

March 10, 2010

The Honorable Jack Conners  
Delran Professional Center, Suite 125  
8008 Route 130 North  
Delran, NJ 08075

The Honorable Herb Conaway  
Delran Professional Center, Suite 125  
8008 Route 130 North  
Delran, NJ 08075

RE: A2137 – Provides for educational stability of children placed in resource family homes and that school district of residence for the child shall be present district of residence of parent or guardian

Dear Assemblypersons Conners and Conaway:

While it is important to come into compliance with federal law, Foster and Adoptive Family Services was pleased to see that many factors will be considered when determining whether the presumption that a child should remain in their home school district is both safe and in the child's best interest.

We believe that children will need to be moved to a resource family's school district in many instances and many initial decisions will need to be reviewed. The policy, to implement this change in law, will be critical to assuring all factors are considered and deciding whether or not to move a child. For instance, young children should not be on buses for hours. This must be considered when DYFS is unable to find a resource family home close to a child's current school district.

We, therefore, request that resource parents be added in Section 3d, line 9, as one of those eligible to make an application to the court for an order changing the child's school district placement.

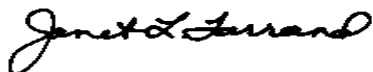
We would like to remind you that FAFS has been the voice of foster and adoptive parents in New Jersey for over 35 years. FAFS works diligently to improve foster care, adoption and KLG services and systems in New Jersey by working with you and other legislators creating appropriate legislation.

Please advise FAFS whenever we can assist you with legislation that affects our children and families, by bringing their voices to the table as soon as possible in the process.

FAFS supports this legislation that allows a more carefully considered decision be made every time a child is moved out of district due to foster care placement. Please consider our requested amendment.

We thank you for your continued efforts on behalf of children in foster care.

Sincerely,



Janet Farrand  
Vice President and Public Policy Chairperson

cc: Assemblywoman Valerie Vainieri Huttle – Chairperson  
Assemblywoman Caridad Rodriguez

March 10, 2010

The Honorable Joseph Vitale  
569 Rahway Avenue  
Woodbridge, NJ 07095

RE: S1333 – Provides for educational stability of children placed in resource family homes and that school district of residence for the child shall be present district of residence of parent or guardian

Dear Senator Vitale:

While it is important to come into compliance with federal law, Foster and Adoptive Family Services was pleased to see that many factors will be considered when determining whether the presumption that a child should remain in their home school district is both safe and in the child's best interest.

We believe that children will need to be moved to a resource family's school district in many instances and many initial decisions will need to be reviewed. The policy, to implement this change in law, will be critical to assuring all factors are considered and deciding whether or not to move a child. For instance, young children should not be on buses for hours. This must be considered when DYFS is unable to find a resource family home close to a child's current school district.

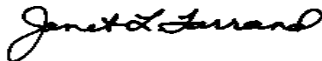
We, therefore, restate our request that resource parents be added in Section 3d, line 9, as one of those eligible to make an application to the court for an order changing the child's school district placement.

We would like to remind you that FAFS has been the voice of foster and adoptive parents in New Jersey for over 35 years. FAFS works diligently to improve foster care, adoption and KLG services and systems in New Jersey by working with you and other legislators creating appropriate legislation.

Please advise FAFS whenever we can assist you with legislation that affects our children and families, by bringing their voices to the table as soon as possible in the process.

We thank you for your continued efforts on behalf of children in foster care.

Sincerely,



Janet Farrand  
Vice President and  
Public Policy Chairperson

cc: Senator M. Teresa Ruiz

# Child Advocate Survey: Change State Law to Give Children in Foster Care School Stability



March 2010



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## CHILD ADVOCATE SURVEY SHOWS STRONG SUPPORT OF SCHOOL STABILITY FOR CHILDREN IN CARE

New federal legislation requires states to provide children in foster care with the ability to stay in their home school when they enter the foster care system, if remaining in that school is in the child's best interest. The goal is to minimize disruption and provide educational continuity for these vulnerable children.

Under current New Jersey law, when children are placed in foster homes, the foster parent's home district becomes responsible for the education of that child.<sup>1</sup> This typically means that children must change schools when they enter any placement that is outside their biological family's home district – a likely occurrence with New Jersey's 605 school districts. The state's current school residency law is, therefore, at odds with the new federal law.

New Jersey must meet the mandates of the federal Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893) or risk losing up to \$123 million in federal funds. The state Legislature is currently considering a proposal to achieve this goal.

