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Supporting Success for Pennsylvania's Students in Foster Care:

Data, Outcomes, and Stories from the Field



Supporting Success for Pennsylvania's Students in Foster Care: Data, Outcomes, and Stories from the Field **analyzes, for the first time, data on educational outcomes for children and youth in out-of-home care. Pennsylvania Partnerships for Children (PPC) and the Education Law Center-PA (ELC) identify policy recommendations to improve educational outcomes for these students based on data and research, coupled with insights drawn from case examples and consultations with education liaisons directly involved in the system.**

The report shows that the academic performance and other outcomes of students in foster care are negatively impacted by systemic failures including high rates of school mobility, unmet special education and remedial needs, higher rates of school discipline,[1, 2, 3] and systemic racism.[4] These factors can lead to lower academic performance and higher grade retention rates, culminating in an inability to graduate and achieve postsecondary success.[5] Schools also need training to understand and appropriately address the significant trauma that these students often experience, which in some cases may result in complex social-emotional needs.[6]

Child welfare agencies, schools, community partners, advocates, and policymakers must examine and evaluate the data and outcomes for students in foster care and listen to those with lived experiences in the foster care system to identify solutions to improve outcomes for this important student population. PPC and ELC hope that this report will be a catalyst for this dialogue and for undertaking critical reforms.

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Methodology

The report uses disaggregated data from the Pennsylvania Department of Education, comparing peers in the pre-K to grade 12 population with students in foster care based on a data-sharing agreement between PDE and the Office of Children, Youth, and Families to confirm the population is accurate. The data in the report is from the most recent school year available, 2022-23. Additionally, all data is statewide due to the high probability of data suppression at the local level. Data comes directly from the Pennsylvania Information Management System (PIMS) and the Future Ready PA Index.

PPC and ELC value the lived experiences of students in foster care, the families who care for them, and the educational experts who support them, and conducted focus groups with educational liaisons across the state. The liaisons work directly with child welfare agencies, schools, students in the foster care system and their families, court-appointed attorneys and educational advocates. The groups represented 58 of Pennsylvania's 67 counties. Additionally, anecdotes from students in the foster care system and their families whom ELC has represented illustrate the lived experiences of the population.

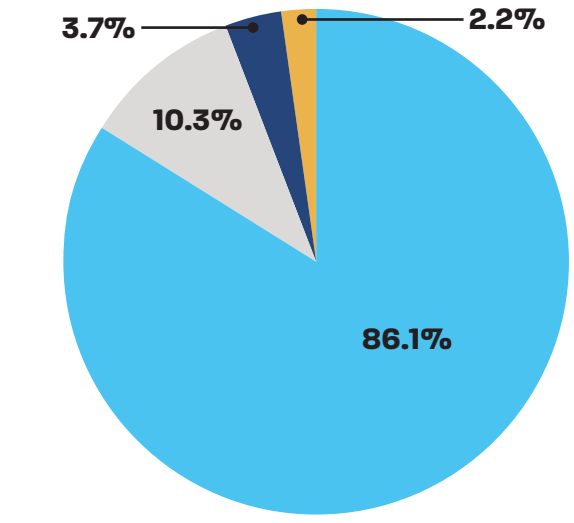
Racial Disproportionality of Children in Foster Care

We acknowledge from the outset that nationally, and in Pennsylvania in particular, Black children are starkly overrepresented in the foster care system.[7, 8] In Pennsylvania, while 13 percent of the total child population is Black children, they make up 35 percent of the foster care population.[9]

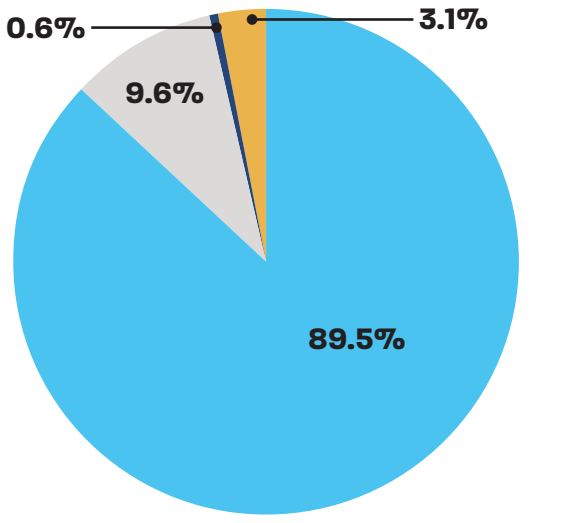
Racial inequities must be understood to reflect individual racial bias that directly impacts decision-making in the child welfare system as well as systemic racism. For example, Black families are subjected to heightened levels of surveillance, supervision, interaction, and policing by multiple government systems, including the child welfare system, public assistance offices, law enforcement, and schools.[10, 11, 12, 13] In addition, communities of color are intentionally denied and divested of resources that are diverted toward white communities through a plethora of federal, state, and local policies. White families are more likely to receive family and home support, whereas Black families are more likely to have their children removed.[14, 15] As a result, Black children are disproportionately harmed emotionally, socially, economically, and educationally.

Enrollment data for Pa. students in foster care compared to students not in foster care

Foster Care Students by Local Educational Agency Type, 2022-2023



Students not in Foster Care by Local Educational Agency Type, 2022-2023



Note: Students can have concurrent enrollments at multiple local educational agencies and that is why the percentages add up to more than 100%.

In the 2022-23 school year, over 8,800 students in foster care were enrolled in the Pennsylvania public education system. The enrollments differ across local educational agency (LEA) types and are seen between school districts, intermediate units, and charter schools (which include cyber charters). **Notably, a significant number of these students are identified as economically disadvantaged, with a rate of almost 90%.** In contrast, only half of students who are not in foster care are identified as economically disadvantaged.

