

**Testimony of
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House Children and Youth Committee
House Bills 569 and 973 and Education Stability
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Good morning, my name is Joan Benso and I am the president and CEO of Pennsylvania Partnerships for Children (PPC), a statewide, independent, non-partisan children's advocacy organization. I'd like to thank Chairwomen Watson and Bishop for convening the House Children and Youth Committee on the important issue of promoting education stability of foster children and youth. I'd also like to acknowledge Representatives Brown and Toohill for sponsoring the legislation before us today.

PPC began working in child welfare public policy reform six years ago through our Porch Light Project initiative, which seeks reforms that ensure all children grow up in families where their needs for safety, permanency and well-being are met. Our child welfare efforts also are advised by a leadership council that includes a diverse group of state and national experts, including legal and judicial officials, seven county children and youth directors and/or human services directors, former foster youth, resource parents and state legislators from all four caucuses. PPC also benefits from a collaborative partnership with Casey Family Programs, who you will hear from later today.

My remarks today will focus on the education challenges children and youth in foster care encounter, ways we can work to improve their education outcomes and statutory changes necessary to promote education stability for this vulnerable population.

More than 21,000 children and youth lived in foster care during 2013. When they were removed from their families and entered foster care, they became our collective responsibility. Part of that responsibility includes ensuring their educational success, which requires cooperation between child welfare agencies, courts and schools. When this cooperation fails, former foster care children and youth can experience lifelong consequences that diminish their futures and the strength of our communities. We know from research compiled by the National Legal Center for Foster Care and Education that among children and youth in foster care:

- Only half complete high school by age 18 (compared to 70% in the general youth population);
- Half to three-quarters change schools upon entering foster care;

- A third change schools five or more times; and
- While more than 80 percent express desire to attend college, only about 20 percent who graduated high school are able to attend college.

A 2012 research study of Pennsylvania children conducted by the Policy Lab - a research institute at The Children's Hospital of Philadelphia - provides some additional insight. The study followed more than 200 foster children ages 5-8 that entered foster care in Philadelphia to determine their education experiences, particularly related to how changes in foster care placement impacted their education stability. The study found that, on average, these children missed 25 days of school per year or had twice as many absences as children attending the same school district who were not placed in foster care.

The research also indicated that children who experienced a stable foster care placement within 45 days of entering foster care had less absenteeism and fewer school changes when compared to children who continued to experience changes in their foster care placements after being in foster care nine months. Children who had stable foster care placement in 45 days were half as likely to change schools.ⁱ

In other words, children will experience greater education stability if they are able to quickly achieve placement stability in foster care. Pennsylvania has made some progress in recent years to reduce the number of foster care placements children experience, but it is important to note that in 2013 a third of children who lived in foster care between one and two years experienced three or more out-of-home placement settings and lacked placement stability. While the state doesn't collect data on the number of educational placements children living in foster care experience, it is likely that children who live in multiple foster care placements will experience school changes, especially if their foster care placement isn't in their home community.

Foster care is meant to be temporary and our goal is to have foster care placement be for the shortest time necessary for a child to safely return home or to join another permanent family. When children live in foster care, it is in their best interest to be placed with relatives, or kin, and maintain consistent engagement within their friends, school and community.

School districts are a critical partner to ensure education stability for children living in foster care. However, clear federal and state requirements to ensure schools do their part do not exist. The federal McKinney-Vento Homeless Assistance Act requires education stability only for a portion of children in foster care, those who are "awaiting foster care placement" and considered homeless. In 2008, the federal Fostering Connections to Success and Increasing Adoptions Act sought to address education stability for all children in foster care. The statutory requirements were focused on the role of child welfare agencies to coordinate with local education agencies to ensure children remain enrolled in the school they attended at the time of their placement in foster care, unless doing so would not be in best interest of the child. As recently as May 2014, the U.S Department of Education (ED) and U.S. Department of Human Services (HHS) sent a

letter to all state education agencies, state child welfare agencies and local education agencies indicating “that the Fostering Connections Act imposes specific obligations on both state child welfare agencies and local education agencies noting that each play a vital role in helping to ensure educational stability for children in foster care.” (See attached letter).

