



**School of Social Work**  
CENTER FOR SOCIAL WORK RESEARCH

**Challenging Minds, Leading Change,  
Transforming Lives**

# policy & practice brief

ISSUE FOUR

## ABOUT THE AUTHORS

Angelique Day, PhD, MSW  
ASSISTANT PROFESSOR | SCHOOL OF SOCIAL WORK  
WAYNE STATE UNIVERSITY  
[ew6080@wayne.edu](mailto:ew6080@wayne.edu)

Tamarie Willis, MSW  
SCHOOL OF SOCIAL WORK | WAYNE STATE UNIVERSITY  
[es6136@wayne.edu](mailto:es6136@wayne.edu)

Megan Pennefather, MSW  
SCHOOL OF SOCIAL WORK | WAYNE STATE UNIVERSITY  
[bm8040@wayne.edu](mailto:bm8040@wayne.edu)

## ABOUT THE BRIEF

The Policy and Practice brief series disseminates information that is of interest to researchers and practitioners alike and highlights faculty expertise in the School of Social Work. Our goal is to share this knowledge with others. For more information, visit the Center website: [www.research.socialwork.wayne.edu](http://www.research.socialwork.wayne.edu)

## THE CENTER FOR SOCIAL WORK RESEARCH

Advancing the research agenda of the School of Social Work is the principle goal of the Center. The Center consults with faculty to find external funding, potential research sites and ways to publicize faculty research and scholarship. The Center engages with the community in research partnerships as part of our urban mission. In addition, the Center also serves as a liaison to match faculty and staff expertise to meet the needs local agencies have for program evaluation, survey research, and organizational capacity building, such as staff development, program design and planning.

## WAYNE STATE UNIVERSITY SCHOOL OF SOCIAL WORK CENTER FOR RESEARCH

Joanne L. Sobeck, Ph.D.  
ASSOCIATE DEAN FOR RESEARCH  
DIRECTOR | CENTER FOR SOCIAL WORK RESEARCH

School of Social Work  
Wayne State University  
4756 Cass Avenue  
Detroit, MI 48202  
313-577-4439 | office  
[joanne.sobeck@wayne.edu](mailto:joanne.sobeck@wayne.edu)

[WWW.RESEARCH.SOCIALWORK.WAYNE.EDU](http://WWW.RESEARCH.SOCIALWORK.WAYNE.EDU)

# Meeting the Education Needs of Foster Care Youth: A Review of Federal Laws and How to Maximize their Implementation

ANGELIQUE DAY, PH.D • TAMARIE WILLIS, MSW • MEGAN PENNEFATHER, MSW

**ABSTRACT** Studies have shown that education is an important factor when determining the success of youths as they prepare to exit the foster care system. This brief highlights the importance of the collaboration among child welfare agencies and educational systems in improving the educational outcomes for youth in foster care and the laws that support these partnerships.

## Introduction

More than 20,000 youth ages 16 and older transition from the foster care system to independence each year in the U.S. Only 57 percent of foster care youth graduate from high school or receive their GED, which means that many will not pursue any form of post-secondary education (Martin 2003). Of those that do enroll in college, fewer than 5% will graduate with post-secondary credentials (Day & Preston, 2012). A variety of systemic issues interferes with their educational outcomes: frequent school changes; incorrect school placements; failure to transfer full/accurate course credits; and difficulties accessing special education. These challenges are due to a lack of coordination between child welfare agencies and educational institutions. Sharing school and child welfare case information across systems is critical in provision of adequate education services. Professionals in these systems often find the confidentiality and privacy policies that control the release of education and child-welfare records to be unclear. When interpreted differently, these policies can hinder the appropriate transfer and disclosure of information.

Two laws instituted to protect the privacy of youth in the child welfare and education systems are the Child Abuse

Prevention and Treatment Act of 1974 (CAPTA, 42 USC 5101 et seq; 42 USC 5116 et seq) and the Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. § 1232g).

## Child Abuse Prevention and Treatment Act of 1974

The Child Abuse Prevention and Treatment Act (CAPTA) draws authority for its confidentiality mandates from the Social Security Act (CAPTA, 1974, sec. 205.5). Under this law, child welfare agencies are only allowed to share information about service recipients in very limited circumstances: (a) in conjunction with a state plan for financial assistance, (b) an audit, and (c) in cases of suspected abuse or neglect. However, CAPTA does allow for the involvement of a broad array of stakeholders, including government entities like schools.