There is currently no available data on how many students in care, while enrolled in a district school, are educated in a district's virtual program or receive education onsite in a residential placement (also referred to as an "on-grounds" school), hospital, detention center, etc. These students are the responsibility of the district or intermediate unit where the residential placement is located. No data is available regarding how many children are placed in private schools.

Living Placements Impact Education

Importantly, the academic outcomes of children in foster care are often impacted by their type of living placement. Studies show that children who are placed in congregate care settings (such as residential facilities) and educated through an "on-grounds" school or program often receive an inferior education and exhibit lower academic performance.[16, 17, 18, 19, 20]

Under Pennsylvania law, any student in a "children's institution," which includes residential facilities, group homes, hospitals, etc., has a clear legal right to attend the local public school where they live in a residential placement.[21] Such a "non-resident" student is also entitled to be treated "equally" in the enrollment process.[22] Guidance issued by the Pennsylvania Department of Education and Department of Human Services clarifies that children in residential placements should attend the local public school unless otherwise determined by a best interest determination (or BID) meeting. Joint state guidance issued by PDE and DHS explicitly prohibits the practice known as "bundling." Therefore, "DHS-licensed facilities shall not require students to attend school at the residential facility unless it is a court-imposed condition of their placement."[23, 24, 25]

Despite these rights and protections, many children in Pennsylvania continue to be educated at on-ground residential schools, which lack sufficient local and state oversight.[26] In several situations, children in residential placements receive access only to self-paced asynchronous virtual programs or worksheets completed independently. These self-paced, one-size-fits-all programs are particularly challenging for students who are reading below grade level and need in-person academic support to understand the material. The use of such virtual modalities directly undermines the ability of students to stay on track to graduate. Moreover, the use of virtual programs

LIVED EXPERIENCE

An 18-year-old student needing full-time life skills support was placed in a group home in mid-October. Yet a meeting to determine whether he would return to the same school or transition to a new school was not held for weeks. He was first enrolled in school on December 4, six weeks after being placed in the group home. Instead of receiving the special education services he desperately needed and to which he was legally entitled, he was told to wait until an IEP meeting could be held in mid-December. Thereafter, the district initiated a referral process to apply for a full-time skills placement for him to attend in the last week of January. The student received no educational services throughout this time. He remained out of school without access to the educational programming required for his IEP for over five months and continues to be in an inappropriate school placement while his due process case is litigated.

is devastating for students with disabilities, who are commonly denied their legal entitlement to individualized programming, differentiated instruction, and a school placement decision made by legally authorized representatives.[27, 28, 29]

At present, PDE does not conduct any monitoring of onsite schools or education programs other than cyclical monitoring for students with disabilities, only conducted by the Department's Bureau of Special Education once every six years.[30, 31, 32]



LIVED EXPERIENCE

A student entering 10th grade was removed from her grandmother's home and placed in a group home three hours away over the summer. When the group home reached out to its local school district to prepare for her transition to school, the district refused to enroll her, wrongly claiming that because her mother was no longer living in Pennsylvania, the group home must pay her tuition in full, which the group home was unable to do. Therefore, the student was placed in a shelter while this issue was addressed. She remained in the shelter for over three months, feeling stressed and receiving little education, until the district finally agreed to her enrollment three months later. By that time the high school student was far behind her peers.

LIVED EXPERIENCE

A 17-year-old student with an IEP entitled to full-time emotional support was out of school for six months without access to any education while the district was searching for a full-time emotional support placement for him. After finally securing such a placement, he attended for only a few weeks because the child welfare agency then initiated a change in foster placement and placed him in a new group home hours away. The student was out of school without access to educational services for an additional two months while another school district searched for a full-time emotional support placement.

Special Education Data

The data also discloses significant disproportionalities based on special education status. **Over 40% of the students in foster care are identified as receiving special education compared to just under 19% of their peers in the general population.** This is reflected in part in the disproportionate placement of students in foster care in intermediate unit schools (3.7% for students in foster care versus 0.6% of students not in foster care) shown above.

