

SB

191

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/16/08

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/29/08

Health, Education and Social Services Committee considered

SENATE BILL NO. 191

SB 191 PUBLIC EDUCATION OF HOMELESS STUDENTS

"An Act relating to continuing the public education of a homeless student and to the purpose of certain laws as they relate to children."

and recommends:

be replaced with SCS or CS _____ (_____)

adopt previous SCS or CS _____ (_____)

attached amendment(s)

adopt _____ Letter of Intent

further referral to Finance Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Impact	Info	FN#
Child Support Services	2/29/08				✓
DEED	2/29/08				✓

Department	Date	Fiscal	Impact	Info	FN#

APPROPRIATION - no fiscal note

SIGNATURE	DATE	APPROVED	NO	NO	NO
<i>[Signature]</i>		Elton	✓		
<i>[Signature]</i>		Thomas	✓		
<i>[Signature]</i>		Dyson			✓
CHAIR: <i>[Signature]</i>		DAVIS	✓		

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Senator Bettye Davis

Senate Bill No. 191
25-LS1075\C

"An Act relating to continuing the public education of a homeless student and to the purpose of certain laws as they relate to children."

Sponsor Statement

Because of the overriding importance of school stability for children in care and their need for educational guidance and advocates, SB 191 seeks to provide, to the extent feasible, comparable educational assistance provided to all eligible homeless children and youth in foster care under the McKinney-Vento Homeless Education Assistance Improvement Act, a federal grant program reauthorized under the No Child Left Behind Act of 2001. The definition of eligible children under the McKinney-Vento Act are those who lack a "fixed, regular, and adequate nighttime residence," or "are living in emergency or transitional shelters," or are "awaiting foster care placement." The last term, "awaiting foster care placement," while not defined in federal law, is interpreted under SB 191, new Sec. 1, AS 14.03.096, to include "all students who are placed in out-of-home care and in the custody of the Department of Health and Social Services. . . ." This significant change under SB 191 recognizes the many foster children who are in transition or are between placements and are in need of educational assistance.

SB 191, Sec. 2, changes AS 47.05.060, "Purpose and policy relating to children," to include "adequate education" and "intellectual" welfare to ensure that children and youth in foster care have access to education-related support services. McKinney-Vento protections include the right to remain in the "school of origin" when feasible; transportation paid by the school district when needed; immediate enrollment without "red tape;" timely transfer of school records; staff assistance by a designated district liaison; and prohibition against stigma as homeless. SB 191, Section 1(2) defines "school of origin" as "the school that the student attended when permanently housed or the school in which the student was last enrolled."

Since the McKinney-Vento Act presently provides only a small portion of the funding expended in Alaska for educating and transporting homeless and foster care children as required under NCLB, the main purpose of SB 191 is to improve educational outcomes for Alaska's most at-risk children.

Background

Children in foster care struggle academically and suffer more poverty, low self-esteem and emotional trauma, social stigma, and higher mobility than others. They are more likely to drop out of school, repeat grades, and be placed in special education. A 2004 study of Chicago Public School youth found that fifteen-year-old students in out-of-home care were half as likely as other students to have graduated from high school five years later, with 55% having dropped out and 10% having been incarcerated. Only 54% of young adults who age out of care have completed high school. Youth in foster care attending public schools score 16 to 20 percentile points below youth in the general population in statewide standardized tests. And Youth in foster care on average read at only a 7th grade level after completing 10th or 11th grade. (Casey Family Programs. White Paper, Educating Children in Foster Care, McKinney-Vento and NCLB; also, ABANET.org/Child/Education).

These low educational outcomes are only exacerbated by the high mobility of children in foster care. The Legal Center for Foster Care and Education reported that children and youth in out-of-home care experience on average 1 or 2 foster care placement changes per year, citing US Dept. of Health & Human Services Administration for Children and Families. One third of children in foster care stay in care for less than 5 months, and another 17% remain in care for one year or less. Frequent school changes are associated with an increased risk of failing a grade in school and of repeated behavior problems. By 6th grade, students who have changed schools four or more times have lost approximately 1 year of educational growth. A Casey Foundation study of 1,087 foster care alumni found that youth who had one fewer placement change per year were almost twice as likely to graduate from high school before leaving care.

While extending McKinney-Vento Act protections to eligible homeless, out-of-home youth, or foster care children increases some school district direct and indirect costs, this will be more than offset by savings in social transfer costs, including decreases in physical and mental health problems, school failure, rates of incarceration, and increases in life-time earnings. Fourteen or more states have already enacted foster care/educational legislation modeled after some provisions of the McKinney-Vento Act. Alaska can afford to do no less.

Improving Education Outcomes for Children and Youth: Increasing Education Stability and Opportunity for Children and Youth in Out of Home Care

EDUCATION AND CHILDREN IN OUT OF HOME CARE FACTS:

It is universally acknowledged that a quality education is important for the future success of all children. For example:

- Recent U.S. Census Bureau statistics reveal that adults age 18 and over with a high school diploma earned \$28,645. Those without a high school diploma earned an average of \$19,169.¹
- People who graduate from high school on average live 6 to 9 years longer than high school drop-outs due to a variety of factors, including income, living conditions, occupational safety, and access to health insurance.²

Children in foster care are struggling academically. Studies have shown that:

- Fifteen-year-old students in out-of-home care were about half as likely as other students to have graduated high school 5 years later, with significantly higher percentages of students in care having dropped out (55%) or been incarcerated (10%).³
- Only 54% of young adults discharged from care have completed high school.⁴
- Youth in foster care attending public schools scored 16 to 20 percentile points below non-foster youth in statewide standardized tests.⁵
- Youth in foster care on average read at only a seventh grade level after completing 10th or 11th grade.⁶

Children in foster care are often highly mobile.

- Children and youth in out-of-home care experience on average 1 or 2 foster care placement changes per year.⁷
- Nearly 20% of children in foster care stay in care for only one month, and another 16% remain in care for 5 months or less. Over half of all children who leave foster care will be returned home to their parents.⁸
- Over a third of young adults in a Midwest Study by Chapin Hall reported having had 5 or more school changes.⁹

Mobility is affecting the education outcomes for children in foster care.

