



**Lost in the Shuffle Revisited:  
The Education Law Center's  
Report on the Education of Children  
in Foster Care in Pennsylvania**

**An Executive Summary: A Call for Action**

We hope that this report will stimulate serious state level efforts to deal with an important but often hidden problem confronting children in foster care. Because they sometimes do not live in their birth parents' school districts; because they often move from foster homes in one district to placements in other districts; and because their birth parents are sometimes not available to consent to or ask for special services, these children are at very high risk educationally.

Over the years, ELC staff have received many requests for help from foster care agencies, children and youth workers, and foster families who are trying to enroll foster children in school or to secure special services for them. Several years ago, ELC undertook to survey various constituencies that serve children in foster care. We sought to gain a more authoritative sense of what the problems are, and what can be done to assure that children in foster care have ready access to quality educational services. The findings and recommendations in this report are based on the voluntary responses of Children and Youth County Offices (10), private foster care providers (59), school districts (61), and early intervention providers (43) from throughout the Commonwealth.

While there were some differences in perspective, many common themes emerged. For example:

- Children in foster care confront unique barriers to prompt school enrollment and receipt of appropriate educational services. But the situation is clearly the most serious for children with disabilities, including the very youngest children. Difficulties in obtaining records and securing parental consent delay foster children's access to services, and especially disability-related services.
- There is no statewide protocol that sets out these records which districts can demand before they agree to enroll a foster child in school. Districts' practices varied widely. Out of the 61 districts responding, 21 required the child's social security card, 46 the child's birth certificate, 20 the reason for

the child's placement, and 39 the court order. This lack of uniformity can cause significant delays in children's receipt of education services.

- A significant number of survey respondents believe that children in foster care are more likely than other youngsters to be put in restrictive educational programs, such as "homebound instruction," partial hospitalization programs, or programs for disruptive students.
- Foster care agencies have widely differing practices regarding such important issues as to who can give consent for special education evaluations and services. And it is very clear that none of the systems is well informed about the legal rules that govern the others. Hence such important entitlements as the "surrogate parent" requirement of the federal special education law - which is intended to protect children who do not have birth parents available to consent to or participate in program planning - is poorly understood and rarely enforced.
- The problems are getting worse! More than two-thirds (68%) of the respondents found that it is as difficult - or more difficult - to get education services for children in foster care than in the past!

This report also summarizes the proposals of those who, on a daily basis, try to make the systems work for these children. In the recommendation section, ELC has incorporated some of these ideas, and has added some of its own. Some of these recommendations are directed to either the Department of Education or the Department of Public Welfare. For example:

- The PA Department of Education must provide clear and authoritative direction to local school districts regarding, among other things, what records a school district can demand as a condition of a child's enrollment, and the deadline by which school districts must enroll students once the necessary material is provided.
- The PA Department of Public Welfare must provide clear and authoritative direction to County Children and Youth agencies and private foster care providers regarding, among other things, what student records and related enrollment documents must be provided to school districts, and by when.

Some of the most important recommendations require inter-agency cooperation, and a formal inter-agency agreement.

This report is not a "study." It is a call for action at the state level by the Education Law Center, and many other groups and individuals who struggle, day by day, to meet the needs of these children. ELC and its many partners urge the Secretaries of Education and Public Welfare, and their Deputy Secretaries, to step up to the plate and act. These vulnerable children need and deserve their attention.