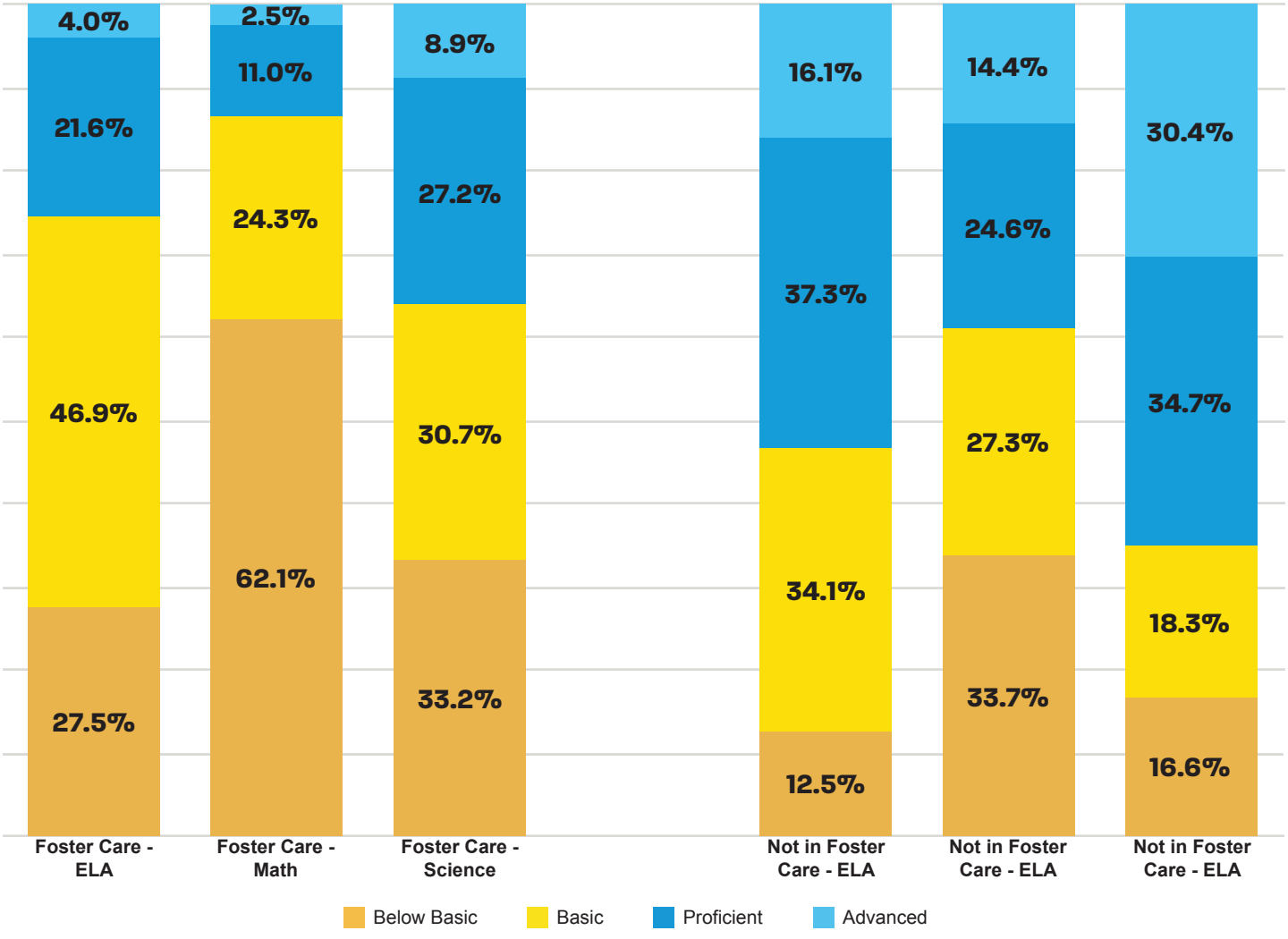
Research studies confirm that students in foster care are more likely to be identified as needing special education services.[33] Studies also indicate that youth in foster care who are in special education tend to change schools more,[34] are placed in more restrictive educational settings, and have poorer quality education plans than their non-foster care peers in special education.[35, 36] Multiple school placement changes often result in gaps in the delivery of special education services and lost records, which often leads to inappropriate programming. Furthermore, studies show that youth in special education are often unserved or under-served due to the lack of strong adult advocacy, including education liaisons who improve services and outcomes.[37]

Intermediate Units & Cyber Charters: What Foster Care Liaisons Report

Students in foster care are often served through an intermediate unit due to the programming they offer, such as full-time emotional support classrooms in a smaller setting, with a high population of students in foster care needing intensive special education services. Accordingly, when shown the data, the liaisons were not surprised that students in foster care are more likely to be served in this setting. In addition, when a student in foster care is from a residential or congregate care facility, students are often referred to an intermediate unit instead of returning to a regular school setting—which would be the least restrictive environment. The liaisons also emphasized that students in foster care are more likely to be placed in a cyber charter school for a variety of reasons, such as transportation barriers, because it is "easier" for a school or child welfare agency to arrange participation in a virtual program, or as a stopgap measure for a child in a temporary placement (such as a shelter or temporary foster home).

Assessment data of Pa. students in foster care compared to students not in foster care

PSSA Results by Proficiency Level, 2022-2023



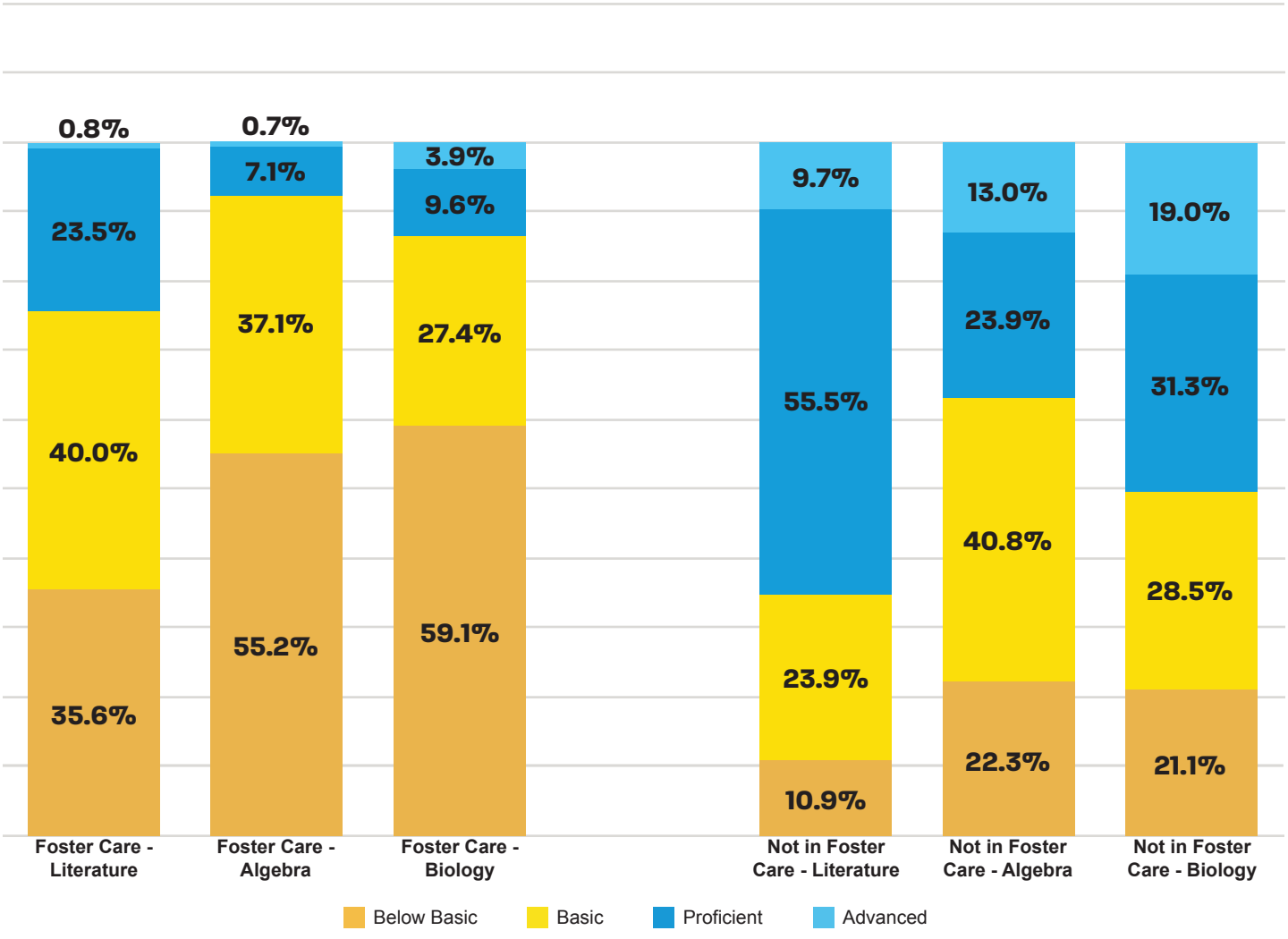
Students in foster care achieve lower assessment scores across all subjects compared to students who are not in foster care; this is reflected in scores on the PSSA and Keystone exams. Both exams are state-mandated, with the PSSA occurring in grades 3-8 and the Keystone exam at the end of the course completion, typically in grades 9 and 10.