- Frequent school changes are associated with an increased risk of failing a grade in school and of repeated behavior problems.¹⁰
- A University of Chicago study found that, by the 6th grade, students who had changed schools 4 or more times had lost approximately one year of educational growth.¹¹
- In a national study of 1,087 foster care alumni, youth who had one fewer placement change per year were almost twice as likely to graduate from high school before leaving care.¹²

Efforts are underway to improve education outcomes for children in foster care, but much more work is needed.

The National Working Group on Foster Care and Education¹³ has identified four objectives that would improve educational opportunities and outcomes for children in foster care:

- Improved educational stability for children and youth in foster care.
- Seamless educational transitions for children and youth when school changes do occur.
- High quality educational experiences, expectations and aspirations for young people in foster care.
- Greater national attention to the disparate educational outcomes for young people in foster care, particularly youth of color.

MCKINNEY-VENTO FACTS:

Currently, the McKinney-Vento Act, 42 U.S.C. § 11431 et seq., is an important vehicle that provides education stability to many children across the country. The act currently helps to reduce the barriers that eligible children and youth face in enrolling, attending, and succeeding in school.

- McKinney-Vento includes more educational benefits than many advocates realize.
- The Act provides educational stability, continuity, and a unique system of support to help children in transition navigate the education system with ease and helps to enhance their academic and social growth.
- The McKinney-Vento Act provides funding for McKinney-Vento programs in many school districts across the country that are the vehicle to ensuring the rights of eligible children are protected and appropriate services are delivered.

Currently, some children in out of home care are eligible for the benefits of the McKinney-Vento Act.

- **The definition of children eligible under the McKinney-Vento Act includes "children awaiting foster care placement."** While this term has not been defined in the federal law or regulations, many states and jurisdictions have created their own definition. Examples include:
 - **Delaware** defines "awaiting foster care placement" as all children in foster care.
 - **Massachusetts and Connecticut** have reached state level agreements between their education and child welfare agencies to include certain children in foster care under McKinney Vento.
 - Other states and local jurisdictions have chosen to have informal policies to determine when a child in foster care is eligible under McKinney Vento.
- **The definition of children eligible under the McKinney-Vento Act includes children who lack a "fixed, regular, and adequate nighttime residence."** Because foster care by definition is temporary, many children in care have placements that may not be fixed or regular. Some states and jurisdictions have used this rationale to determine their policy for which children in foster care are eligible under McKinney Vento.

Students' eligible under the McKinney-Vento Act (including some children in out of home care) are entitled to numerous specific educational rights and benefits.

- **Educational Stability.** Children in out of home care benefit tremendously when allowed to stay in their original school when their living placements are changing or in flux. The Act entitles students to remain in their original school even when they move to a foster placement in a different school district, to the extent feasible, unless it is against the parent or guardian's wishes. In these situations, school districts must provide transportation to the original school at the request of the parent or guardian.
- **Immediate School Access.** Children and youth in foster care, like homeless students, often lack the documents required for school enrollment. Without legal protections, children moving to new foster care placements can experience days, weeks, or even months of school exclusion while documents are located. To prevent this problem, the McKinney-Vento Act requires schools to enroll eligible students immediately, even if they do not have required documents such as school records, medical records, or proof of residency. The children must not only be enrolled in classes, they must also be permitted to participate fully in school activities.
- **Liaison for McKinney-Vento-Eligible Students.** Liaisons are school staff who play a critical role in stabilizing students who are McKinney eligible and promoting their academic achievement. Children in out of home care critically need a designated school staff person who understands their circumstances and needs. The McKinney-Vento Act requires each school to designate an appropriate staff person as a liaison for eligible students whose role is to ensure appropriate children and youth are identified, enrolled in school, and have full and equal opportunity to succeed in school activities.
- **Title I Eligibility.** Children who are eligible for McKinney-Vento protections are also eligible for Title I benefits, without needing to qualify based on their current academic performance.

McKinney-Vento is a successful program, with positive outcome evaluations and good progress being reported.

- A March 2006 U.S. Department of Education report concluded that "states and local educational agencies (LEAs) have generally made significant progress in reducing the barriers that homeless children and youth face in enrolling, attending, and succeeding in school. The legislation has prompted States and LEAs to focus more on the needs of homeless students and has helped facilitate the expansion of local support networks to meet those needs...Although the appropriation levels for this program are relatively small, the impact of the program has been very widespread."
- Federal data collection also reveals that, over the past four years, the participation and proficiency rates of homeless students have increased in reading and math assessments.

In states where children in out-of-home care are not benefiting (or only some are benefiting) from the protections and supports of McKinney-Vento, other vehicles have been created to attempt to achieve McKinney-like protections (like the ones listed above) for children in foster care. Examples include:

- **California:** Effective January 2004, California passed a comprehensive foster care/education state law, known as AB 490, that provides almost all of the McKinney-like protections to children in out-of-home care. However, AB 490 did not include a mandate for transportation to a child's school of origin, even when determined to be in that child's best interest. Therefore, school of origin has been the least successful of the McKinney-like protections under AB 490.
- **Oregon:** Effective July 2005, Oregon also passed a foster care/education state law that allowed children to remain in their school of origin if a juvenile court determines it is the child's best interest to do so. Under state law, the child welfare agency is responsible for providing transportation to the school of origin, but only in such years where the funds have been designated. Currently, Oregon has committed to funding transportation through the 06-07 school year.

¹ See <http://www.census.gov/>.

² Wong, M., Shapiro, M., Boscardin, W. & Ettner, S. (2002). Contribution of major diseases to disparities in mortality. *New England Journal of Medicine*, 347, 1585-1592.

³ Smithgall, C., Gladden, R.M., Howard, E., Goerge, R., Courtney, M. (2004). *Educational experiences of children in out-of-home care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago. This report compared children in the Illinois Chicago Public Schools system.

