

# CRITICAL STEPS TO CLOSE ARIZONA'S EDUCATIONAL ACHIEVEMENT GAP FOR CHILDREN IN FOSTER CARE



THE CENTER FOR THE RIGHTS  
OF ABUSED CHILDREN

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## BACKGROUND

By every educational achievement measure, Arizona's children in foster care place near last among other at-risk student groups – including those experiencing homelessness, those in poverty, and those who speak English only as a second language. The collective adversities facing children in foster care are distinct from other at-risk populations. Many foster children change schools – sometimes multiple times a year – and lose or never even receive educational services and resources they so desperately need to address traumas.

These findings are thoroughly documented in the groundbreaking report [Arizona's Invisible Achievement Gap: Education Outcomes of Students in Foster Care in the State's Public Schools](#) and align with statistics on educational barriers to students in foster care around the United States.<sup>1</sup> This review builds on those findings and recommends four steps Arizona lawmakers can take to meet the unique educational needs of children experiencing foster care.

**A consistent, quality education is a key to lifelong success – and Arizona's current laws fail to protect the right to a basic education for many who need it most.<sup>2</sup> But this can be fixed.**



## THE PROBLEMS

### ARIZONA STUDENTS IN FOSTER CARE LACK STABILITY AND UNDERPERFORM ACADEMICALLY AMONG AT-RISK STUDENT GROUPS

Arizona students in foster care experience significant educational and social instability. They are seldom placed in high quality schools best suited to their needs. Instead, they are disproportionately enrolled in low-performing schools.<sup>3</sup> Federal law and state guidelines encourage school stability, but schools often *fail to even identify students* in foster care, much less apply those stability guidelines, follow student's progress, or implement policies to promote individual success. Failing to consistently promote stability is inexcusable when one less school change per year could double a student's chances of graduating.<sup>4</sup>

### CONSIDER:

- Students in foster care are four times more likely to change schools midyear than the average student.<sup>5</sup>
- At least 15% will attend three or more schools in a single school year.<sup>6</sup>
- Only 40% of children in foster care graduate on time – the worst rate for any at-risk student group.<sup>7</sup>
- Children in foster care require special education services twice as often as their non-fostered peers.<sup>8</sup>
- On average, less than 20% of students experiencing foster care are equipped to meet Arizona's testing standards.<sup>9</sup>







Arizona's most vulnerable students have a right to attend the school and receive the services that will best help them thrive – from their first day of care and no matter where they live. Arizona lawmakers can equip educators to end the damaging cycle of instability for students entering care. By consistently and accurately determining children's best educational placements, connecting them to those schools, and guaranteeing every resource is deployed, Arizona can help propel these children to their full potential.



## SOLUTIONS

### **ARIZONA'S STUDENTS IN FOSTER CARE DESERVE EDUCATIONAL STABILITY, READY TRANSPORTATION, TIMELY SCREENINGS, AND ACCESS TO APPROPRIATE SERVICES**

A *quality* education can establish a strong foundation for long-term security, health, and achievement. And, a *stable* education can counteract many of the common hardships and education deficits experienced by children in foster care.<sup>10</sup> Arizona lawmakers can secure greater stability for students in foster care and better tailor their educational services by implementing four critical – yet simple – reforms:

- Require timely decisions to ensure attendance at the school best suited to meet children's unique educational needs – whether a new school or their current school – and ensure accurate records transfers.
- Guarantee transportation to the school best suited to meet the students' needs.
- Immediately screen students in foster care for necessary educational supports like special education, implement these supports, and routinely monitor their progress.
- Automatically qualify students in foster care for educational resources and programs that exist for other at-risk student populations.



## REAL WORLD IMPACT

### Maggie

Maggie\* entered foster care at age 3 and would spend the first four years of her life ricocheting from shelters to group homes and back. Early efforts to place her with kinship and foster families were brief and disruptive. During kindergarten and 1st grade alone, Maggie attended four different schools.