This disproportionate rate of academic achievement among youth in foster care is well documented. Prior studies identify specific educational barriers children and youth in care experience that contribute to these outcomes. Perhaps more than any other factor, research highlights the significant impact of placement and school instability.[38, 39, 40] Youth in foster care are twice as likely to change schools during the academic year as their non-foster care peers. In addition, research shows that youth in foster care who experience midyear school transitions have lower grades and lower test scores (particularly in math, reading, and science) and are more likely to achieve a lower grade point average than their peers across all high school grade levels.[41, 42, 43]

Studies also indicate that children and youth who experience early placement stability experience fewer problems and better social, academic, and behavioral outcomes. For example, findings suggest that each placement change sets a student back by six months in academic progress.[44, 45, 46] Other studies document higher instances of absenteeism,[47] tardiness, truancy, school discipline, and lack of cultural sensitivity.[48, 49, 50]

Assessment data of Pa. students in foster care compared to students not in foster care

Keystone Results by Proficiency Level, 2022-2023



Academic Performance: What Foster Care Liaisons Report

Several significant drivers contribute to low academic performance as reflected in test scores. First, the liaisons emphasize that students in foster care experience significant underlying trauma that is ongoing while they are in care. Their future is unknown; often, the people caring for them are strangers, and they feel extremely isolated, particularly when they are far away from their communities. When a district supports a student with multifaceted needs, however, that student is likelier to have higher test scores. Liaisons identify academic support, mental and behavioral health services, tutoring, and peer mentorship as important services that can help students in foster care succeed and thrive.

Spotlight on School Stability

When a child is removed from their biological parents/caregivers and placed in an alternative living placement (foster or kinship home, shelter care, congregate care, etc.), it is not always in the same school district they were attending, often requiring a change in their educational placement. It is important to attempt to keep a child in the same school, as this is a setting where they have established connections with educators, support staff, friends, and extracurricular activities. It is often the only source of stability while a child is in foster care. A loss of a school connection compounds the losses they already experience from being placed outside of their homes and communities.

Under the Fostering Connections to Success and Increasing Adoptions Act of 2008[51] and the Every Student Succeeds Act of 2015 (ESSA),[52] child welfare agencies and schools must collaborate to ensure "school stability" for students in foster care. Students who enter care or change foster care placements should remain in their current educational setting unless it is determined not to be in their best interest following a collaborative conference via a BID meeting. A BID must occur upon entry into foster care or any time a change in foster care placement impacts a child's school placement. The requirements and process for ensuring school stability are outlined in state guidance.[53, 54, 55, 56] Pursuant to this:

- Each child welfare agency and LEA must have an established point of contact for the students in foster care.
- County child welfare agencies and LEAs must engage and collaborate in a formal BID conference and plan for the child's enrollment in a new school if required.
- Remaining in the same school (school of origin) is presumed to be in the child's best interest.
- A collaborative decision must be made to determine the child's best interest; this requires participation by the child's educational decision maker, representatives of the placing county and youth agency and the child's prior school, and others with knowledge of the child.
- If a decision is made to enroll the child in a new school, that school must enroll the child immediately. Enrollment cannot be denied or delayed due to the absence of documents usually required for enrollment.
- Students who enter foster care or who change foster care placements are entitled to receive transportation as needed to remain in their school of origin.

Pennsylvania is a county-administered, state-supervised child welfare system. There are 67 county child welfare agencies and 500 public school districts as well as 29 intermediate units, 160 brick and mortar charters and 14 cyber charter schools.[57] Each child welfare agency can develop its memorandum of understanding (MOU) for guiding the process with each district. This leads to great variance in the process regarding the BID, such as who is included,

how they decide, the appeal process, and how to support the student.

Some counties will include both the district of origin (DOO—district the child was attending before placement) and the district of residence (DOR—district where the child is currently placed). In contrast, other counties may only include one party. Additionally, one county may include important parties in decision-making (such as the child, parents, attorney, etc.), whereas others may include none. This leads to significant variance in the team tasked with deciding a school placement that is best for the child and may exclude essential parties that are critical in the conversation.