⁴ Cook, R. (1994). Are we helping foster care youth prepare for the future? *Children and Youth Services Review*. 16(3/4), 213-229. Data were collected via in-person and telephone interviews of 810 young adults aged 18-24 years old 2.5 to 4 years after leaving foster care.

⁵ Burley, M., & Halpern, M. (2001). *Educational attainment of foster youth: Achievement and graduation outcomes for children in state care*. Olympia, WA: Washington State Institute for Public Policy.

⁶ Courtney, M.E., Terao, S. & Bost, N. (2004). *Midwest evaluation of the adult functioning of former foster youth: Conditions of youth preparing to leave state care*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago. Wave One of Longitudinal study in three waves following 732 youth age 17 or 18 still in jurisdiction in Illinois, Iowa and Wisconsin as they age out of foster care.

⁷ AFCARS Report #10: Preliminary 2003 Estimates as of April 2005, U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, www.acf.hhs.gov/programs/cb.

⁸ Id.

⁹ Courtney, M.E., Terao, S. & Bost, N. (2004).

¹⁰ Wood, D., Halfon, N., Scarlata, D., Newacheck, P., & Nessim, S. (1993). Impact of family relocation on children's growth, development, school function, and behavior. *Journal of American Medical Association*, 270(11), 1134-1338.

¹¹ Kerbow, D. (1996). *Patterns of urban student mobility and local school reform*. Technical Report No. 5, October. Washington, DC: Center for Research on the Education of Children Placed at Risk. The data used included students in a stratified, random sample of public elementary schools and sixth-grade students in the Chicago Public Schools in the spring of 1994.

¹² Pecora, P.J., Williams, J., Kessler, R.C., Downs, A.C., O'Brien, K., Hiripi, E., & Morello, S. (2003). *Assessing the effects of foster care: Early results from the Casey National Alumni Study*. Seattle, WA: Casey Family Programs. Case record reviews and interviews were conducted for 1087 alumni served by the 23 Casey Field offices in operation in 1998.

¹³ For more information about the National Working Group on Foster Care and Education and resources from this group visit www.casey.org/friendsandfamiliespartners.



LEGAL CENTER FOR FOSTER CARE & EDUCATION

FACT SHEET

Educational Stability and Continuity for Children and Youth in Out-of-Home Care

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The National Working Group on Foster Care and Education¹³ has identified 4 objectives with the potential for improving educational opportunities and outcomes for children in foster care:

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FACTS ABOUT THE MCKINNEY-VENTO ACT

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- ¹ See <http://www.census.gov/>.
- ² Wong, M., Shapiro, M., Boscardin, W. & Ettner, S. (2002). Contribution of major diseases to disparities in mortality. *New England Journal of Medicine*, 347, 1585-1592.
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- ⁷ AFCARS Report #13: Preliminary 2005 Estimates as of September 2006, U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tat/report13.htm⁸ Id.
- ⁹ Courtney, M.E., Terao, S. & Bost, N. (2004).
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- ¹⁴ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. (2006). *The AFCARS report No. 13: Preliminary FY 2005 estimates as of September 2006*. Washington DC: U.S. Department of Health and Human Services. Retrieved November 7, 2006, from http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tat/report13.htm.

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Advocates Seek Improvements in Education for Foster Youth

By Sara Woodward

Originally published in Youth Law News, October-December 2004.

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Foster youth face a daunting array of obstacles in their education. Many school districts and child welfare agencies fail to assume responsibility for monitoring and supporting the education of foster youth. For example, social service agencies frequently change the placements of foster youth mid-semester without considering the impact the move will have on the youth's education. A change in residential placement alone is a disruption in the youth's life that will have negative impacts on school performance. In addition, child welfare agencies and school districts are notorious for failing to share information. This can result in children spending extended periods out of school, awaiting necessary education and medical records to arrive at the new school, so they can enroll.

In other situations, missing records can result in inappropriate educational placements, or cause children to repeat previously completed classes. Once enrolled in a new school, foster youth face new teachers, new classmates, and often a new curriculum. It can take several months for students to recover academically from a change in schools. In addition, school district policies insensitive to the experience of foster youth mean that youth who move mid-semester can face harsh rules regarding the awarding of credits. Such youth may receive no credit at all for work completed at a previous school, solely because they were moved before the end of the semester or school year.

As a result, after years spent in foster care, many high school foster youth are woefully behind in attaining the credits needed for graduation. Finally, in some cases, youth are also denied access to services and extracurricular activities available to other students solely because they are in foster care.

National studies have found that anywhere from 30 percent to 96 percent of foster youth perform below grade level, and 26 percent to 40 percent are held back at least one grade.¹

In addition, foster youth suffer from disabilities at a much higher rate than non-foster youth. Studies have found that one-quarter to one-third of foster youth are enrolled in special education classes.² Finally, foster youth are much less likely to graduate from high school and go on to higher education. One national study found that 46 percent of foster youth had not completed high school within 2.5 to 4 years after exiting care at age 18.³ In addition, only 15 percent of foster youth enroll in college preparatory classes,⁴ and an even lower percentage enroll in post-secondary education. California reports that less than 3 percent of its foster youth go on to four-year colleges.⁵

In December of 2004, a report issued by the Chapin Hall Center for Children at the University of Chicago confirmed what the previous studies have shown—foster youth have poor educational outcomes. The study examined the performance of youth in out-of-home care on standardized tests, the number of youth who are older than their peers in their grade, and the graduation and dropout rates for high school students. In all of these areas, the study found that youth in out-of-home care have significantly worse outcomes than non-foster youth.⁶

These low educational outcomes correspond with equally troubling adult outcomes. For example, one study found that within the first 12 to 18 months after emancipation, 39 percent of foster youth were unemployed, 27 percent of males and 10 percent of females had been incarcerated at least once, and 39 percent were on public assistance.⁷

Youth Advocates Seek a Better Way

In an innovative approach to increasing educational outcomes for foster youth, advocates and legislators are exploring clarification and expansion of the definition of "homeless" under the federal McKinney-Vento Homeless Assistance Act⁸. In addition, two states have pursued legislative reform granting foster youth increased educational rights under state law.