At age 7, Arizona officials found a prospective adoptive family that secured her spot in a good school, advocated for evaluation for special education and services, obtained an Individualized Education Program (IEP), and partnered with school officials to address issues causing unhealthy behavior. Sadly, that prospective placement backed out, and Maggie was forced to change schools for a second time that year – while processing her second loss of a family.

A family that had provided respite care to Maggie – and understood the behavioral challenges presented by her disrupted life – provided a temporary placement. Despite their commitment to her wellbeing, halfway through 2nd grade she was still unable to read, one grade level behind in math, and coping poorly with her turbulent and traumatic childhood.

\*Name changed and details modified for child's privacy.





Maggie was placed in an open enrollment charter school that endeavored to meet her needs, but teachers quickly realized she needed many more supports and interventions than her original IEP instituted. The school had a campus farther away with the necessary programs, and they even offered to pay for her transportation. But Maggie's state caseworker decided the ride would be too long, so her educational stability and advancement took a back seat.

After barely completing 2nd grade in the original charter school, she was transferred to her placement family's local elementary school for the upcoming school year. Adding insult to injury, Maggie spent the beginning of 3rd grade as a pawn in a bureaucratic disciplinary game. Her foster family had to fight to amend her IEP to prohibit out-of-school suspensions – which served only to increase the inconsistency in her life – and to find trauma-informed strategies to create healthy behaviors, not merely punish the child.

An adoptive family was found mid-school year, and she found her way back to the charter school campus best suited to meet her unique needs. Maggie's wellbeing improved. Reduced stress helped reduce unhealthy behaviors, and she learned to read and became an insatiable fiction fan.

Today, on the cusp of starting junior high, Maggie approaches new challenges. She has made math and reading gains but suffers from the long-term effects of missed foundational learning due to school instability. The good news is that there is every reason to expect a bright future for Maggie – whose charter school network supports her and teams with her parents to promote success. The even better news is that if Arizona lawmakers implement the reforms proposed in this report they can ensure bright futures for more children like Maggie.

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## FOUR STEPS TO ENSURE EDUCATIONAL SUCCESS

### STEP 1

#### ENSURE TIMELY PLACEMENT IN QUALITY SCHOOLS AND PROVIDE SEAMLESS TRANSITIONS

As seen in Maggie's story, many foster students never receive meaningful consideration about whether they should remain in their current school or if a new option is best. Instead, many are enrolled by default in their placement's local district school.<sup>11</sup> Arizona must erect guardrails to keep kids on the road to a stable, consistent education. For some this may mean staying put, for others the placement's district school will be the best option, and – for children like Maggie – unique educational choices are crucial.

While federal law instructs that enrollment decisions focus on stability, Arizona can better help students by prioritizing the question of what school will serve their best interests. Maggie lost years of progress as she moved from school-to-school and her needs were sacrificed, and even ignored, for the sake of adult convenience.

Aggravating matters further, Arizona's educators often report *not even knowing which students are experiencing foster care*,<sup>12</sup> and they lack clear rules and responsibilities for transferring records, enrolling students, and awarding class credits to prevent students from falling behind if transferring.<sup>13</sup> This can be fixed by:

- Establishing best practices to determine best school placements and ensure education stability.
- Waiving school fines and fees.
- Instituting a statewide partial credit policy.
- Notifying students and caregivers of their rights.





*Arizona's Department of Education (ADE) must be tasked with **establishing a uniform, statewide process for identifying, enrolling, and – if necessary – transferring students experiencing foster care.***

## **ESTABLISH BEST PRACTICES**

Lawmakers must implement best practices in state education and child welfare laws that topple barriers to educational stability.<sup>14</sup> Federal law instructs states to complete a “best interest determination” establishing what school a child entering care – or switching placements – will attend.<sup>15</sup> The law, however, lacks explicit time limits and steps for making best interest decisions – compromising this intended safeguard against avoidable school moves.