LIVED EXPERIENCE

When a 13-year-old student with an IEP was discharged from a behavioral health hospital and placed in a foster home, his court-appointed educational decision maker requested that he return to the previous school placement in a full-time emotional support setting. She promptly notified the district that the student was preparing to be discharged and underscored the importance of providing school stability. Despite her efforts and a federal law requiring immediate enrollment, the student was out of school for seven weeks without access to any educational services while the district finalized his re-enrollment and determined his school placement. This disruption was completely avoidable.

Additionally, the meetings typically only focus on the child's school placement needs and not on the overall academic planning to support them by ensuring stability and growth. Because the policy is required to be determined through an MOU, the appeal process is also determined by the MOU and may be different across the state. In some jurisdictions, school districts or child welfare agencies are improperly making unilateral decisions. As PDE has clarified, a BID conference must include input from a child's education decision maker and others and must focus on the best interest of the child in a holistic manner.[58]

One of the most substantial pieces of policy requires each child welfare agency and local educational agency to have assigned points of contact (POC) to ensure educational stability requirements are met.[59] These points of contact take significant time to understand a foster student's educational needs and navigate the BID process. Policy must continue to require that agencies have an assigned point of contact who can aid in ensuring educational stability, and these POCs must consider the foster student's specific and specialized needs.

There is currently no public data available on school stability for foster students. Unlike other states, such as California,[60] Pennsylvania does not track school stability rates for students in foster care. This data is critical to collect and report and could be collected through the child welfare system. Data elements would include the annual number of school changes per student while in foster care, why the child did not remain in the same school following a BID conference, and whether the BID identified specific barriers to school stability, such as transportation. In addition, Pennsylvania has not developed a common statewide process for conducting the best interest determination conferences as has occurred in other states.[61]

School Stability Provisions: What Foster Care Liaisons Report

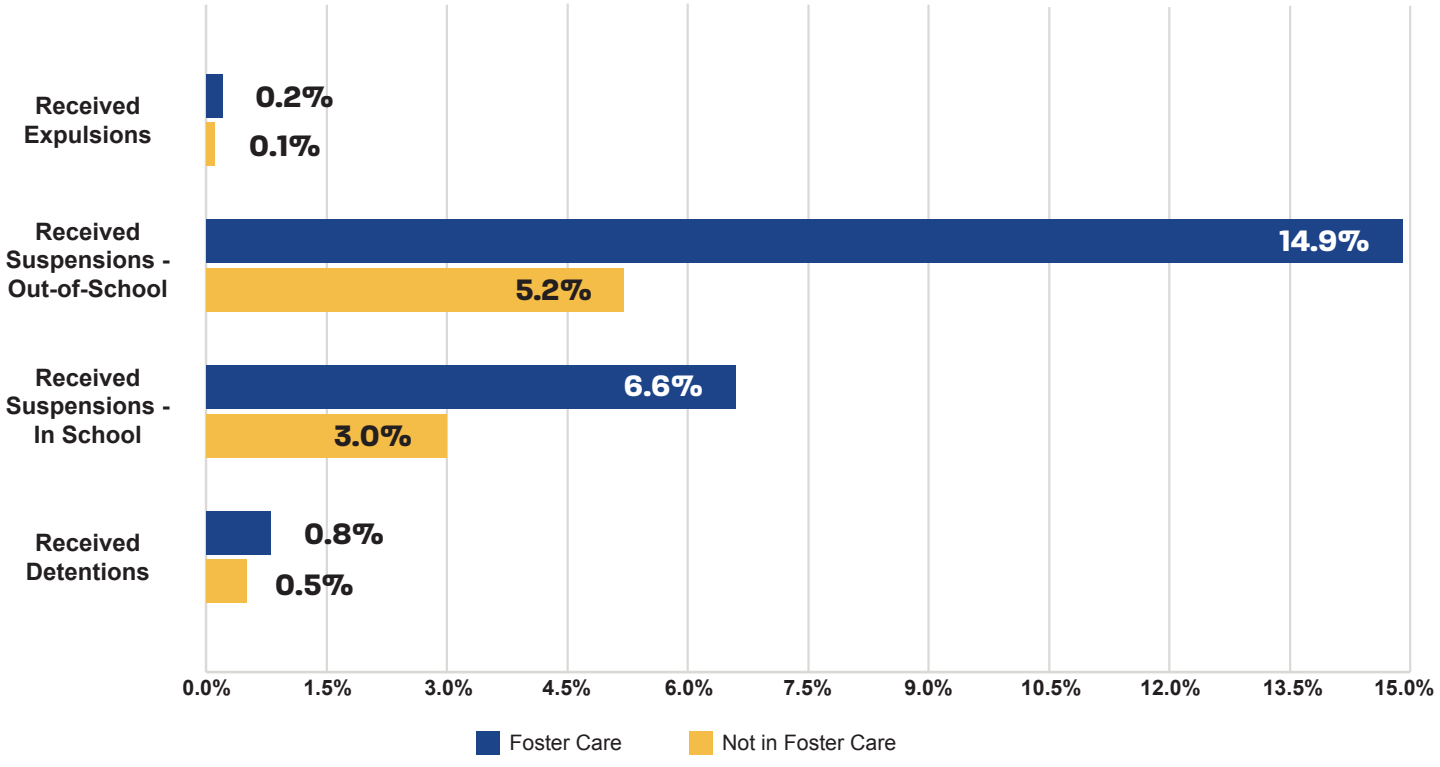
County child welfare agencies have different processes for conducting BID conferences, which makes it difficult for schools to navigate and adhere to timelines. A formal, standardized, statewide policy would help make this process effective, predictable, seamless, and equitable. It is sometimes a struggle even to identify who the students in foster care are, as counties do not always send their placement notification letters and may just directly enroll a student in the new district without conducting a BID at all.