The McKinney-Vento Homeless Assistance Act⁹ recognizes that homeless youth face specific challenges to successfully completing their education. The act, reauthorized in 2002, seeks to give homeless youth increased access to public education, so they can overcome these challenges. The law requires school districts to provide educational stability for homeless students, by allowing them to remain in their school of origin as long as they are homeless, or, once housed, until the end of the academic year, even if they move outside of the school's district of residence.¹⁰ School districts are also responsible for providing transportation to the homeless student's school of origin.¹¹ In addition, homeless students are entitled to immediate enrollment in school, even if they are missing educational and medical records.¹² Each school district must also appoint an educational liaison for homeless children to ensure the identification, enrollment, and attendance of homeless students.¹³

Significantly for foster youth, the 2002 reauthorization expanded the definition of homeless to include some foster youth.¹⁴ McKinney-Vento defines "homeless children and youths" as "individuals who lack a fixed, regular and adequate nighttime residence."¹⁵ The definition goes on to specifically list "awaiting foster care placement" as a type of homelessness.¹⁶ It is understandable that Congress would extend the protections of McKinney-Vento to some foster youth; children in the state's custody who are in temporary, emergency, and short-term placements experience extreme instability and disruption in their lives. Maintaining school stability can be crucial for these youth, and far preferable to changing schools several times within a short period of time.

While it is clear that at least some foster youth are entitled to the protections of McKinney-Vento, the law and corresponding regulations provide no additional language that explains exactly which youth the phrase "awaiting foster care placement" includes. As professionals working with foster youth know, there is a wide spectrum of possible types of foster care placements, each with a varying degree of permanence.

A foster youth can be placed in a shelter as the result of a safety emergency for days, weeks or months, while the child welfare agency looks for an appropriate foster family home. Another youth might be placed in a group home indefinitely, with the hope that placement in a more family-like setting will become available. Still other youth may be temporarily held in institutional settings, while waiting for the coordination of community mental health treatment, so that they can be placed into a less restrictive environment. All of the youth described are awaiting foster care placement, and arguably entitled to the protections of McKinney-Vento.

Federal Rules Fail to Clarify Issues

In July 2003, US Department of Education attempted to clarify which youth fall under the phrase "awaiting foster care placement." The department explained that "children and youth who have already been placed in foster care are not considered homeless; children and youth who are awaiting foster care placement are considered homeless."¹⁷ The department directed states to refer to the definition of "foster care" provided in regulations by the Department of Health and Human Services (HHS).¹⁸

The HHS definition of foster care includes all possible foster care placements, including "emergency shelters, residential facilities, [and] childcare institutions."¹⁹ Therefore, according to USDE, no youth removed from home by a child welfare agency is considered "awaiting foster care," and thus no student in the care or custody of a state agency would qualify for McKinney-Vento's protections. This interpretation renders the phrase "awaiting foster care" meaningless. In July 2004, USDE issued additional non-regulatory guidelines on McKinney-Vento that included the following information in question and answer format:

Q: Are children who are awaiting foster care placement eligible for service under the

McKinney-Vento Act?**A: Yes.**

As stated [above], children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services. Children who are already in foster care, on the other hand, are not considered homeless. LEA (Local Education Agency) liaisons should confer and coordinate with local public social service agency providers in determining how best to assist homeless children and youth who are awaiting foster care placement.²⁰

The information above, like that of 2003, fails to sufficiently clarify the phrase "awaiting foster care placement." USDE provides no further elaboration on what specific situations are considered "awaiting foster care placement," and instead only reiterates that youth "in foster care" are not considered homeless. The American Bar Association has urged USDE to "provide an interpretation of 'awaiting foster care placement' ... that will include children and youth placed by public agencies in interim, emergency, or short-term placements to assure such children and youth in temporary out-of-home settings have uninterrupted educational access."²¹ Such guidance would establish that the most unstable foster youth are entitled to protection under McKinney-Vento.

Massachusetts, Tennessee Take the Initiative

Individual states, however, are not waiting for additional USDE guidance. In January, the Massachusetts Department of Education and Department of Social Services sent a joint letter to USDE explaining their interpretation of "awaiting foster care placement." The letter explained that the two states had agreed that "children and youth in the state's care or custody who are living in emergency, temporary or transitional housing are homeless as defined by the McKinney-Vento Homeless Assistance Act."²² The Massachusetts departments further agreed that youth placed into shelters, emergency foster care, and temporary group home settings are homeless as defined by McKinney-Vento.²³ In response, USDE approved of their approach, and in March, the departments implemented their interpretation.²⁴

Tennessee has also extended McKinney-Vento protections to some foster youth. The administrative policies for Tennessee's Department of Children's Services state:

If the youth is in a temporary, emergency type of placement, it is the Department's expectation that the child/youth remain in his old school if possible and if it is in the child's best interests. The local school system has the first obligation to provide transportation, under the McKinney-Vento Homeless Education Act of 2001, but if they do not provide transportation, the DCS case manager may have to transport the child/youth back and forth to the old school, until his/her placement is made in a more permanent setting.²⁵

Tennessee also is seeking to develop an interagency agreement, similar to Massachusetts, between its Department of Child Services and Department of Education.

McKinney-Vento can only be read to include some foster youth. While states have the flexibility to include youth in temporary and emergency foster care placements, the language of the act still clearly distinguishes between those "awaiting foster care placement" and those in foster care placements. Therefore, when attempting to increase access to public education for foster youth through McKinney-Vento, states are limited in which youth will be covered. In order to address the educational challenges faced by youth in long-term and permanent placements, advocates must look to amending state law.

California's Assembly Bill 490

In 2003, California passed legislation that extends many of the rights and protections afforded to homeless youth under McKinney-Vento to foster youth under California state law. Assembly Bill 490 (AB 490), which became effective Jan. 1, 2004 is the first state law to provide a complete set of educational rights for foster youth. AB 490 includes provisions intended to increase school stability for foster youth, to ensure that foster youth are placed in mainstream educational environments, to improve the transfer of records process between schools, and to allow partial credits for classwork.

