



**Education Interrupted:
How We Are Failing Our Children in Residential Placements**

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*Hearing Before Council of the City of Philadelphia
Committee on Children & Youth*

May 17, 2018

Thank you for this opportunity to address City Council regarding the impact of residential placements on the education and lives of children and youth in our foster care and juvenile justice systems. My name is Maura McInerney and I am the Legal Director at the **Education Law Center (“ELC”)**, a statewide non-profit legal organization dedicated to ensuring that all of Pennsylvania’s children have access to a quality public education. ELC advocates for all educationally at-risk children, including those living in poverty, children of color, English learners, children with disabilities and youth identifying as LGBTQ. Over its 45-year history, ELC has handled hundreds of individual and impact cases and engaged in legislative and policy reform at all levels on behalf of children in foster care and in the juvenile justice system. My testimony today stems from ELC’s years of experience in addressing the educational needs of children and youth in residential placements. Many of our clients’ stories are heartbreaking. We have been fortunate to intervene in many cases to support youth in and returning from residential placements. But too often, youth returning from placement find themselves far behind their peers academically; they give up and drop out of school. It is a loss that follows them and harms them for the rest of their lives.

It is well documented that system-involved youth are among the most educationally at risk of all student populations. They graduate at lower rates, score lower on standardized tests, have higher rates of special education eligibility, and are more likely to repeat a grade than their non-system involved peers.¹ More than half of Philadelphia youth in foster care, and 64 percent of youth involved in the juvenile justice system do not graduate from high school.² However, children and youth placed in residential placements are at even greater risk of school failure and more likely to drop out. This often leads to a lifetime of unemployment, under-employment, and homelessness.³ The reasons for this are clear.

First, children placed in residential settings are required to change schools and are often placed far away from their families and communities. This significant disruption undermines their ability to stay on track and graduate. Youth who remain

¹ Philadelphia youth with a history of child welfare or juvenile justice involvement score substantially lower on PSSAs, have lower promotion rates, higher rates of absenteeism and special education eligibility and accumulate fewer credits compared to their never-involved peers. Youth involved in the juvenile justice system have the lowest graduation rate of any subgroup at 36%, and only 30% score proficient in reading and math in 8th grade. See *Supporting the Needs of Students Involved in the Foster Care and Juvenile Justice Systems*, (CHOP PolicyLab, 2014) available at http://policylab.chop.edu/sites/default/files/pdf/publications/PolicyLab_Report_Supporting_Students_Involved_with_Child_Welfare_June_2014.pdf. See also *Fostering Success in Education: National Fact Sheet on the Educational Outcomes of Children in Foster Care*, (April 2018) available at http://fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=2100&Command=Core_Download) (gathering national and regional studies). See *Southern Education Foundation, Just Learning: The Imperative to Transform Juvenile Justice Systems into Effective Educational Systems—A Study of Juvenile Justice Schools in the South and the Nation 14* (2014), available at <http://www.southerneducation.org/getattachment/cf39e156-5992-4050-bd03-fb34cc5bf7e3/Just-Learning.aspx> (2/3 of juveniles entering state institutions were below grade level in math and reading and 44% entering local juvenile justice facilities were below grade level in math and reading).

² *A Promise Worth Keeping, Advancing the High School Graduation Rate in Philadelphia*, Project U-Turn (2014) available at <http://www.projectturn.net/docs/PromiseWorthKeeping.pdf>.

³ According to the 2017 *Voices of Youth Count*, nearly one-third of youth identified as homeless in a point-in-time count had been in foster care or the juvenile justice system. See *Voices of Youth Count Report on Youth Homelessness: Findings from the Youth Count, Brief Youth Survey, and Provider Survey Philadelphia* available at <http://www.philadelphiaofficeofhomelesservices.org/wp-content/uploads/2017/04/voices-of-youth-count-philadelphia-9-2017.pdf>. See also *Youth at Risk of Homelessness: Identifying Key Predictive Factors Among Youth Aging Out of Foster Care in Washington State* available at <https://www.dshs.wa.gov/sites/default/files/SESA/rda/documents/research-7-106.pdf>

in the same school are twice as likely to graduate and a high school student with even one fewer school change is 1.8 times more likely to obtain a diploma.⁴ Children placed in institutional care -- many of whom attend more than one residential placement --- don't have the option to remain in the same school and often experience multiple school changes undermining academic progress with each school change.