In response to federal requirements, the Pennsylvania Department of Public Welfare’s Office of Children, Youth and Families issued guidance to county child welfare agencies to better address the education needs of the children they serve. This guidance extends beyond Fostering Connections and requires use of an education screening tool to identify information needed by the agency to help ensure the educational needs of children are met. It also requires at least one county child welfare worker be trained and designated an education liaison to help county agency staff take appropriate steps to help ensure education stability.

Also, four years ago the Pennsylvania General Assembly enacted a foster children’s bill of rights (Act 119 of 2010) that establishes a clear requirement to provide education stability to children and youth in foster care.

While these federal and state requirements better positioned child welfare agencies to support the best educational interests of foster children and youth, there is clearly ambiguity about the responsibilities of schools – especially considering the joint letter from HHS and ED.

Despite the ambiguity in guidance, some excellent work is happening in our state. In Bucks County, the child welfare agency and school districts where most children are placed have developed a cooperative relationship that consistently and efficiently ensures McKinney-Vento eligible children continue in the same school, usually only missing a single day of school as they enter foster care. These children are ones who enter foster care and are first placed in a temporary shelter or who come into foster care via a runaway and homeless youth facility, which falls under the McKinney-Vento definition of “awaiting foster care.” However, Bucks County officials report some challenges in ensuring education stability when children don’t fall under this federal definition, demonstrating a need for additional requirements to ensure this type of collaboration for all children in foster care. We urge the commonwealth to take action and not wait for the federal government to address this critical issue.

Allegheny County was able to secure private funding to develop data and information-sharing agreements between the child welfare agency and 13 of its 43 school districts and the Allegheny Intermediate Unit where children are most frequently involved in the child protection system. These agreements support research while protecting student privacy and, with parental consent, enable the child welfare agency and school to share real-time information on students and track their school attendance through a web-based case management system. The system alerts caseworkers when children or youth miss school or withdraw.

Allegheny County also obtained a federal grant to develop a tool to help identify the best foster care placement for children and youth based on a number of factors. This “Best Interest Placement Tool” is like a matching database where foster care providers note information on prospective foster families and caseworkers enter information on children. The system or tool generates a list of prospective foster families that are ranked by best fit. This ranking favors keeping children and youth in their home communities and schools, and factors the distance between home and foster placement address.

Pennsylvania should consider replicating aspects of Allegheny County’s placement tool by amending Act 160 of 2004, which established the statewide resource family registry. Under this law, all foster or resource families in Pennsylvania are required to be registered, in part to ensure current and prospective resource families have the appropriate criminal and child abuse clearances to foster or adopt. County child welfare agencies were recently given access to this state registry, but they can only obtain information on their county-approved resource families rather than all resource families licensed across the state.

Pennsylvania should broaden county access to this registry to support better foster placement decisions. School district information is not currently collected in the registry, but this would be a very worthwhile addition.

The foundation for this important work requires collaboration between schools, child welfare agencies and courts. These entities are like the three legs of a stool. You need each leg to ensure education stability for foster children. The package of bills before you today addresses the courts and child welfare agencies, but not schools. Therefore, even if both of these bills become law, the problem will remain unresolved. A leg is missing from the stool.

Despite recent communication from the federal government regarding Fostering Connections, it is clear that public schools and the Pennsylvania Department of Education don’t believe they are responsible for ensuring educational stability of all foster youth. PDE’s official guidance to school districts on enrollment states that districts “are strongly *encouraged* to develop policies or agreements to enable a student who is in foster care to remain in the educational program in the same school or school district even if that student is in residence in another school attendance area within the district or in another school district.” Please note we have attached the guidance to our testimony. It clearly doesn’t require districts to participate in this type of partnership for all children living in foster care.

