



Helping the Child Left Behind: Improving Education for Foster Children

BY TINA AMBERBOY

“Every child in American deserves a world-class education.” This is the first line of President Barack Obama’s message issued March 13, 2010, in the Department of Education’s *Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*, an overhaul of 2001’s No Child Left Behind Act (NCLB). This new act not only requires states to do a better job of educating all children, but also to collect data on educational performances resulting from the initiatives mandated by NCLB.

Every year, hundreds of children are denied an equal shot at a good education — much less a world-class one — simply because they are in the Texas foster care system. When children are taken into the foster care system, the State of Texas becomes their guardian. The state has the responsibility to provide for the safety and well-being of that child, including providing an appropriate place to live, medical and mental health care, and enrollment in school if the child is of school age. School should be the one place where the playing field is level for these children, but, in reality, the same dysfunction that brings a child into the foster care system has already put that child behind his or her peers in school. Once children enter the foster care system, the educational gap often widens as they try to cope with the additional trauma of adjustment to life in foster care.

Breaking the Cycle *Adequately Equipping the Children of the Incarcerated*

BY CHRISTINA MELTON CRAIN

The living placements of children who spend years in the system frequently become unstable over time. Each placement change, whether from a foster home to another foster home or back to a parent, usually means a school change. In 2009, the 1,400-plus youth who aged out of foster care had, on average, been in care for more than five years and had moved more than nine times before they left the foster care system at age 18.¹

Because foster children make up such a small percentage of the total number of school-aged children, Texas historically has not focused on this particular population. But, even though their numbers are small, their stories and statistics are sobering. Of the 1,400 youth that aged out of care in 2009, the Texas Department of Family and Protective Services (DFPS) estimates that only about half of them left with a high school diploma or a GED.²

The state offers youth who have been in foster care the opportunity to attain post-secondary education through a tuition and fee-waiver program, as well as through the use of federal education and vocational training vouchers at state-supported colleges, universities, and vocational or technical schools. However, without a high school diploma or GED, the college tuition and fee waiver program is not accessible. DFPS has not tracked, on an individual level, the number of youth who exit foster care each year that subsequently access tuition and fee waivers for college. Fortunately, as of Oct. 1, 2010, the National Youth in Transition Database (NYTD) will roll out and DFPS will begin collecting individual-level data.³

The *Midwest Evaluation of the Adult Functioning of Former Foster Youth*, published by Chapin Hall at the University of Chicago, is a comprehensive longitudinal study of youth who have aged out of foster care. Published in segments over a period of years, the series tracks the progress of 767 youth beginning in 2003. The study examined, among other things, housing, health, employment, and education. Of the youth surveyed as part of the adult functioning assessment, nearly half of the respondents reported having been placed in special education at some point during the course of their educational experience.⁴ They were twice as likely to be suspended and nearly four times as likely to be expelled from school as their peers.⁵ Almost 80 percent of the youth surveyed changed schools at least once while in care.⁶ In other studies, Chapin Hall found that of the small percentage of former foster youth who attended college, far fewer graduated than their non-foster peers.⁷

In Texas, mobility and school changes create enormous barriers to educational success for foster children. Each school change can result in a loss of four to six months of academic progress.⁸ Frequently, school records are lost and delayed or credits for classes taken at previous schools are not recognized at new schools, requiring these students to repeat classes they've already taken or even an entire grade.⁹ Hundreds of foster kids who should be looking forward to graduation each year are instead classified as freshmen or sophomores. Graduation seems unattainable in such discouraging circumstances. Added to the trauma of losing community and peer groups, it is no

Recent findings by the U.S. Bureau of Justice Statistics indicate that children of offenders have a 70 percent greater likelihood of becoming involved in the criminal justice system than other children. This is alarming considering there are an estimated 2.4 million children affected by the nearly 1.5 million parents incarcerated in prisons and jails.

In an effort to help Texas children who have one or both parents in prison or jail, the Amachi Texas program was launched in March 2005. Amachi, a Nigerian word meaning "who knows what God has brought us through this child," is a mentoring program that began 10 years ago in Philadelphia under the leadership of former Philadelphia Mayor W. Wilson Goode, Sr., the child of an offender himself.

The first statewide initiative of its kind, Amachi Texas has partnered with the Texas Department of Criminal Justice, the Office of the Governor, Big Brothers Big Sisters Lone Star, and the OneStar Foundation to help break the intergenerational cycle of crime and incarceration.

While many programs reach out to those who are incarcerated, very few address the specific needs of children affected by this situation. Texas Amachi is designed to address these needs and alter the potentially negative direction of these children's lives by having a caring adult in their lives. To date, more than 5,000 children have been mentored through the program.

In 2009, I brought the Amachi Texas program to the Dallas Bar Association (DBA) as my presidential initiative. With the assistance of Amachi Texas/DBA Co-Chairs Harriet Miers and Rob Roby and DBA Executive Director Cathy Maher, we were successful in securing 100-plus attorneys to mentor Amachi children. Recently, Southern Methodist University Dedman School of Law faculty approved Amachi Texas as a placement through which its second-year law students can meet their law-related public service graduation requirement.

To get involved in Amachi Texas, email cmc@att.blackberry.net or visit www.amachi-texas.org.