It is essential to have the right team at the table, which should always include the child's educational decision maker, the child welfare agency, and both the DOO and DOR, as school districts differ in what they offer, scheduling, course selection, and supports, including special education placements and services.

Liaisons also acknowledge the workforce shortage within the child welfare system and how this contributes to the process. Another unique challenge is that a child welfare agency and school district may not be aware of a court-appointed educational decision maker and may proceed with a BID, believing that a biological parent or foster parent is making the decision or mistakenly believe that a child welfare agency is the sole decision maker for the child with regard to education. Input from all parties is crucial as part of an effective process that centers the best interest of the child. The backstop is that a family court judge may weigh in upon a petition by a party to the case.

Discipline data for Pa. students in foster care compared to students not in foster care

% of Students by Discipline Type, 2022-2023



School exclusions are another factor that contributes to poor academic outcomes among students in foster care. Nationally, students in foster care are punished at far higher rates compared to students not in foster care.[62] **This data shows that students in foster care in Pennsylvania are three times more likely to receive an out-of-school suspension and two times more likely to receive an in-school suspension compared to students not in foster care.**

Public schools have wide latitude in determining school disciplinary rules; however, they cannot act in a manner that is arbitrary or capricious, nor may they discriminate against students based on race, gender, disability, religion, national origin, or sex, including sexual orientation.[63, 64, 65, 66] In addition, schools can only punish students if they break the rules listed in the code of conduct.[67] An out-of-school suspension can only last up to 10 school days in a row.[68] Anything over 10 consecutive school days is an "expulsion" and comes with additional rights to a formal hearing.[69] A student must be informed of the basis for a disciplinary punishment and given a chance to respond, and parents must be notified in writing.[70] An in-school suspension is an exclusion from a classroom for disciplinary purposes where the student remains under the direct supervision of school personnel.[71]

Suspensions are not minor; they result in missed days of instruction, which cause significant harm: students who experience even *one* out-of-school suspension are more likely to be pushed out of school before graduation, leading to long-term career and economic consequences.[72] In addition, suspending students does not deter negative behaviors nor increase safety in the classroom.[73, 74, 75]

Children in foster care are subject to more punitive school discipline based on race. Nationally and in Pennsylvania, Black and Brown students experience suspension at higher rates than their white peers across every grade level, including preschool. Although Black and Brown students follow school rules at the same rates as their white peers, they experience higher rates of exclusionary suspension in schools due to individual racial bias and systemic racism.[76]

Students with disabilities, particularly Black and Brown students, are also disproportionately harmed by suspensions. Despite federal and Pennsylvania laws that provide additional protections against discriminatory suspensions based on disability, 1 out of 11 students with disabilities has experienced an out-of-school suspension, which is more than double the rate of suspension of peers without disabilities.[77] For students with disabilities, the behavior for which the student is suspended may be a manifestation of the student's disability, leading them to be pushed out of school in violation of their rights.[78]



LIVED EXPERIENCE

A 12-year-old student in foster care who was new to their school was bullied and harassed for weeks based on her race and gender identity. After weeks of taunting and racial harassment, she got into a fight for the first time ever and faced a one-year expulsion for pushing back when another student pushed her first. While she was in a foster home, she had no advocate to support her or advocate for her in school. Instead, her foster parent signed a waiver, agreeing to the one-year expulsion without any hearing or request for a reduction in the period of exclusion. Instead, her foster parent informed the children and youth agency that she could no longer be a resource parent because she couldn't stay home with the student all day. As a result, the student lost her foster placement, her connection to the foster family, and the little stability she had started to have.

Alternative Education for Disruptive Youth

We also obtained information regarding the percentage of students in foster care who are placed in alternative education for disruptive youth (AEDY) programs while enrolled in a school district or charter school. While overall, a small population of students is served in AEDY programs, new data discloses significant disparities in the number of students in foster care who are placed in these settings compared to their peers. **Students in foster care are placed in AEDY programs at a rate more than double that of students not in foster care.**

This statistic is particularly alarming because AEDY programs are separate educational programs where students can be placed by school districts or charter schools for disciplinary reasons[79, 80, 81] and AEDY programs have a history of providing an inferior education for children.[82] By statute, students in AEDY can receive fewer hours of instruction and a more limited curriculum.[83] Under state law and guidance, students can only be placed in a state-approved AEDY program for a short period to achieve behavior goals. Once these goals are met, presumptively within 45 days or less, the child must transition back into the traditional school setting.[84, 85, 86] Unfortunately, data shows that students in AEDY remain in these programs for much longer periods. Moreover, many AEDY programs are ill-equipped to meet the needs of students with disabilities,[87, 88] and children can only be placed in such disciplinary settings following a determination that placement does not constitute discrimination based on disability.[89, 90]

Understanding Absenteeism

Students in foster care also experience higher rates of chronic absenteeism compared to their peers in the general population. **Over 34% of students in foster care are chronically absent, compared to 22% of students who are not in foster care.**

The compulsory school age in Pennsylvania is ages 6 to 18, or to graduation, whichever occurs first.[91, 92, 93] As recognized in Pennsylvania's Every Student Succeeds Act (ESSA) Consolidated State Plan, improving regular school attendance is imperative for improving school performance.[94] Chronic absenteeism is calculated for all public schools with 20 or more students based on the number of students who have missed more than 10% of enrolled school days across the academic year. A student is considered absent if they are not physically participating in instruction or instruction-related activities on school grounds or at an approved off-ground location. Chronically absent students include students who are absent regardless of whether absences are excused or unexcused; whatever the reason for the absence, instructional hours are lost.

