

# Policy Brief

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## School Stability: Improving Academic Achievement for NJ Foster Children

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Children in New Jersey's foster care system are more likely to remain in their home school when they enter foster care, thanks to a law passed in 2010, giving these fragile children improved educational stability.

The law allows children to remain in their "school of origin" when they are placed in foster care, even if the foster home is in a different town. Prior to 2010, New Jersey's school residency laws prohibited that from happening. The intent was to minimize the disruption foster children experience, giving them the continuity of remaining in a familiar school with friends, teachers and other school staff they know. Foster youth, in general, struggle more in school than other children. Having educational stability can help improve their academic success.

ACNJ conducted a survey of child welfare stakeholders to learn how the implementation of the law was affecting children. The survey found that most respondents believed that the law has helped reduce school disruptions for children in placement and has benefitted children's academic performance, physical and mental health, and relations with friends.

The foster home's distance from the child's original school was the most common reason cited why children changed schools. Most survey respondents reported that the process for deciding whether a child should remain in the home school was working fairly well.

However, they did identify ongoing issues, including difficulty arranging transportation and communications issues.



### KEY RECOMMENDATIONS

- The Division of Child Protection and Permanency, in cooperation with the Department of Education, should explore ways to provide transportation before and after school to improve educational stability for all children.
- A clear process should be in place for DCPD caseworkers to include other relevant people involved in a child's case in the decision-making process.
- The family court overseeing these cases should put a process in place to review a child's educational plan at critical decision points in the case.
- DCPD should consider convening a summit and/or focus groups to better understand the remaining challenges in implementing this law and identify solutions.

Giving Every Child A Chance

## ACNJ Survey: Factors Affected by Educational Stability Law

Factors	Agree	Disagree	# of Respondents
Law has helped in reducing academic disruptions for students in foster care	59%	14%	571
Law gives students in foster care better chance for academic success	61%	15%	570

Note: Numbers do not add up to 100 because the remainder were neutral responses.

### Concerns raised included:

- Disputes between the state Division of Child Protection and Permanency (DCPP) and school districts over who is responsible for transportation and disputes between the home and foster parent's school districts over transportation responsibility. This could lead to disruption in a student's school assignment and schedule, as well as having transportation responsibilities fall to foster parents and state caseworkers for long periods of time.
- Lack of transportation for children who attend before- or after-school care and activities.
- Lack of communication by state child protection caseworkers to others involved in the case when the initial decision is made as to where a child will attend school, which can result in poor school placement decisions.
- Lack of ongoing assessments of the school placement decision and a child's educational progress by judges, children's lawyers and others.

### Educational Stability in Foster Care: 2012-2013

		Placements	Percent	Total
<b>2012</b>		Child remained in school of origin	79%	2,629
		Child changed schools	21%	
<b>2013</b>		Child remained in school of origin	82%	2,427
		Child changed schools	18%	
		<b>Total</b>	<b>5,056</b>	

### Educational Stability in Foster Care: Placement Type

		Placement	Total	Percent	
				Remained in School of Origin	Changed Schools
<b>2012</b>		First Entry into Foster Care (first placement)	804	83%	17%
		First Entry into Foster Care (additional placements)	1,108	78%	22%
		Re-Entry into Foster Care (all placements)	717	90%	10%
<b>2013</b>		First Entry into Foster Care (first placement)	961	86%	14%
		First Entry into Foster Care (additional placements)	729	78%	22%
		Re-Entry into Foster Care (all placements)	737	81%	19%

Source: NJ Department of Children and Families

### Is the law helping to improve academic success?

More than half – 59 percent – of survey respondents agreed that the educational stability law has helped reduce school disruptions for children in placement, with just 14 percent disagreeing and the rest having a neutral opinion. Encouragingly, 61 percent agreed the law gives students in foster care a better chance for academic success, with just 15 percent disagreeing and the rest having no strong opinion.

While many respondents had no opinion or did not know about the benefits to these children, those who did have an opinion cited academic performance (42%), physical and mental health (40%), and sociability (46%) as the greatest benefits for students who remained in their home schools.