Christina Melton Crain, a sole practitioner, is immediate past president of the Dallas Bar Association, immediate former chair of the Texas Board of Criminal Justice, and a State Bar director.

surprise that so many of our youth aging out of foster care do not graduate from high school or even consider college a possibility.

To help ensure educational success for foster children, much of the work attorneys, judges, educators, and child welfare professionals do is changing. In October 2008, President George W. Bush signed the Fostering Connections to Success and Increasing Adoptions Act, the most sweeping federal legislation affecting foster youth in our nation in more than 10 years.¹⁰ The act promotes programs to ensure permanency in living situations, educational stability, and access to benefits after age 18.

To help stabilize and improve educational outcomes, this act requires the state child welfare agency and courts to consider the child's current school setting and its proximity to the child's foster placement when making decisions regarding where the child will live. The act also bolsters the rights of the child to remain in their school of origin and provides funding for transportation costs to ensure this occurs. States are strongly encouraged to develop electronic education passports that include all essential documents needed to enroll a child in a new school.

Under the Fostering Connections Act, states can extend foster care benefits to young people up to the age of 21, as long as they meet certain eligibility criteria such as completing high school or an equivalent program, being enrolled in post-secondary or vocational education, working at least 80 hours per month, or working toward job readiness. Youth with certain disabilities can also qualify for extended benefits even if they are not in school or working.¹¹

The Supreme Court of Texas recently formed a high-level education committee as part of the Permanent Judicial Commission for Children, Youth and Families (Children's Commission).¹² The Children's Commission Education Committee is composed of dedicated state leaders, including judges, child welfare law practitioners, State Bar leaders, representatives of school board and administrator organizations, and a youth who has experienced firsthand the challenges of being in foster care.¹³

The Education Committee will recommend judicial practices to help achieve better educational outcomes, improve collaboration between the education and child protection systems, identify cross-disciplinary training needs, and make recommendations about the exchange of education-related data. Ultimately, this committee will help raise awareness about the unique educational needs of foster children and will work to craft realistic solutions to the barriers to their success.

Federal legislation has given us a roadmap, but we can only arrive at a better destination if our state leaders in the judicial, child protection, and education systems make it a priority to guarantee that these youth receive the quality education they deserve.

Notes

1. DFPS *Annual Report and Data Book 2009*, Texas Department of Family and Protective Services, http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2009/2009databook.pdf, Aug. 16, 2010.
2. *Id.*
3. Department of Health and Human Services, Administration for Children and Families, 45 C.F.R. 1356, <http://www.nrcyd.ou.edu/images/nytd/finalrule.pdf>, Feb. 26, 2008.
4. Mark E. Courtney, Amy Dworsky, JoAnn S. Lee, Melissa Raap, Gretchen Ruth Cusick, Thomas Keller, Judy Havlicek, Alfred Perez, Sherri Terao, Noel Bost. *Midwest Evaluation of the Adult Functioning of Former Foster Youth*, Chapin Hall at the University of Chicago, 2010, <http://www.chapinhall.org/research/report/midwest-evaluation-adult-functioning-former-foster-youth>, Aug. 16, 2010.
5. *Id.*
6. *Id.*
7. Amy Dworsky, Alfred Perez. *Helping Former Foster Youth Graduate from College*, Chapin Hall at the University of Chicago, 2009, <http://collegepathways.org/pdfs/ChapinHallCampusSupportPrograms.pdf>, Aug. 16, 2010.
8. Thomas R. Wolanin, *Higher Education Opportunities for Foster Youth: A Primer for Policymakers*, The Institute for Higher Education Policy, December 2005, <http://www.ihep.org/assets/files/publications/m-r/OpportunitiesFosterYouth.pdf>, Aug. 16, 2010.
9. Mark Courtney, "The Transition to Adulthood for Foster Youth Post Chafee: Lessons from the Midwest Study," School of Social Work, University of Washington, Dec. 17, 2009.
10. H.R. 6893: Fostering Connections to Success and Increasing Adoptions Act of 2008, 110th Congress, <http://www.govtrack.us/congress/bill.xpd?bill=h110-6893>, Aug. 16, 2010.
11. *Id.*
12. *Permanent Judicial Commission for Children, Youth & Families*, Supreme Court of Texas, <http://www.supreme.courts.state.tx.us/children.asp>, Aug. 16, 2010.
13. "Order Establishing Education Committee for Permanent Judicial Commission for Children, Youth and Families," Supreme Court of Texas, <http://www.supreme.courts.state.tx.us/miscdoCKET/10/10907900.pdf>, Aug. 16, 2010.



Our firm is seeking attorney referrals as Court Appointed Receiver for Commercial Properties.

As Experts in our field we can offer the following services with confidence: Report Preparation, Claims Administration, Expert Opinions & Testimony, Asset Protection, Asset Liquidation, Operational Guidance, Sale of Business






Over a decade of experience in Hotel/Motel operations, management and sales

Ashok Daftary, CCIM Broker
Om Realty Finance Co. 972-612-0000
E-mail: omrealtyfinance@gmail.com
www.omrealtyfinance.com



TINA AMBERBOY

is executive director of the Texas Supreme Court Permanent Judicial Commission for Children, Youth and Families in Austin. Amberboy teaches family rights practice as an adjunct professor of law at Baylor Law School.