Arizona can do better. To smooth the transition process, Arizona's Department of Education (ADE) must be tasked with establishing a uniform, statewide process for identifying, enrolling, and – if necessary – transferring students experiencing foster care. This process should include creating standardized forms for consistency across schools and directing district and charter schools to identify staff responsible for carrying out the process – including scheduling and conducting assessments.<sup>16</sup>

Arizona should also require a best interest determination for a child's education placement within five days of entering foster care or changing placements. Required participation from the child's caseworker, primary caregiver, and representatives from a current school plus potential new schools will help ensure the decision-making process comprehensively prioritizes the child's unique needs.<sup>17</sup> If a school change is best, the new school must enroll the student within two days, and transfer his or her records within the subsequent two days.





*Research shows participation [in enriching activities] boosts soft skills, improves school performance, and even counteracts the impact of trauma.*

### **WAIVE ALL SCHOOL FEES, FINES, AND EXTRACURRICULAR TIMELINES**

Quickly enrolling and fully participating in school can be costly. Paying for uniforms, textbooks, supplies, lab fees, and extracurricular programs can prove insurmountable for children in foster care. Similarly, an outstanding fine – such as for lost or broken materials or truancy – can deter enrollment and participation in enriching activities.<sup>18</sup> For instance, uniform and equipment fees may block a student from joining the school sports team or traveling for debate club competitions. Research shows participation boosts soft skills, improves school performance, and even counteracts the impact of trauma.<sup>19</sup>

Waiving fines and fees will ensure inability or failure to pay never delays or deters the best educational options. State law should also mandate immediate enrollment for students in foster care – regardless of outstanding fines or new fees – and require ADE to cover the costs of fines and fees if the child’s caregiver or family are unable to pay. The law should further waive fine-related prohibitions, fees, and timelines for extracurricular activities and enriching programs.<sup>20</sup>







*Students in foster care drop out of school at **twice the average rate** of other students.*

### **INSTITUTE A STATEWIDE “PARTIAL CREDIT” POLICY**

Students in foster care drop out of school at twice the average rate of other students.<sup>21</sup> No student should face aging out of care without enough credits to graduate from high school. Nationally, 70% of youth aging out of foster care will earn a high school diploma or GED and less than 10% will go on to complete a college degree – while up to half will be arrested.<sup>22</sup>

Simple interventions in childhood can intercept this trend. Partial credit policies ensure students receive credit for their work across schools – preventing unnecessary repetition and the discouragement of re-doing or restarting instruction and promoting timely graduation.<sup>23</sup>

Arizona education law should establish a simple, statewide credit calculation formula. It will tally work completed, grades, attendance, and time in school, with a default to “total up” mid-semester credits. Building off of the above best practices, ADE should be responsible for developing specific practices for awarding class credit, guiding class equivalency between schools, enrolling students in similar classes, and offering remedies like credit recovery programs, exams, and tutoring.

A clear statewide reform should ensure ADE’s student information system includes both a unique student identifier for individual students and a universal coding system for partial credits. This will enable schools to track students’ attendance and grades, automatically award credits, alert key staff of responsibilities for student support, and trigger earlier interventions for students falling behind.





## **REQUIRE NOTIFICATION OF RIGHTS AND HOW TO ENFORCE THEM**

Arizona has a responsibility to help students and their placement families access available resources and understand their unique rights. ADE should also help students, kin, and caregivers understand and protect their educational rights while in care.

Responsibilities would include operating a hotline for children and caregivers to call for immediate assistance in addressing their foster care education questions and concerns. By further requiring ADE to outline an appeals process for when education rights are denied and to regularly publish detailed outcomes for students in foster care, lawmakers can promote ongoing agency and educator accountability.