To assist with this effort and measure the attitudes of people working on the frontlines with children in foster care, the Office of the

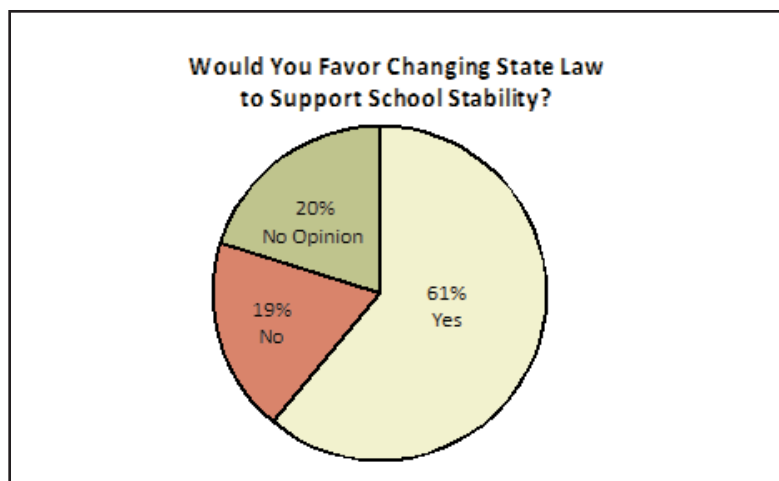
Child Advocate conducted a survey that garnered nearly 650 responses from a wide range of people, including resource parents, law guardians, court-appointed special advocates (CASA), lawyers for birth parents and social service providers. The survey was conducted from May through October 2009. While the survey is not a scientific sampling of these various groups, it does provide ample and valuable insight into their perspectives about the issue of school stability. (A breakdown of survey respondents is shown in Figure 2.)

In addition, the Child Advocate conducted 17 focus groups around the state with these same stakeholders to gain further insight into their views on school stability and the implementation of legislative changes.

### SURVEY SHOWS STRONG SUPPORT

Survey respondents overwhelmingly support changing state law to provide children in foster care with school stability. About 61 percent said they would support a change in state law to allow a child to remain in the school of origin, if that is in the child's best interest. They most often cited the detrimental effects that school mobility has on children as the primary reason for supporting such a legislative change.

Figure 1



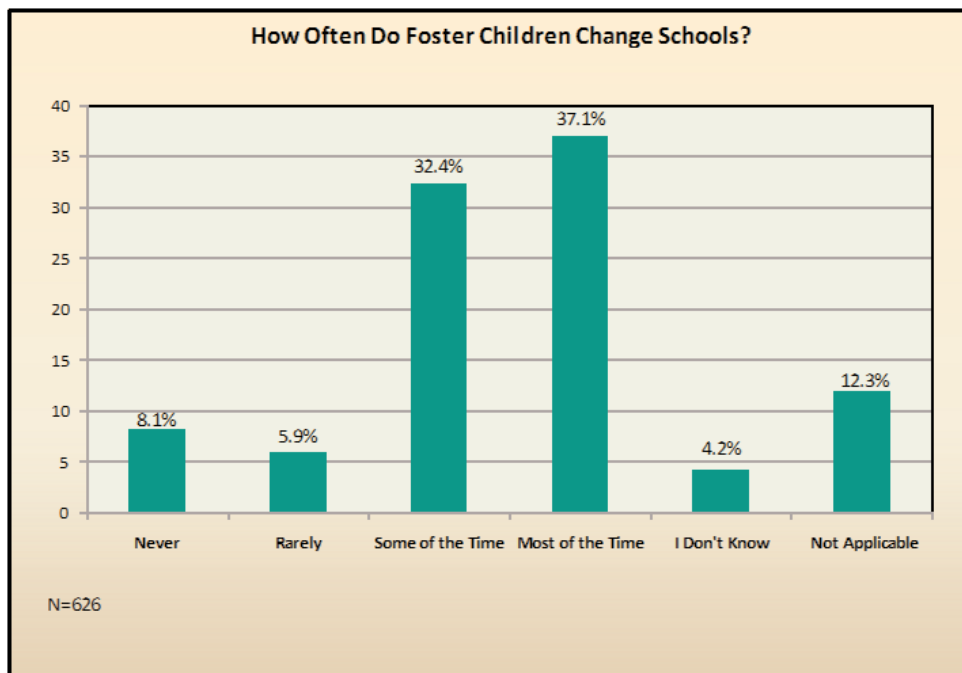
Only 19 percent said they would not favor such a change. These respondents most often cited logistical reasons, such as transportation, cost, time and scheduling. Safety of youth and establishing connections to local peers were also concerns expressed, especially by resource parents. The remaining 20 percent of respondents indicated they had no opinion about a change to state law.

Figure 2

<b>Breakdown of Survey Respondents</b>		
	<b>Number</b>	<b>Percentage</b>
Birth Parent	16	2.3%
Clinician	37	5.4%
Contracted Service Provider	59	8.6%
Court & Other Attorneys	10	1.5%
Court Appointed Special Advocate (CASA)	77	11.2%
DYFS Staff (former and/or current)	30	4.4%
Law Guardian	38	5.5%
Office of Parental Representation	35	5.1%
Resource Parent	237	34.4%
Other	149	21.6%
<b>Total</b>	<b>688</b>	<b>100%</b>