## Are foster children remaining in their home school?

### What the data says

The New Jersey Department of Children and Families (DCF) data released in July 2014 said that 82 percent of the 2,427 children who entered or re-entered care in 2013 remained in their “school of origin.”

Children being placed in care for the first time were more likely to experience school stability at 86 percent, compared to 81 for children who re-entered care.

Children who changed foster care placements while in care had the lowest rate of school stability at 78 percent.

Older foster children were less likely to change schools than younger foster children, according to DCF data. Eighty-four percent of foster children ages 13 to 17 remained in their original school in 2013, compared to 71 percent of children ages three to five. It is important to note that New Jersey’s education stability law does not apply to preschool students.

This may account, at least in part, for the lower rate of school stability for these young learners.

When looking at educational stability by county, DCF data show that in 2013 Bergen County had the highest school stability rate at 92 percent, compared to Atlantic County’s rate of 63 percent.

### Survey Results

The perception among survey respondents was that school stability occurs less frequently than reported by DCF. Half of respondents said that children either always or frequently remain in their school of origin when first placed into foster care, compared to the 29 percent who reported this happened occasionally and 6 percent who said it never happens. Survey respondents said that children are more likely to change schools when they change placements while already in foster care, with 20 percent saying this “always” or “frequently” happens and 56 percent saying it occasionally happens.

### Educational Stability in Foster Care: Age

Placement	Total	Percent		
		Remained in School of Origin	Changed Schools	
2012	3 to 5 years	206	64%	36%
	6 to 9 years	959	79%	21%
	10 to 12 years	587	81%	19%
	13 to 17 years	877	83%	17%
2013	3 to 5 years	116	71%	29%
	6 to 9 years	985	81%	19%
	10 to 12 years	546	83%	17%
	13 to 17 years	780	84%	16%

Source: NJ Department of Children and Families

### ACNJ Survey: Educational Stability

	Always	Frequently	Occasionally	Never	# of Respondents
Children remain in school of origin when first placed in foster care	12%	39%	29%	6%	507
Children change schools if and when they change foster care placements	1%	19%	56%	15%	413

### ACNJ Survey: Reasons Cited for a Child Changing Schools

	Always/ Frequently	Occasionally/ Never
School too far from resource home	73	27
Lack of transportation	43	57
Child placed with relative who lived too far from home school	41	59
Conflicts with resource parent's schedule	27	73
Child's educational needs were better met in new school	24	76
Child was not expected to return home	19	81
Child wanted to change schools	18	82
Concerns over the child's safety	16	84
Home school refused to allow child to continue to attend	11	89
Biological parent objected to child remaining in home school	3	97

ACNJ Survey: How have the following factors been influenced when a child remains in the home school?

	Positive	Neutral	Negative
Child's social relationships with peers	56	24	20
Child's mental health	56	30	14
Academic performance	53	33	13
Participation in extra-curricular activities	48	26	27
Child's safety	41	41	17
Child's physical health	47	38	15
Child's foster home placement decision(s)	39	39	22
Child's school attendance	51	33	16
Child's school tardiness	44	36	21

Source: NJ Department of Children and Families

### Why do children change schools?

Consistent with the survey findings, the department’s data found that the most common reason for a child changing schools is that the school is too far from the foster care placement. This reason was cited in more than half of the cases in which a child moved in 2013, according to DCF. Three-quarters of survey respondents also cited this as the primary reason why foster children change schools.

The DCF data found that a student’s “preference” and a change in a child’s permanency plan were the other two most commonly cited reasons for school changes. Survey respondents, however, said a “lack of transportation” was the second most common reason why a child changed schools; only 18 percent cited a child’s preference as a common reason.

According to DCF, a child’s age and grade level, length of placement in foster care, point in time in the school year, safety of the child, school performance and involvement and specific education needs (i.e. special education) were also reasons for a child changing schools. In some cases, numerous criteria would support a change in school settings.