School Stability

When placing agencies recommend an out-of-home-placement or a change in residential placement for a foster child, AB 490 requires that they consider the impact that the move will have on the youth's educational stability.²⁶ In addition, when a child's residential placement is changed, the child has the right to remain in his or her school of origin for the duration of the school year, provided that it is in the child's best interest to do so.²⁷ This right, and the definition provided for "school of origin," mirrors the McKinney-Vento Act.²⁸

AB 490 departs significantly from McKinney-Vento on the issue of transportation. McKinney-Vento requires that school districts provide transportation for homeless students to remain in their school of origin,²⁹ but AB 490 is silent on the issue, and does not assign responsibility to either the child welfare agency or the school district. An early version of the bill required school districts to provide transportation, but when it became apparent that the bill would not pass if it included such an expensive provision, the language addressing transportation was removed.

Transfer Procedures

When foster youth change schools, AB 490 seeks to ensure that the transfer will proceed as smoothly as possible. Again, AB 490 provides many of the same protections as McKinney-Vento. First, AB 490 provides foster youth with a right to immediate enrollment in school, even if the child is missing the academic and medical records normally required for enrollment, or even if the youth owes fees or materials to the former school.³⁰ In addition, similar to McKinney-Vento, every school district must appoint an educational liaison for foster children; the liaison is responsible for ensuring proper school placement and enrollment in school, and assisting with the transfer of grades, credits, and records when youth transfer between schools.³¹

AB 490 also provides specific procedural requirements for record transfers when foster youth change schools. The law stipulates that both the child welfare agency and the school district are responsible for ensuring the timely transfer of records.³² The transfer process begins with the placing agency, and as soon as the child welfare worker becomes aware of the need to transfer a student to a new school, the worker must notify the school of the day the student will need to transfer out.³³ The school the youth is leaving must transfer the student's educational record to the next school within two business days of the student's move.³⁴ Once the youth arrives at the new school, that school has two business days to contact the old school and request the youth's records.³⁵

School Placement

AB 490 includes a presumption that foster youth will be placed in an educational program operated by the local school district, unless the person holding the right to make educational decisions for the youth determines it is in the child's best interest to be placed in an alternative program, or the youth has an individualized education program (IEP) requiring a different placement.³⁶ This presumption seeks to combat the disproportionate placement of foster youth into non-mainstream or alternative educational environments.

Grades and Credits

AB 490 prohibits a school from lowering the grades of a foster youth for absences caused by a change in placement, appearance at a court hearing, or another court ordered activity.³⁷ AB 490 also requires that schools in California provide all students (not just foster youth) with credit for full or partial coursework completed at another public school or at a juvenile court school.³⁸

AB 490 gives the child welfare agency access to the child's educational records without parental consent or a court order.³⁹

Florida's Interagency Agreement Bill

In 2004, Florida passed House Bill 723 (HB 723), which requires the state's Department of Children and Family Services (DCFS) and Department of Education to develop an interagency agreement regarding the education of dependent children or children in shelters.⁴⁰ The agreement facilitates the delivery of services or programs to children in shelter and foster care.⁴¹ Under HB 723, DCFS will provide training for caseworkers, foster parents, surrogate parents, biological parents, and pre-adoptive parents regarding the education of youth in shelter and foster care.⁴²

In addition, the Florida law requires that DCFS enter into agreements with local school districts regarding education for shelter and foster youth. The local agreements must include provisions

requiring DCFS to enroll youth in school, to promote school stability, and to establish a protocol for sharing information with the school district.⁴² The local agreements will require local school districts to determine whether transportation is available to promote school stability, and to work with DCFS to seek federal, charitable, or grant funding for such transportation.⁴³ Finally, DCFS and the local school districts must cooperate to access special education services for foster youth with disabilities.⁴⁴

HB 723 became effective on July 1, and advocates in Florida are currently working with DCFS and the Florida Department of Education to develop the interagency agreement. The Agency for Workforce Intervention has also joined the negotiations to address the need for transition services for youth aging out of care. In 2003, in Broward County, DCFS and the local school board developed an interagency agreement regarding the education of youth in foster care.⁴⁵ This agreement is likely to be a model for the agreements under HB 723.

Oregon and Pennsylvania are currently considering legislative approaches to improving educational outcomes for foster youth. The National Center for Youth Law will continue to track legislative developments across the country. Advocates interested in developing legislative approaches for their states should contact Sara Woodward at (510) 835-8098, ext. 3002.

Sara Woodward is a Skadden Fellow at NCYL, focusing on the educational needs of at-risk children. She is working to implement AB 490 in California.

Endnotes

¹ Elisabeth Yu et al., *Improving Educational Outcomes for Youth in Care, A National Collaboration* vii (CWLA Press, 2002).

² Pamela Choice et al., *Education for Foster Children: Removing Barriers to Academic Success* 13 (Bay Area Social Services Consortium 2001).

³ Ronna J. Cook, *Are We Helping Foster Youth Prepare for Their Future?*, 18 *Child & Youth Services Rev.* 213 (1994).

⁴ Wendy Whiting Blome, *What Happens to Foster Kids: Educational Experiences of a Random Sample of Foster Care Youth and a Matched Group of non-Foster Care Youth*, 14 *Child and Adolescent Social Work Journal* 41-53 (1997).

⁵ California Department of Social Services, Data Systems and Survey Design Bureau, *Independent Living Program, Annual Statistical Report (2002)*, www.dss.cahwnet.gov/research/res/pdf/Soc405a/2003/SOC405AOct02-Sep03.pdf.6

⁶ Cheryl Smithgall et al., *Educational Experiences of Children in Out-Of-Home-Care*, Chapin Hall Center for Children at the University of Chicago (2004), www.chapinhall.org/article_abstract_new.asp

⁷ Mark Courtney & Irving Piliavin, *Foster Youth Transitions to Adulthood: Outcomes 12 to 18 Months after Leaving Out-Of-Home Care* (1998).

⁸ 42 U.S.C. § 11431 et seq.

⁹ 42 U.S.C. § 11431 et seq.