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## **STEP 2**

### **GUARANTEE TRANSPORTATION TO SCHOOLS THAT WILL BEST SERVE STUDENTS**

By law, the Department of Child Safety (DCS) must collaborate with schools to ensure the transportation of children in foster care.<sup>24</sup> This means both during the school decision-making process, and then to and from school – whether enrolled in a new public school or remaining in their current one. Even so, determining responsibility for transportation costs is a common barrier to school stability.<sup>25</sup> Foster care transportation arrangements are seldom pre-established. Instead, agency and school confusion or disagreement over who bears the costs incentivizes the easiest option rather than the best option.



Even if a decision is made to keep children in their current school, transportation may not be reliable.<sup>26</sup> In Maggie's case, despite the school offering transportation to the campus best suited to her needs, officials made transportation a barrier to education opportunity rather than a tool for its promotion.

By codifying the roles and responsibilities surrounding transportation – in combination with the statewide best practices outlined above – lawmakers can help bring much-needed clarity, order, and priorities for stability.

### **REQUIRE DISTRICTS TO CREATE FOSTER CARE TRANSPORTATION FUNDING AGREEMENTS WITH DCS**

Arizona lawmakers can ensure transportation is never a concern for students experiencing foster care by requiring districts to establish pre-set agreements with DCS to fund the transportation of any student entering foster care or changing placements and attending a district school.<sup>27</sup> These agreements will outline how ADE will fund transportation beyond the district busing system – including agreements for ADE and DCS reimbursements. Clearly listing district staff responsible for facilitating transportation, required tasks, and DCS points of contact will promote quick solutions.







*Recipients of Arizona's Transportation Modernization Grants demonstrate the importance of innovative transportation solutions, particularly for at-risk students.*

## USE TRANSPORTATION GRANTS TO SPUR INNOVATIVE SOLUTIONS

Traditional boundary-based busing limits cost-effective options for schools, particularly contrasted against Arizona's robust open enrollment landscape.<sup>28</sup> Arizona lawmakers can demonstrate their commitment to meaningful education solutions by encouraging creative solutions for students like Maggie who thrive in non-traditional education options. Meeting unique school needs requires unique solutions – and districts need to look no further than Arizona for answers.<sup>29</sup>

Recipients of Arizona's Transportation Modernization Grants demonstrate the importance of innovative transportation solutions, particularly for at-risk students.<sup>30</sup> Using money from this inaugural \$20-million state fund, schools, nonprofits, and local governments are beginning to use K-12 ride-sharing, car-pooling, public transit, and various micro-transit solutions to connect students to their best schools and even extracurricular clubs.<sup>31</sup>

State law authorizes districts to contract with private parties for transportation. Districts, particularly those with high-density foster care, can therefore contract with small fleets or ride-sharing companies to have a ready solution for transporting students in foster care.<sup>32</sup>

Arizona's lawmakers can build upon this success by establishing a foster care modernization grant program in statute, using either new or existing grant funds. This dedicated state money would fund transportation models addressing the unique needs of students in foster care. For instance, schools could help students attend services or programs outside of school hours, including collaboration with child welfare agencies to attend foster care related services. Meanwhile, funds could also assist students in safely, efficiently attending non-public schools – enhancing the ability of all children in foster care to access the school best suited to their needs.





*Students in foster care **suffer suspension and expulsion up to four times more often than their peers, and lack of proper education support services is a major contributing factor.***

### **GIVE FUNDS DIRECTLY TO STUDENTS AND CAREGIVERS TO ESTABLISH THEIR OWN SOLUTIONS**

Arizona's In Lieu of Transportation Grants allow districts and charter schools to provide per-pupil transportation funding directly to families to create their own transportation solutions. Lawmakers can improve In Lieu grants by directing school administrators to offer this funding more readily to a child's caregiver, groups homes, and youth living independently. In particular, these grants can provide a stopgap, immediate source of transportation during placement decision delays – and as a long-term solution to attend the school that will best meet their needs, no matter the location.<sup>33</sup>

### **STEP 3 AUTOMATICALLY SCREEN FOR SPECIAL EDUCATION SERVICES**

To thrive within their schools, students in foster care must receive the proper aids and interventions. Yet, national research shows most foster students are not receiving needed services. Even when provided an Individualized Education Program (IEP) for special education support, many students like Maggie face challenges with quality or implementation.<sup>34</sup> Students in foster care suffer suspension and expulsion up to four times more often than their peers,<sup>35</sup> and lack of proper education support services is a major contributing factor.