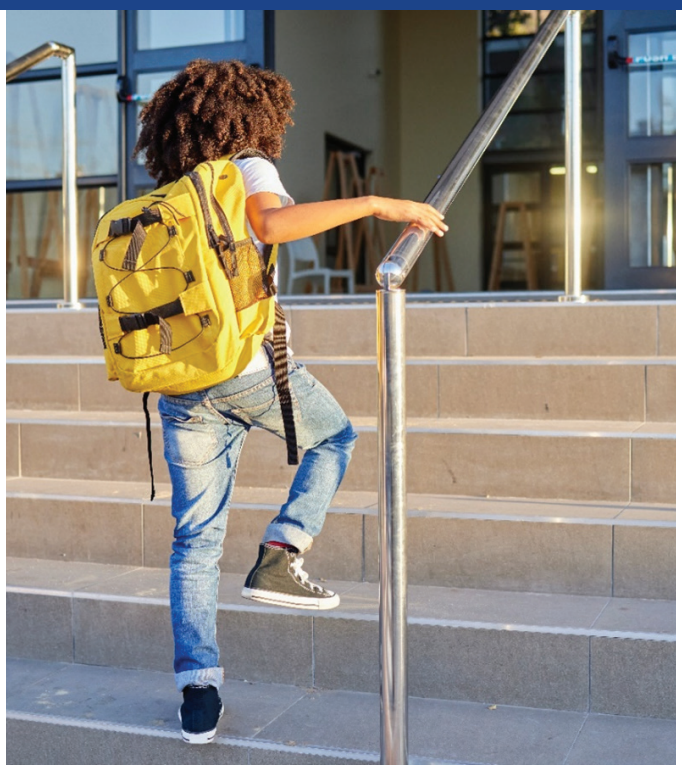
Trauma: What Foster Care Liaisons Report

Students in foster care often experience a significant amount of trauma, whether that is from the situation(s) that led to their placement or change in placement, including experiencing the loss of parents and family, being placed in an unfamiliar environment, and high mobility. Educators, child welfare agencies, attorneys, and the courts often do not understand how to best support students with such significant trauma. This can lead to unnecessary and inappropriate school discipline for behavior that could be more proactively and appropriately addressed before the student reaches a crisis that may lead to acting out in school. Addressing underlying unmet needs can mitigate a crisis event. Liaisons recommend increased trauma training and cultural sensitivity training for educators and better collaboration between systems to identify students in foster care with known needs and develop individualized plans to better support them and to avoid any exclusionary discipline.

Truancy is another form of absence-related challenges. The law defines a "truant" child as having three or more school days of unexcused absence during the current school year. A student becomes "habitually truant" when there are six or more school days of unexcused absences during the current school year.

If a student is legally truant, they can be subject to Act 138 of 2016 and Act 39 of 2019. These laws outline attendance requirements, responsibilities for public and "non-public" schools, and responsibilities of schools to engage students and families in mitigating the challenges related to school attendance. After the student's third unexcused absence, notice must be sent to the parent (or person in parental relation) showing the absences, explaining the consequences for non-attendance and offering a student attendance improvement plan. At the point of habitual truancy (six absences), the law requires schools to offer a school-based or community-based improvement program. Consequences are based on a student's age (either younger than or older than 15 years). Schools may make a referral to the child welfare agency or file a citation against the child or parent with the magisterial district court.[95] It's important to note that truancy is also a driver of foster care placement. Specifically, a child can be placed in out-of-home care based on a conclusion that a child is "habitually and without justification truant from school."[96] These determinations are often highly subjective. Truancy should never be the sole reason for out-of-home placement, but it is unclear to what extent this is occurring in practice, as it could be coupled with other allegations of neglect.

Unfortunately, no comprehensive publicly available data exists on the foster care population's truancy rates. While the Joint State Government Commission did release truancy data for all students in each LEA in a 2024 report, this data is not disaggregated by foster student population. While child welfare agencies collect data on all referrals for truancy and their outcomes, this data is not shared with PDE. Further, while data on the monetary amount districts collect each year through



truancy citations was also included in this separate report, it too was not disaggregated by the number of students identified as truant nor disaggregated to reflect the number of students in care. In addition, no comprehensive data indicates the fines and costs imposed on youth because of truancy proceedings.

We do know that many students in foster care have a history of school absences prior to entering care, and many face challenges as they navigate new schools and living placements and experience ongoing trauma. This is why schools must make efforts to support children and youth in foster care by welcoming them, connecting them to mentors and extracurricular activities, and engaging in targeted efforts to address their education needs through school-based supports. For example, the Kids in School Rule Program (KISR) in Cincinnati Public Schools created a program that has provided additional academic supports, educational liaisons, and equitable opportunities, including increased access to extracurricular activities for children in foster care. Through intentional strategies and data-driven interventions, the program increased student attendance, improved academic outcomes, and increased graduation rates of students in foster care across 64 public schools.[97]

Graduation Data of Students in Foster Care

It is well-documented that those who graduate from high school have greater employment opportunities, higher-paying jobs, better health, and decreased participation in criminal activity compared to those without a high school diploma.[98, 99, 100] **The data shows that just over half (53%) of students in foster care graduate on time compared to almost 88% of students not in foster care.** Lower graduation rates are the end-product of several factors, including lack of school stability,[101] special education barriers, extended stays in congregate care,[102, 103] and lack of supportive adults.[104]

Spotlight on Act 1



In January 2022, the Pennsylvania General Assembly enacted Act 1 of 2022, which seeks to remove graduation barriers for students who experience "education instability" due to homelessness, foster care, involvement in the juvenile justice system, or court-ordered placements. Act 1 of 2022 seeks to address these barriers and promote timely high school graduation and equal access to school engagement for students who experience one or more school changes during a single school year due to homelessness, involvement in the foster care or juvenile justice systems, or court-ordered placements. Provisions include new requirements to:

- Identify all eligible students for support under Act 1, including students who should have been identified as being eligible in prior school years but were not.
- Designate a point of contact, preferably at the "building level," to ensure that eligible students receive the benefits of Act 1.
- Facilitate prompt transfer of education records and appropriate course placement.
- Ensure that students receive full and partial credit for all work completed at all prior school entities.
- Waive local graduation requirements that would otherwise hinder participation in extracurricular activities or utilize other methods to fulfill requirements.
- Develop a graduation plan to ensure timely graduation.
- Work with a prior school district to obtain a diploma if a student cannot graduate from their current school.
- Work with the Pennsylvania Department of Education to obtain a state-issued Keystone diploma if other options are exhausted.