¹⁰ 42 U.S.C. § 11432 (g)(3)(A).

¹¹ *Id.* at (g)(4).

¹² *Id.* at (g)(3)(C).

¹³ *Id.* at (g)(1)(J)(ii), (g)(6).

¹⁴ 42 U.S.C. § 11434a (2)(B)(i).

¹⁵ *Id.* at (2)(A).

¹⁶ *Id.* at (2)(B).

¹⁷ Email from Gary Rutkin, Student Achievement and School Accountability Programs, U.S. Department of Education, to McKinney-Vento state coordinators (July 22, 2003).

¹⁸ *Id.*

¹⁹ 45 C.F.R. 1355.20

²⁰ U.S. Department of Education, *Education for Homeless Children and Youth Program, Non-Regulatory Guidance* 18 (July 2004), www.ed.gov/programs/homeless/guidance.doc.

²¹ American Bar Association, Commission on Homelessness & Poverty, Steering Committee on the Unmet Legal Needs of Children, Commission on Domestic Violence, Commission on Mental and Physical Disability Law, Section of Family Law, Recommendation (adopted Aug. 9-10 2004), www.abanet.org/leadership/2004/annual/dailyjournal/113.doc.

²² Letter from David P. Driscoll, Massachusetts Commission of Education, and Harry Spence, Massachusetts Commissioner of Social Services, to Gary Rutkin, Student Achievement and School Accountability Programs, U.S. Department of Education (Jan. 30, 2004).

²³ Id.

²⁴ Id.

²⁵ State of Tennessee Department of Children's Services, Administrative Policies and Procedures: 21.14, Serving the Educational Needs of the Child/Youth in DCS Custody, Classified as Receiving Level 1 or Level 2 Services, Effective May 1, 2003, D-1, www.state.tn.us/youth/policies/Chapter%2021%20Education/21-14%20Serving%20The%20Educational%20Needs%20of%20The%20Child-Youth%20in%20.pdf.

²⁶ Cal. Welf. & Inst. Code § 16501.1(c).

²⁷ Cal. Educ. Code § 48853.5.

²⁸ Id.

²⁹ 42 U.S.C. § 11432 (g)(4).

³⁰ Cal. Educ. Code § 48853.5.

³¹ Id.

³² Cal. Educ. Code § 49069.5.

³³ Cal. Educ. Code § 49069.5.

³⁴ Id at (d).

³⁵ Cal. Educ. Code § 48853.5 (d)(4)(C).

³⁶ Cal. Educ. Code § 48853.

³⁷ Cal. Educ. Code § 49069.5 (g)(h).

³⁸ Cal. Educ. Code § 48845.5.

³⁹ Cal. Educ. Code § 49076.

⁴⁰ Id. at § 3, adding Fla. Stat. § 39.0016 (1)(a).

⁴¹ Id. at § 3, adding Fla. Stat. § 39.0016 (3)

⁴² Id. at (5).

⁴³ Id. at (4)(a).

⁴⁴ Id. at (4)(b).

⁴⁵ Id. at (4)(c).

⁴⁶ Interagency Agreement between the School Board of Broward County, Florida and the Florida Department of Children and Families, District 10, www.floridaschildrenfirst.org/04_reports/proj/Education/National/F_6_20EXEC_3Aagree.pdf.

FOSTER CARE/EDUCATION STATE LEGISLATION AND REGULATIONS

DRAFT

Kathleen McNaught, ABA Center on Children and the Law

	WHO COVERED?	RIGHT TO REMAIN IN SCHOOL OF ORIGIN	TRANSPORTATION	IMMEDIATE ENROLLMENT	EXPEDITED RECORD TRANSFERS	DESIGNATED STAFF RESOURCE	OTHER
<p>NATIONAL: McKINNEY VENTO ACT</p> <p><u>Reauthorized:</u> 1/02</p>	<p>Child or youth without a fixed regular and adequate nighttime residence (includes all or some children in foster care depending on state law and/or interpretation)</p>	<p>Yes, when feasible. Right remains for entire time they are homeless or through the end of the school year if they find permanent housing</p>	<p>School district must provide or arrange transportation.</p>	<p>Yes, even if do not have immunizations or immunization records, physical examinations or medical records; school records; proof of residency; parent or legal guardian; birth certificates; and/or other documents.</p>	<p>[No mention of expedited]. New School must call the student's last school to get records and last school must send. "in a timely fashion"</p>	<p>Every school district must designate an appropriate staff person as a local educational agency liaison for students in homeless situations.</p>	<p>Prohibits segregation or stigmatization of homeless youth.</p>
<p>CALIFORNIA: CA EDUC §900.5 AB 400</p> <p><u>Approved:</u> 10/12/03</p> <p><u>Effective:</u> 1/1/04</p>	<p>Supervised by either the county probation or child welfare agency, and In, or have been in, relative, kin, foster family or group home placements</p>	<p>If the child's placement changes, the child has the right to remain in his or her school of origin for the duration of the school year, provided it is in the child's best interest to do so.</p>	<p>[no mention of who pays for transportation]</p>	<p>When a foster child changes schools, the new school must provide for immediate enrollment and attendance even if the child is missing: Academic and medical records, Immunization records, Proof of residency, or School uniform Or fees or materials are owed to the prior school</p>	<p>County placing agency shall notify school immediately with date student leaving and request for transfer; local school shall then within 2 days transfer pupil and deliver records (including determination of seat time, full or partial credits earned, classes, grades, immunizations, and IEP); new school shall contact last school attended to obtain records within 2 days of request for enrollment</p>	<p>Requires each local educational agency to designate a staff person as the educational liaison for foster children</p>	<ul style="list-style-type: none"> -No lowering of grades for time out of school resulting from a new placement or time in court. -Requires school to accept full or partial credit for coursework completed, including in a non-public institution. -Decision regarding placement should take into account proximity to child's school attendance area in order to promote educational stability. -Case workers and probation officers can access a foster child's school records without parental consent or a court order