DCF Data: Reasons for Foster Children Changing Schools

	Reason	Percent	Children who changed schools in placement
2012	Proximity of school	45%	539
	Student Preference	22%	
	New permanency plan	22%	
	Other	6%	
2013	Proximity of school	53%	436
	Student Preference	25%	
	New permanency plan	16%	

### How are students benefiting from school stability?

Survey respondents cite better peer relationships, mental and physical health, and academic performance as the top benefits that children in foster care are reaping, thanks to improved educational stability. Roughly half of respondents cited these as benefits. A child’s ability to participate in after-school activities was the number one drawback to a child remaining in the home school, survey respondents said.

Having an adverse impact on foster care placement decisions and school tardiness were the other top two negative factors that survey respondents cited. About one-quarter identified these factors.

The law outlines a process to decide whether it is in a child’s best interest to remain in the “school of origin,” or move to a school located in the foster parent’s district of residence. The survey explored how well this process is working.

Of those who had an opinion about the decision-making process, 46 percent agreed that an effective process is in place, while 27 percent disagreed. The rest were neutral. The majority – 41 percent – said it is clear who is ultimately responsible for making this critical decision. Most respondents – 57 percent – identified the Division of Child Protection and Permanency (DCPP), formerly DYFS, as the primary decision-maker, followed by family court judges (28%) and the child’s lawyer (15%).

Forty percent of respondents agreed that an effective process is in place to re-evaluate the initial school placement decision to consider any shifting factors of the child’s case, such as a change in the permanency plan. Twenty-four percent 24 percent disagreed with this statement. The rest were neutral. This is a critical piece, as a child’s situation and long-term plan may change, making it necessary to conduct regular reviews of the child’s academic needs.

## Key Issues in Placement Decisions and Transportation Arrangements

The survey's open-ended questions revealed two major areas of concern: the decision-making process of school placement and transportation arrangements for foster children attending schools outside of their home districts. Overall, inconsistencies within the process of deciding where a foster child should attend school were most commonly reported. A significant amount of respondents said that child protection caseworkers play a major role in the decision-making process, but tend to proceed without consulting the other parties involved in the case (i.e. law guardian, school district).

**“There is a complete lack of consultation when a decision is being made regarding the educational placement. DCP, at times, makes a unilateral decision, which differs from the position of other stakeholders, which [then] results in a delay in education as the court has to step in and make the best interest determination.”**

– Law Guardian

**“The original law called for educational decisions to be made in consultation with school personnel but this has not been the case.”**

– DOE Staff

In some cases, the DCP may make an initial placement decision and notify the other parties at a later date.

**“... [Law guardians] are advised after the fact that children have been moved. We have fought this in court, but by then the damage is done. DCP must include the [Office of Law Guardian], and therefore the child, in the decision making process in a straightforward way.”**

– Law Guardian

**“Normally, I am not consulted when it comes to my clients' educational stability. The decision is made prior to the law guardian or investigator going out to see the child. At times, I am asked to sign an agreement [stating] that I agree to the Division's position.”**

– Law Guardian

When asked about re-evaluating a placement decision, many respondents said they were not aware of any process and, if one existed, it was inefficient. Generally, placement decisions are not revisited, many respondents said.

**“It is never done in my courtroom. Once a decision is made, it is never really revisited.”**

– Parent Attorney

**“There is no system in place to re-evaluate if the initial decision is working or not.”**

– DCP Staff Member

### ACNJ Survey: Decision-Making and Transportation

Process	Agree	Disagree	# of Respondents
An effective process is in place to make initial decision whether child should remain in school of origin.	46%	27%	409
An effective process is in place to re-evaluate initial decision to consider changing factors of child's placement.	40%	24%	355
It is clear who is ultimately responsible for making the final decision of where a child should attend school.	41%	25%	426
Note: Numbers do not add up to 100 because the remainder were neutral responses.			

## Transportation Issues

Transportation for foster children who attend school outside of their home district was reported as an ongoing struggle in some cases. Some survey respondents said disagreements between DCPD and school staff over who is responsible lead to delays in making efficient transportation arrangements. Some said the home district and the foster parents' districts sometimes disagree over who is responsible for providing ongoing transportation. Because of these disputes, survey respondents said the responsibility of transporting children to and from school sometimes falls to foster parents and caseworkers for long periods of time.