## Family Educational Rights and Privacy Act of 1974

The Family Educational Rights and Privacy Act (FERPA) establishes the rights of students to review their own educational records while controlling the release of educational record information. FERPA prohibits schools from divulging personally identifiable information from students' education records to anyone

without written consent of the student or the student's legal parent, which can include a natural parent, a guardian, or an individual acting as a parent. According to the U.S. Department of Education (2004), when CAPTA and FERPA conflict, CAPTA supersedes FERPA. This suggests that education institutions may have to take the lead in providing information to child welfare agencies (Day, Edwards, Pickover, Leever, 2013).

The failure to share the educational records between child welfare agencies and educational institutions often results in poor educational outcomes for foster youth. Foster youths are in a unique situation in that their permanency goals, health care, and education outcomes rely on the sharing of information across systems. Child welfare workers need accurate student level information about the foster child's education history and current needs to make informed decisions about potential living and education placements. Federal lawmakers have acknowledged the difficulties facing child welfare professionals as a result of these poorly coordinated statutes and have attempted to redress the adverse impacts they pose to foster youth. Two laws, the Fostering Connections to Success and Increasing Adoptions Act and the Uninterrupted Scholars Act, seek to clarify the roles of child welfare agencies and education professionals.

## Fostering Connections to Success and Increasing Adoption Act of 2008

The educational provisions outlined in the Fostering Connections to Success and Increasing Adoption Act (FCSA) ensure that the foster youth's placement considers the current educational setting and proximity to the school, that the children remain in their schools of origin, and that the state and local agencies provide immediate enrollment and transfer of records to a new school. The act also allows states to extend foster care services and payments to children aged 18, 19, 20, or 21. Finally, it requires states to develop transition plans for youth aging out of foster care, including formal support to older youth who want to attend college (Day, Preston, 2012).

## Uninterrupted Scholars Act of 2013

The Uninterrupted Scholars Act (USA), signed into law in January 2013, amends provisions of FERPA to allow child welfare agencies easier access to children's educational records. Under the USA, schools no longer need written parental consent when releasing student records to child welfare agencies, caseworkers or other entities that are legally responsible for the care and protection of the students.

## Implications

Having both broad and consistent supports in place for youths in foster care, are essential to their educational performance outcomes. With proper access to educational data, case workers can identify potentially systemic educational problems affecting foster youth. They can, in turn, create the needed interventions to more effectively track academic progress over time. The need for extended support to these youths remains when they enter college.

## Recommendations

To maximize the collaboration of child welfare workers and educators, the authors propose the following policy and recommendations:

- Child welfare professionals can secure appropriate consents for school testing, services, and college financial aid. They can make tutors and mentors available for those foster youth who experience high mobility, and can work intensively with older youth around good planning and decision-making with respect to their futures, including participation in pre-college and college retention programs.
- Case workers are trained about educational barriers that foster youth encounter.
- Education authorities can commit to enrolling foster children, even if all the documentation is not available. Administrators can also ensure that school records are updated and that they follow students to each of their placements.
- Evaluations are coordinated between agencies (child welfare, education, and

the courts) and other applicable stakeholders (mental health, foster/adoptive/biological parents) so that they have the necessary information to meet the education needs youth in foster care.

- Title IV E funds are set aside to cover transportation and education costs so that children are able to remain in their original schools.
- An interagency electronic data system is created to streamline the sharing of records.
- Policymakers clarify of the circumstances in which various types documentation can and cannot be shared.

## Conclusion

School stability has been shown to increase high school graduation rates and increase youth's access to institutions of higher learning (Burley & Halpern, 2001). When misinterpreted, the aforementioned laws can hinder the appropriate transfer and disclosure of information, and ultimately, compromise the education of foster care youth. Youth in care are entitled to educational stability, and efforts must be made to keep them in their same schools whenever possible.

## For more information on these topics, visit the following articles:

- Burley, M., & Halpern, M. (2001). Educational attainment of foster youth: Achievement and graduation outcomes for children in state care. Olympia, WA: Washington State Institute for Public Policy.
- Day, A. G. & Preston, M. (2012). Reevaluating the government's role in Parenting older foster care youth: An analysis of the Fostering Connections to Success and Increasing Adoptions Act of 2008. *UC Davis Journal of Juvenile Law & Policy*, 17(1), 1-28.
- Day, A. G., Edwards, H., Pickover, S., Leever, M. (2013). When does confidentiality become an impediment rather than a pathway to meeting the educational needs of students in the foster care system?. *Journal of Social Work Values and Ethics*, 10(2), 36-47.
- Foster Care to Success. (2014). Positive outcomes for foster youth. Retrieved from <http://www.fc2success.org/knowledge-center/foster-care-the-basics/>
- Martin, J. (2003). Foster youth desire college, study shows, but face roadblocks to learning. St. Louis, MO: Washington University in St. Louis. Retrieved from <http://news-info.wustl.edu/tips/page/normal/452.html>