<p>ARIZONA: ACA 9-27-103 ACT 1255</p> <p><u>Approved:</u> 3/10/05</p> <p><u>Effective:</u> 8/22/05</p>	<p>Children in foster care</p>	<p>Yes, school shall, UNLESS court finds not in child's best interest AND conflicts with other law excluding residency requirement [No mention of duration of school of origin]</p>	<p>To extent reasonable and practical, school is encouraged to work out plan</p>	<p>In a timely manner, when determined necessary, appropriate, and in their best interest. Caseworker must contact new school within 2 days of needing to reenroll school must immediately enroll (d)(1) even if the foster child is unable to produce any required clothing or required records</p>	<p>Foster care liaisons shall expedite. FCL in new school must request records within 3 days of move; FCL from old school must provide records to new school within 10 days of receiving request.</p>	<p>Every school district will have a liaison</p>	<p>-No lowering of grades for time out of school resulting from a change in enrollment, time in court, or time at court-ordered counseling or treatment. -Requires school to accept credit coursework when the child demonstrates satisfactory completion of the appropriate education placement assessment.</p>
<p>DELAWARE: 14 Del.C. 222 (c) HB279 <u>Revised:</u> 6/22/05 <u>Effective:</u> 7/7/05</p>	<p>Include all children in foster care in definition of "awaiting foster care placement" (children in the care and custody of the child welfare agency who are in foster care)</p>	<p>Same as M-V</p>	<p>Same as M-V</p>	<p>Same as M-V</p>	<p>Same as M-V</p>	<p>Same individual as M-V</p>	
<p>VIRGINIA: SB 1006 § 3.2-900(D) § 22.1-3.4 § 22.1-289</p> <p><u>Approved:</u> 3/21/05</p>	<p>Children placed in foster care</p>	<p>Yes, if agreed to by both sending and receiving school and child welfare agency agrees that in child's best interest.</p>	<p>[silent on transportation] The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines</p>	<p>Yes, even if child welfare agency enrolling child cannot produce required documents. Person enrolling must provide written statement, to best of knowledge, of child's age, good school standing, good health status and free from contagious or communicable diseases. Within 72 hours of placement, child welfare</p>	<p>Sending and receiving school districts required to expedite transfer of education records when receive notice that a child in foster care has moved. A school system memorandum on implementation of this law construes this to mean immediate.</p>	<p>None</p>	<p>Receiving school division shall be accorded foster children education payments</p>

Will only apply to children who are subjects of foster care placements through entrustments or commitments to the local social services board or licensed child-placing agency and will not apply to children whose parents have an agreement with the local board or public agency through the community policy and management team where legal custody remains with the parents.

				agency is required to notify principal of new school and the superintendent (or designee) of the relevant school division, and to inform the principal of the status of the parental rights.			
OREGON: HB 3075 OR LEGIS 521 (2005) O.R.S. §39.133 O.R.S. §38.575 Approved: 7/15/05 Effective: 7/1/2005	Child placed by public or private agency in substitute care program	Yes, if determined by juvenile court to be in the child's best interest to do so. May continue in that school through the highest grade level in that school	Child welfare agency (only when funds have been designated for this purpose) responsible for providing the child with transportation to and from school when the need for transportation is due to the placement by the public agency	No provision	For student in substitute care programs, new school shall request records from old school within 5 days of student seeking initial enrollment; old school shall transfer records no later than 5 days after receipt of the request (for other students the requirement is 10 and 10).	None	
WASHINGTON: SB 5079 WA ST 26A.00C.800 WA ST 26A.00C.005 Effective: 4/2/2002 AND HB 1258	Children placed in foster care	Whenever practical and in the best interest of the child, child shall remain enrolled in the schools they were attending at the time they entered foster care. Administrative regions of the child welfare agency shall develop protocols with respective school	No provision	No provision	No provision	None	<ul style="list-style-type: none"> - Requires the department (of social and health services) to establish a work group to prepare a plan for the legislature by November 2002 addressing educational stability for children in foster care - Requires the department (of social and health services) to establish an oversight committee composed of staff from the

DEIS has earmarked \$350,000 in SOC flex funds for each school year during the 2005-07 biennium for this purpose.

<p>WAST 74.13</p> <p>Effective: 7/27/03</p>		<p>districts specifying strategies for communication, coordination and collaboration regarding status and progress of foster children, in order to maximize educational continuity and achievement.</p>				<p>children's administration of the department, the office of the superintendent of public instruction, and advocacy agencies to develop strategies and identify best practices</p> <ul style="list-style-type: none"> - Establishes a pilot program in 2 school districts concluding in June 2003 to provide information to the work group; child shall stay unless not in the child's best interests; school systems must negotiate transportation and child welfare agency will not pay
<p>FLORIDA: HB 723</p> <p>Approved: 6/23/04</p> <p>Effective: 7/1/04</p>	<p>Children found to be dependent or in shelter care</p>	<p>Goal that child welfare and education agencies shall enter into agreements that will provide for continuing the enrollment of a child known to the department at the same school, if possible</p>	<p>Include requirement that district school board shall determine whether transportation is available when it is needed to avoid a school change; Recognizing that school of origin is preferable unless continuing would be unsafe or impractical, agency and school board shall assess availability of federal, charitable, or grant funding for such transportation.</p>	<p>No provision</p>	<p>No provision</p>	<p>None</p> <ul style="list-style-type: none"> - Agreement between agencies should also provide for information sharing about children to assist in obtaining education and related services for the benefit of the child - Requires training coordinated with local school districts for caseworkers and foster parents including information on the right of the child to an education, the role of an education in the development and adjustment, proper ways to access education and related services, and the importance and strategies for parental

