools that may only enroll highly mobile foster youth for short amounts of time? Another challenge is balancing the need for educators to know about students' foster care status with those students' right to privacy. Although educators potentially could benefit from knowing about the status of students in foster care, sharing this information may be harmful without proper training on the unique needs of foster youth.

The legislative focus on improving educational outcomes for foster youth provides the impetus to work through these challenges to enhance and coordinate services. There are examples of successful collaborations (see the YDA Issue Brief *Educational Outcomes for Court-Dependent Youth in San Mateo County*), demonstrating that several localities across the state are attempting to solve the implementation challenges of the state-level reforms and providing direction to stakeholders in other areas on how to improve educational outcomes for youth in foster care through increased collaboration, data reporting, and accountability.

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<sup>3</sup> Berrick, J. D., and Ayasse, R. H. (2005). *Improving educational outcomes for foster youth living in group homes: An analysis of interagency collaboration*. Child Welfare Research Center, School of Social Welfare, University of California, Berkeley. [http://www.csulb.edu/projects/ccwrl/Ayasse\\_module.pdf](http://www.csulb.edu/projects/ccwrl/Ayasse_module.pdf).

<sup>4</sup> Foster Youth Services Program (2008). *2008 Report to the Legislature and the Governor for the Foster Youth Services Program* California Department of Education. <http://www.cde.ca.gov/ls/pf/fy/documents/fyslegreport2008.doc>.