Some foster parents also said that transportation becomes an issue for children who need before- or after-school care or who are involved in after-school activities, as current transportation arrangements tend to cover only school hours.

**“The division and the school frequently pass the [blame] with regards to responsibility of transportation.”**

– Parent Attorney

**“I have had cases where DCPD refused to provide transportation, and the district did not pick up the transportation in a timely manner. Getting transportation in place for out-of-district placements continues to be a problem.”**

– CASA Staff Member

**“The majority of the problems are in DCPD staff fulfilling their obligations, providing proper documentation and information in a timely manner.”**

– Foster Parent

**“Transportation is not worked out for quite some time because the school districts fight over who is responsible for busing the child and paying for the transportation.”**

– Law Guardian

**“School districts [are] not taking over transportation in a timely manner. Caseworkers [are left to] transport [children] to and from school for months.”**

– DCPD Staff Member

**“We have had to transport kids for weeks until the transportation issue [was] resolved.”**

--- Foster Parent

## FOSTER PARENTS SUPPORT SCHOOL STABILITY; IDENTIFY ISSUES

ACNJ's survey asked specific questions of foster parents to determine whether the educational stability law was having an adverse impact on their decisions to assume care of children needing temporary homes. The survey found that only about 11 percent of respondents refused to accept a child because the child would attend school outside of the foster parent's home district. The majority – 53 percent – said this “never” happened, while 28 percent said it was not applicable.

Of the handful – 16 respondents – who did refuse to care for a particular child because of school placement, the vast majority – 81 percent – said it was too difficult to arrange transportation for before- or after-school care or activities. Sixty-three percent said having children in the household attending schools in different districts creates logistical challenges.

Other reasons cited were wanting their foster children to participate in activities in the foster parent's school district and that it was too difficult to arrange transportation to and from school.

About 140 resource parents answered this part of the survey. The amount of time they had been foster parents ranged from less than one year to more than 20 years. Most – about 77 percent – had been foster parents from between one and 10 years.

### WHO RESPONDED TO THE SURVEY?

- CASA volunteers/supervisors: 28 percent
- Foster parents: 24 percent
- Family court-affiliated staff (i.e. law guardians, child placement review volunteers, family court staff and parent attorneys): 16 percent
- DCF staff: 20 percent (Division of Child Protection and Permanency staff made up 15 percent of this group)
- Parents of children currently involved with the state's child protection system: 2 percent
- Other: 16 percent of respondents, which included child care directors, adoptive parents, social services staff and visitation services staff.



### Preschoolers and Congregate Care

New Jersey’s school stability law does not apply to children attending public preschools or youth living in congregate care settings. ACNJ sought to determine whether people working in these areas saw a need for this protection to be extended to these children and youth.

Residential providers said that they did not see a need for changes to the law to specifically cover children and youth living in congregate care settings. They said current law allows these youth to remain in their current school, if that is in the child’s best interests. They also explained that, frequently, a different school setting is better for a child’s academic and treatment needs. These youth, they said, may need a specialized school or a residential program. In addition, when these youth return home, they often do not return to their home school. Lastly, many of the youth in group settings are not under state child protection supervision and their parents are actively involved in making their educational decisions.

For preschool, Newark providers also did not see a need for changes to the law to specifically cover these young children. They said that children who enter foster care typically remain in their same preschool as common practice.

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### ACNJ Survey: Responsibility of Making Final Decision Regarding Child Placement in School

Responsible Party	% of Total Responders
D CPP	57%
Family court judge	28%
Law guardian	15%
Official at school district of origin	12%
Official at school of placement	9%
Biological Parent	13%

### Conclusion

While New Jersey’s education stability law is helping reduce academic disruptions for many children in foster care, it is clear that communication and transportation issues need to be addressed.

The Department of Children and Families should convene focus groups to better understand the remaining challenges in implementing the Educational Stability law and identify solutions.

The Courts responsible for overseeing these cases should put a process in place to review a child’s education plan at critical decision points in the case.

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