State law can mandate schools to address this disparity by automatically screening students in foster care for support services within seven days of entering care or enrolling in a new school.<sup>36</sup> For students with existing IEPs, schools must designate staff responsible for prompt and accurate IEP transfers – which the new school must formalize within forty-five days. The law should further mandate schools to conduct follow-up assessments, either quarterly or bi-annually, to continuously adjust services and award progress.





*Children in foster care share many of the same risks – like poverty, learning English as a second language, developmental delays, and other disabilities.*

As an accountability measure, ADE must track screenings, IEP meetings, and follow up assessments to ensure full services are delivered and IEP assessments are complete within sixty days, per special education law.<sup>37</sup> These steps will provide a critical backstop to guarantee schools have eyes on their students and provide services in a way that does not penalize them for their foster care experience.

## **STEP 4**

### **STREAMLINE ACCESS TO SERVICES FOR AT-RISK STUDENTS**

Arizona should open all education services to students who have experienced foster care, regardless of their case plan or reunification or adoption status. State law should make students in foster care presumptively eligible for programs that are federally mandated for educationally at-risk students.<sup>38</sup> Children in foster care share many of the same risks – like poverty, learning English as a second language, developmental delays, and other disabilities.<sup>39</sup> A child in foster care would be presumed eligible for these programs and could only be denied participation if it compromises federal funding or violates other legal requirements.<sup>40</sup>

Similarly, lawmakers can mandate ADE to automatically qualify children who have experienced foster care for state-funded education programs (regardless of other eligibility standards) by amending services authorized in state statute to minimize barriers. Specific examples include:

- Increasing access to Early Childhood Special Education for children ages 3-5 experiencing developmental delays. Instead of relying upon parents or school personnel to initiate the screening process, schools should automatically screen children whom DCS flags as entering care or turning 3 years old.<sup>41</sup>







*To truly pave the way for successful learning, high school graduation, and transitioning to adulthood, the resources offered to youth should not only be accessible but comprehensive.*

- Promoting use of Special Academic Assistance, which is available to K-3rd grade students who do not qualify for special education but exhibit other learning barriers, such as attention deficit disorder or prenatal substance exposure learning problems. Considering one in four Arizona students in foster care is classified with a disability,<sup>42</sup> children entering foster care should immediately qualify for special academic assistance to prevent them from falling behind.<sup>43</sup>
- Streamlining access to school services for at-risk, older youth facing adulthood without a diploma. Specifically, district and charter school dropout recovery programs<sup>44</sup> offer tutoring, career and college counseling, and mentorship for students not in school – while career and college readiness programs<sup>45</sup> intervene with struggling juniors and seniors.

To truly pave the way for successful learning, high school graduation, and transitioning to adulthood, the resources offered to youth should not only be accessible but comprehensive. Where possible, Arizona students in foster care should be allowed to combine services as well.





## WHERE TO GO FROM HERE

A meaningful, consistent education not only increases the home stability and permanency of children in foster care,<sup>46</sup> it improves graduation rates, postsecondary employment, potential earnings, and health outcomes. Arizona lawmakers can make this happen by equipping and guiding school officials to (1) quickly and purposely determine each child's best educational placement; (2) provide the required transportation; (3) ensure the right services are put in place; and (4) offer meaningful access to programs that help at-risk students succeed. By following these four steps, Arizona will help abused and abandoned students succeed personally and academically.







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## ABOUT THE CENTER

The Center for the Rights of Abused Children has given 500,000 abused children across America a better tomorrow. Our Mission is to protect children, change laws, and inspire people - to ensure every abused child has a bright future.

## ABOUT THE AUTHOR

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