This guidance interprets Section 1305 of the Public School Code, which governs school districts’ requirements for foster children and is also attached to your testimony. Section 1305(a) does not provide for a student living in foster care to remain in his or her current school. It only addresses the right of non-resident dependent children to attend school in the district of residence – i.e. where their placement is located. Section 1305 does not adequately protect the interests of foster

children to remain in their current school, whether district operated or a charter. As you consider revisions to these bills and legislative strategy for next session, PPC urges the committee to propose the necessary changes to Section 1305 of the Public School Code that would help the courts ensure education stability by requiring a school district to comply with court directives related to education placement. For example, this might include the court directing a school district to transport a child back to the school he or she attended prior to foster care placement when the child is placed in a school district within a reasonable travel distance, or requiring the district the child resides in after foster care placement to educate the child if deemed in the best interest of the child by the court. Such an amendment would reinforce that the responsibility to make the best interest determination of educational stability lies with the children and youth agencies and the courts – not with school districts.

The requirements in House Bills 569 and 973 for strong and mandated cooperation between child welfare agencies and the courts is a strong step in the right direction.

HB 569 cements the shared legal authority of county child welfare agencies and the courts to help ensure education stability by requiring their oversight on school placement. This is a similar responsibility courts already possess in ensuring foster children's placement settings are in the children's best interests. By establishing this legal presumption, the bill improves the likelihood of educational stability for foster children. However, HB 569 could be strengthened by amendments that:

- Strike the “unreasonable” section as it relates to children entering foster care in emergency shelter care placement, as the general well-being exception for a disposition hearing is applicable to all children entering foster care. Therefore, an unreasonable travel time to school already is addressed.
- Add a general well-being exception for a disposition hearing for all children entering foster care, not just those who enter in emergency shelter care placement.
- Require that the school stability findings be revisited at permanency review hearings when any change in child custody or placement occurs.

HB 973 stresses the important role child welfare agencies play by requiring them to develop education plans based on the best-interest determinations of the courts. These plans would help ensure agencies are complying with federal requirements to collaborate with local education agencies to either ensure stability in the same school or immediate enrollment in another school. The bill also clarifies the role of agencies in covering transportation costs when children do not fall under McKinney-Vento eligibility.

PPC is concerned about language in HB 973 that would allow child welfare agencies to make a determination that education stability is “impractical.” School stability might be “impractical” for a county agency, but not the child. Again, the decision of whether a school change must

occur should be solely based on the safety and well-being of the child, thus making these decisions child-focused and consistent with HB 569. PPC also recommends the term “school stability” be used throughout the bill versus “education stability” for clarity purposes, and we propose that “school stability” be defined as the right for children to remain in the original school despite a transfer of physical custody or changes in foster care placement.

As we work to better ensure education stability, there is the likelihood of increased transportation costs. PPC supports the approach of these legislative proposals, which align with current federal requirements, but we would recommend corresponding school code language to better clarify the responsibility of schools.

Transportation funding doesn’t have to be barrier to achieving educational stability. Fostering Connections enables Pennsylvania child welfare agencies to draw down federal foster care maintenance funding for eligible children to cover approximately half of their school transportation costs and allows county child welfare agencies to access state and local funding through their Needs Based Budgeting process. The ability of county children and youth agencies to request this combination of federal, state and local funding should enable them to meet the transportation requirements HB 973 would create. We commend Rep. Brown for proposing a way to finance transportation to help assure school stability for foster youth and acknowledging that there could be excess costs to transport children between, and even within, school districts that are not considered in school district budgets.

PPC looks forward to continued conversations with the prime sponsors, this committee, the Education Committee and other members of the General Assembly as these proposals are further refined. These reforms are critical if all children and youth in foster care are to experience education stability and ultimately graduate from high school ready for post-secondary education and the workforce.

Thank you again for the opportunity to present comments today. We look forward to continuing our support of your efforts to advance legislation on these important issues.

ⁱ Zorc CS, O'Reilly ALR, Matone M, Long J, Watts CL, Rubin D. The relationship of placement experience to school absenteeism and changing schools in young, school-aged children in foster care. *Children and Youth Services Review*. 2013;35(5):826-833.