Second, children in institutional placements commonly attend inferior "on grounds" schools rather than local public schools where the institution is located.⁵ On-grounds schools are predominantly licensed as "private academic schools" and exist largely in the shadows, with little oversight by local education agencies or the state.⁶ Pursuant to state policy, these programs are subject to on-site cyclical monitoring only once every six years and then only with regard to students with disabilities. These schools, licensed by the State Board of Private Academic Schools, have wide discretion in creating educational programs and are not required to follow the same rigorous state curriculum requirements and academic standards as public schools.⁷

While their peers attend public schools, which must meet state educational standards,⁸ children at on-ground schools receive an education that is frequently inferior and undermines their ability to graduate from high school. Many children and

⁴ See e.g., Pecora et al., 2006, Northwest Alumni Study and Pecora, P., Williams, J., Kessler, R.C., Downs, A.C., O'Brien, K., Hiripi, E., & Morello, S. (2003). *Assessing the Effects of Foster Care: Early Results from the Casey National Alumni Study*. Seattle, WA: Casey Family Programs

⁵ See *Educational Success and Truancy Prevention Report to State Roundtable* (2013) at p. 5, available at [http://www.ocfpcourts.us/assets/upload/Resources/Documents/2013%20State%20RT%20report%20on%20Educational%20Success%20and%20Truancy%20Prevention\(9\).pdf](http://www.ocfpcourts.us/assets/upload/Resources/Documents/2013%20State%20RT%20report%20on%20Educational%20Success%20and%20Truancy%20Prevention(9).pdf) (Of 42 counties surveyed, nearly 80% reported that children living in congregate care settings with on-site schools "sometimes" or "rarely" attend a local public school.

⁶ See 24 P.S. § 6702, 22 Pa. Code § 51.2. Data obtained from PA Department of Education regarding type of school is available at <http://www.edna.ed.state.pa.us/Screens/wfSearchEntityResults.aspx?AUN=&SchoolBranch=&CurrentName=&City=&HistoricalName=&IU=-1&CID=-1&CategoryIDs=18%2c&StatusIDs=1%2c2%2c>. Some on-grounds schools are licensed as approved private schools as defined by 22 Pa. Code § 171.11 or private residential rehabilitative institutions (PRRIs) as defined by 24 P.S. § 9-964.1. Approved private schools are reevaluated once every 3 years. 22 Pa Code § 171.20(b).

⁷ See *Private Academic Schools Act*, 24 P. S. § § 6701—6721 and 22 Pa Code §51.4 (Private Academic License requirements).

⁸ See 22 Pa Code § 4.12 (Academic standards applicable to public education providers.)

youth are not properly evaluated upon entering the on-grounds school and may be placed in an inappropriate grade or program. This occurs despite the adoption of federal requirements for juvenile justice facilities under the *Every Student Succeeds Act*.⁹ Students attending on-grounds schools are often taught in multi-grade classrooms, sometimes by uncertified or improperly certified teachers, and frequently receive below-grade-level course work. This prevents them from developing critical skills, building knowledge, and staying on track to graduate. Fifty-two percent of child welfare professionals reported that the curriculum at on-grounds schools is far below grade level, limited in instruction hours, relies heavily on worksheets, and fails to advance basic skills, as reflected in qualitative surveys conducted by the Education Law Center through a fellowship made possible by the Stoneleigh Foundation.¹⁰

On-grounds schools often lack essential resources, staff and services required to educate the children they purport to serve.¹¹ In some cases, youth spend their days completing worksheets or engaging exclusively in on-line credit programs with minimal or no live instruction. Many parents or education decision makers are never apprised of a child's legal right to attend a public school under the Pennsylvania School Code.¹² In many cases, judges court order youth to attend on-grounds schools in a misguided attempt to solve a child's truancy problem. Instead, children with a history of absenteeism find themselves further behind their peers upon returning to their neighborhood schools, where they are more likely to be truant and ultimately drop out of school all together.