Due to the law becoming effective in 2022 and current data being from the 2022-23 school year, impacts of the law are not included in this report. Through longitudinal data collection, we hope to learn more about the impact of this law. We have heard anecdotally that the law is working to increase graduation rates for students who are highly mobile, including youth in foster care.

LIVED EXPERIENCE

A 12th grade multilingual student in foster care changed school districts in October of their senior year and didn't have the requisite coursework to receive a diploma and graduate. The student had not taken a locally required 9th grade civics class nor a foreign language course. The student wanted to graduate on time and pursue a post-secondary career and technical program. The new school district developed a graduation plan, which included waiving the 9th grade course and testing the student in Spanish. As a result of these efforts under Act 1, the youth was able to graduate with their peers and attend a technical college.

RECOMMENDATIONS AND OPPORTUNITIES FOR REFORM

While many challenges impact the academic success of students in foster care, there are comprehensive policy solutions to address those challenges.

Based on the data we reviewed and our recognition of the root causes of these outcomes, we make the following recommendations for priority policy and practice reforms that would improve students' academic experiences and success:

1. Improve School Stability: Adopt legislation/policy to create a common statewide process that requires all county child welfare agencies and schools to follow a standard protocol for ensuring that the Every Student Succeeds Act's school stability provisions are followed. Such a policy must include specific timelines, identify agency responsibilities, provide an interim educational placement if a child is awaiting an out-of-district placement, and include a formal education plan to ensure that a child's IEP or Section 504 plan is being followed and that a child will stay on track for grade promotion and meet graduation requirements. This policy must also identify all parties required to attend the BID conference (including those who should be consulted for inclusion in decision-making), identify the ultimate decision maker, and include a local and state-level appeal process. Further, accompanying guidance should emphasize ensuring the student is in the appropriate school setting based on a child's academic needs and individual disabilities where applicable. Data on school stability rates and school placement outcomes should be formally collected and shared publicly.

2. Increase Data Collection: PDE and the Office of Children, Youth, and Families (OCYF) should consider collecting and publicly producing increased data about school stability, truancy, absenteeism, and outcomes. At a minimum, the data should include the percentage of students in foster care who 1) were considered truant/habitually truant under the law; 2) were chronically absent; as well as 3) the rates at which students are referred to child welfare agencies (including outcomes of the referral), and 4) the percentage of students referred to truancy court. Data should also be produced regarding the percentage of students who changed schools once, twice, or three or more times during the school year. This data should be tracked for all students involved in the child welfare system as well as those in out-of-home care.

3. Improve Oversight for Students in Congregate Care: OCYF and PDE must partner on analyzing practices, increasing oversight, and improving academic outcomes for students in residential settings. There is no oversight of children's education in these settings from any agency other than PDE's Bureau of Special Education, which reviews a limited number of randomly selected files of students with disabilities only once every six years. As a result, this population is most underserved, and young people in these settings often fail to receive the quality education they need and are legally entitled to receive. Legislation to address this issue should include: 1) a clear requirement that students in residential placements must attend the local public school except in limited circumstances; 2) an effective joint monitoring and inspection system to ensure that all children are receiving access to a quality education; and 3) data collection regarding what percentage of students are educated in public school, attendance rates, disability placement needs, and credits earned toward graduation.

4. Revise Approaches to School Discipline: The Pennsylvania School Code needs to be revised to ensure that schools consider the foster care status of a student as a mitigating factor before imposing any exclusionary school discipline. Amendments are also needed to ensure that all children with disabilities, particularly those with emotional support needs, are not punished based on their disabilities. The school discipline process also needs to be significantly revised to ensure that all students receive a fair opportunity to defend themselves against exclusion from school through timely access to all relevant records, including any videos of the



incident, assignment of an independent hearing officer, informed consent to any waiver of a hearing, and a clear directive that schools cannot rely on uncorroborated hearsay testimony.

5. Provide Specialized Training: Formal specialized training should be required of county children and youth administrators, schools, and court system partners (including Guardian ad litem, education decision makers, and judges). Training should include the BID process and purpose, how best to address attendance and behavior issues in a trauma-informed manner, Act 1 implementation, and best practices for adequately supporting students in foster care. Child welfare agencies and schools should maximize all funding streams, such as Title IV-E funding, to support these training programs.

6. Provide Additional Funding: Increased state funding should be allocated to child welfare agencies and schools to support students in foster care. Specifically, additional funding is needed for school-based or child welfare agency services to create or enhance academic programs, such as tutoring, peer mentorship, attendance improvement programs and services, and transportation costs to support school stability. OCYF and PDE should partner to consider ways to braid or blend current funding to provide similar support so that overreliance on one system does not redound to the detriment of the other.

Conclusion

The data shared in this report highlights the need for multiple systems – education and child welfare systems at both the state and local level – to work together to improve educational outcomes for children and youth in foster care. The data and the underlying causes of these outcomes must be used to inform new legislation and policy and practice initiatives; this is the responsibility of DHS, PDE as well as local county children and youth agencies, school districts, and charter schools. PPC and ELC look forward to working with lawmakers and partners toward this end. We also thank all of the families and students, caseworkers and educators whose insights and advocacy contributed to this publication.

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