							involverment
MARILAND: SB CS MD EDUC §-206 and §-501 through §8- 504 Approved: 5/10/05 Effective: 7/1/2005	Any child in child welfare agency care	No provision	No provision	Placing agency shall (or others may) notify new school of enrollment	-Requires new school to notify old school of transfer w/in 2 days and make written request for records. -Requires old school to immediately inform the receiving school orally of the child's last enrolled grade level and status under the Rehabilitation Act or IDEA - Requires old school to transfer education and medical records to new school within 3 days of receipt of written notice.	None	
PENNSYVA IA: REGULATIONS 22 PA CODE Ch. 11.11 Approved: 10/22/04 Effective: 10/23/04	All children that move schools (not just children in foster care)	No provision	No special provision	School shall normally enroll child the next business day, but no later than 5 business days of application. No obligation to enroll without proof of the child's age, residence, and immunizations.	New school must request education records from old school. Old school shall forward records within 10 business days of receiving request.	None	
ILLINOIS: 105 ILCS 5/10-20.12B Effective: 1/1/97	All students	If it is in the child's best interests, no need to pay tuition to return to former school district.	No provision	No provision	No provision	None	
NEW HAMPSHIRE: N.H. Rev. Stat. §293:27 - §293:30	Any school-aged child placed in any home for children, or placed by HHS in the home of a relative or friend	If in the best interests of the child as determined by the court AND if the placement home is	Excessive cost eliminates right to remain	No provision	No provision	None	

	of the child, including foster children.	reasonably close to the school of origin, AND if transportation can be arranged without excessive cost to the school system or HHS					
MISSOURI: Domestic James Memorial Foster Care Reform Act of 2004 Approved: 6/29/04 Effective: 7/2/04	Any child placed by the children's division where the placement results in the child attending a new school	Upon request of the foster family, the guardian ad litem, or the volunteer advocate and whenever possible, the child is permitted to remain	No provision	No provision	The records from such school shall automatically be forwarded to the school that the child is transferring to upon notification within two business days by the [children's] division	None	
MISSOURI: SBE 18 Approved: 4/18/90 Effective: 6/5/89 (retroactive)	Child requesting a transfer as a result of a foster care placement, adoption, or other factors who is not currently using open enrollment	Parent or guardian of the child may have the child remain in the original school under open enrollment	Parent or guardian is responsible for transportation to and from a regular school bus route of the receiving district; if the pupil meets the Board of Ed economic requirements, the sending district is responsible	No interruption in the child's education		None	No fees paid to the former school until the start of the first full year of enrollment
OHIO: R.C.S. 3313.04	Child under 22 entitled to attend a school at the end of the first full week of October who has relocated outside of	May attend for the balance of the school year IF the Board of Ed in that school district has adopted this policy AND the	Child is entitled to transportation services pursuant to an agreement between the districts; if there is				Child is not entitled to attend the following school year

	the school district but in the same county	child's parent provides written notification to both school superintendents	no agreement, child gets transportation services based on interdistrict open enrollment				
NEW YORK: McKinney's Education Law § 3209 Approved: 7/26/94 Effective: 8/25/94	"Homeless child" does not include children in foster care						
TEXAS: §25.001 Approved: 5/30/95 Effective: 5/30/95	Student enrolled in high school in grade 9, 10, 11, or 12 who is placed in temporary foster care in a new school district or attendance area	Entitled to complete high school at the school in which the student was enrolled at the time of placement without payment of tuition					

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 191
 () Publish Date: _____

Identifier (file name): SB 191: SB191-DEED-TLS-02-29-08
 Title An Act relating to the continuing education of homeless students.

Dept. Affected: Education & Early Development
RDU Teaching & Learning Support
School & Student Achievement

Sponsor Senator Davis
 Requester Senate HESS Component Number 2796

Expenditures/Revenues (Thousands of _____)
 Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
TOTAL							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This Act provides for the continuing education of homeless students in the student's school of origin prior to homelessness.

The Department of Education and Early Development does not anticipate any additional costs from this legislation.

Prepared by: Richard Luther
 Division: Commissioner's Office
 Approved by: Barbara Thompson, Interim Commissioner

Phone 465-2803
 Date/Time 2/29/08 8:45 AM
 Date 2/29/2008

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

BILL NO. _____

ANALYSIS CONTINUATION

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: SB 191
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU: Children's Services
 Component: Front Line Social Workers

ID (File name) SB191-DHSS-FLSW-02-29-08
 Title: PUBLIC EDUCATION OF HOMELESS STUDENTS
 Sponsor: DAVIS
 Requester: SENATE (HES)

Component No. 2305

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES (0)							
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FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1037 GF/Mental Health							
Other (Specify Type-do not abbreviate)							
Other (Specify Type-do not abbreviate)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The intent of SB 191 is to ensure continuing education of a homeless student in the student's school of origin, and to provide comparable education services during the time period a child is considered homeless. A child is considered homeless if he or she is "awaiting foster care placement." This would include all students placed in out-of-home care and in the custody of the Department of Health and Social Services.

Under the assumption that the Department of Education and Early Development will be responsible for transportation costs to and from the location where the child is placed and the child's school of origin, this bill will have nominal fiscal impact on the Office of Children's Services.

Prepared by: Tammy Sandoval, Director Phone 465-3191
 Division: Office of Children's Services Date/Time 01/15/2008
 Approved by: Karleen Jackson, Commissioner Date 02/29/2008
 Agency: Department of Health and Social Services

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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MEMORANDUM

February 28, 2008

SUBJECT: Sectional Summary of SB 191 (public education of homeless students) (Work Order No. 25-LS1075\C)

TO: Senator Bettye Davis
Attn: Tom Obermeyer

FROM: Kathryn L. Kurtz *KLK*
Assistant Revisor

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Adds a new section to AS 14.03 requiring school districts to comply, to the extent feasible, with the requirements of the federal McKinney-Vento Homeless Education Assistance Improvement Act of 2001 for continuing the public education of a homeless student in the student's school of origin and for providing comparable education services during the homelessness.

Section 2. Amends the purpose section of Title 47, Welfare, Social Services and Institutions, to include securing an adequate education for children, to require consideration of the child's intellectual welfare, and to provide for the education of a child when planning for permanent placement of that child.

Section 3. The existing AS 47.05.065 offers a legislative finding that it is in the best interests of a child who has been removed from the child's own home for the state to apply certain principles in resolving the child's situation. This bill section adds to this list of principles the principle that a child should continue to attend the child's school of origin.

KLK:ljw
08-122.ljw