⁹ See *Title I Part D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk*, 20 U.S.C. § 6436 (requiring state education agencies to establish procedures to ensure that youth are assessed to identify educational needs when they enter a juvenile justice facility, when practicable.)

¹⁰ See *Moving the Dial: A Report on Education Experiences of Children in Pennsylvania Residential Treatment Facilities* (Stoneleigh Foundation, 2011) available at https://stoneleighfoundation.org/wp-content/uploads/2018/02/Moving-the-Dial.Styer_.pdf;

¹¹ *Id.*

¹² 24 P.S. § 13-1306.

Third, *students with disabilities are more likely to be placed in residential facilities and are particularly harmed when educated online or through a one-size-fits-all on-grounds school.* Disproportionately, children in foster care or the juvenile justice system are students with disabilities: studies show that system-involved children are between 2.5 and 3.5 times more likely to receive special education services than their non-system involved peers.¹³ The problems are myriad: from delays in securing the child's Individualized Education Program (IEP), to failing to obtain a timely evaluation, to the failure of school staff to effectively differentiate instruction, to a lack of rigorous progress monitoring and the failure to implement a child's IEP or provide related services, students with disabilities often fail to make progress. They are denied the free, appropriate, public education to which they are legally entitled. Moreover, because the majority of children in residential placements are students with disabilities, these students are denied the opportunity to be educated in the least restrictive environment and instead are segregated from their non-disabled peers while attending an on-grounds school.

Finally, when youth return from these residential facilities, they find themselves – through no fault of their own – far below grade level, having earned few credits, and having made little progress. Because private academic schools are not obligated to meet the same educational standards as public schools, the courses a youth takes will not align with the School District of Philadelphia to which they return. Public schools are not required to accept credits earned at private academic schools, or count them towards graduation. Some on-ground schools do not even award credits at all,

¹³ *National Fact Sheet on the Educational Outcomes of Children in Foster Care, Id.* at p.2 (between 35.6% and 47.3% of children in foster care receive special education services) at <http://www.fostercareandeducation.org/>. In Philadelphia, 1 in 4 students ever involved with the child welfare and/or juvenile justice system received special education services. This rate is 64% higher than students with no history of involvement. *Supporting the Needs of Students Involved with the Child Welfare and Juvenile Justice System in the School District of Philadelphia* at http://policylab.chop.edu/sites/default/files/pdf/publications/PolicyLab_Report_Supporting_Students_Involved_with_Child_Welfare_June_2014.pdf.

guaranteeing that students who are already falling behind academically due to the poor quality of the school will not be able to graduate with their peers. In our qualitative survey, eighty-five percent of youth and over fifty percent of child welfare professionals reported difficulties transferring credits earned at on-site schools to public schools. Moreover, upon their return to the District many of our clients experience delays of days or weeks in being placed in an appropriate classroom or Approved Private School (APS).

In summary, we know that placing children and youth in institutional placements harms them academically, emotionally, and sometimes physically. Institutional placements are highly restrictive, undermine academic progress, and set our most vulnerable children on a path to homelessness and unemployment. All of this occurs with little oversight for children who are far away from their families and communities. Our children must be safe, healthy, and receive all services to which they are legally entitled —including a quality education. We urge City Council to devote the resources necessary to end the isolation of our children in institutional placements and build community-based, trauma-informed mental health and education services that will keep all our children close to home, with the educational opportunities and stability they desperately need to thrive and succeed in life. Thank you.