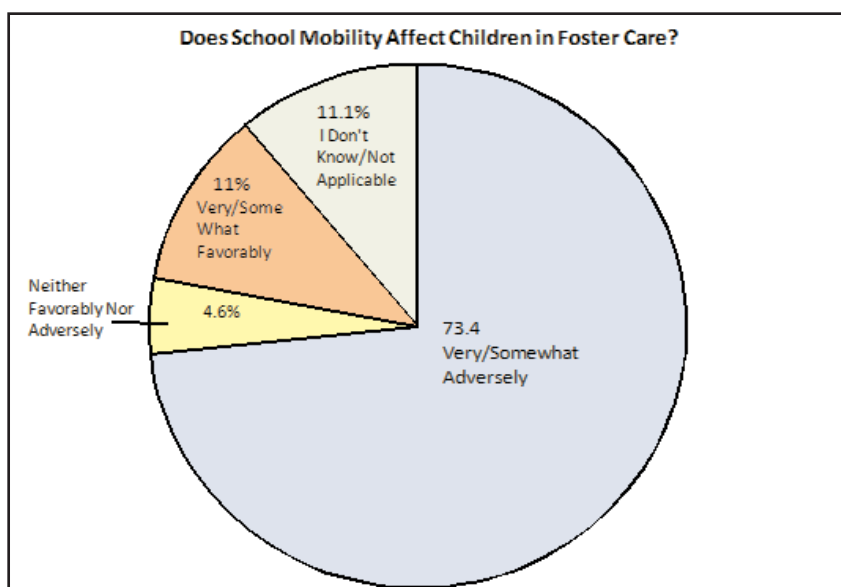
Note: Total exceeds number of respondents as some survey respondents indicated more than one role.

Figure 3



In addition, most respondents – roughly 73 percent – said school mobility adversely affects children in out-of-home care. They also said the children they work with or care for frequently change schools due to entering or exiting foster care or a change in foster care placement. About 70 percent said school changes occur “most of the time” or “some of the time.” Only 14 percent said this happens “rarely” or “never.”

Figure 4



While the state does not yet track statistics on school mobility for children in foster care, this information suggests that New Jersey’s foster children are frequently subjected to the harmful effects of school mobility, at a time when they are most in need of a stable school environment. The survey results also clearly document that many of the people who work closely with these children would support changing state law to allow children in care to remain in their home school, when doing so is in the child’s best interest.

### CHANGING STATE LAW

In the hundreds of comments received through the survey, the most resounding theme was that the child’s best interest must be the driving factor behind making this critical educational decision.

Respondents emphasized that each child’s situation should be individually evaluated. Many respondents said having children remain in their home district should be the “default,” but a consistent decision-making process must be put in place that considers a variety of factors, including the child’s educational needs, expected length of time in placement, distance from the resource home to the school of origin and other

critical factors. They also noted the need for a consistent review of that decision, as circumstances often change while the child is in foster care.

Most respondents cited adjustment issues – social, academic and emotional – as the primary reasons for supporting school stability. Many respondents talked about the challenge children face in adapting to the different curricula at different schools and that this puts them farther behind academically, especially for children who need special education services. Survey respondents largely agreed that educational consistency would help these children succeed in school.

Respondents also expressed concern over the emotional and social toll that changing schools takes on children. The loss of peers and supportive and caring adults was mentioned repeatedly as an additional stressor that could be alleviated through school stability. School stability would provide these children with a safe place where their friends, teachers and school environment remained constant, many respondents said.

### “Forever The New Kid”

“Children in care have experienced multiple traumas and losses. Changing schools is yet another loss. Providing a stable school environment, with familiar peers and teachers, would be beneficial to the child during instability. It only takes one supportive teacher or school professional who believes in the child to impact the child in a very meaningful way and support the child through a difficult time.”

-Atlantic County clinician

“Not only do they lose their family, their home, their teachers and everything familiar to them, they lose the support of their friends as well. Multiple school moves impacts a child's social development, which can have huge adverse effects on the child. They can become detached, destructive, depressed, unable to function in social settings and become resistant to developing close bonds with anyone new as a defense mechanism to prevent further loss.”

-South Jersey service provider

“I have worked with a variety of children who have lived in multiple placements and every time they go to a new home, they also have to start over at a new school. Unfortunately, these children are so far behind academically . . . it is so hard for them to catch up. They just keep falling farther behind. Remaining in one school gives these children the opportunity to have one consistent and stable environment.”

-A clinician

“They are forever ‘the new kid.’”

-Law Guardian

### Keeping Kids First

“I have been involved with children in placement for the past five years. I have noticed when the child is placed in the same district as their parents live in, they adjust better.”

-Atlantic County service provider

“Making decisions to change districts (should be) based on the child's needs as opposed to funding issues -- key to keeping the CHILD first.”

-Passaic County court worker



## BARRIERS TO SCHOOL SUCCESS FOR CHILDREN IN FOSTER CARE

Many respondents rightfully noted that school stability, while critical, is not the only barrier to school success for children in foster care. They talked broadly about the failure of both the child welfare and education systems to effectively address the academic needs of children in foster care.

They said that, all too often, children miss school because of delays in transferring records, even though state law mandates that a lack of records cannot be a reason to delay enrollment.<sup>2</sup> Yet, respondents said that, in their experience, this happens frequently.

They also said that a lack of continuity in special education services is especially troublesome, as it often takes weeks or months for child study teams to convene to identify and implement an individual education plan for a new student, putting these children even farther behind in school.

Many said these children need specific people whose responsibility is to ensure their educational needs are carefully considered, identified and then met. This underscores the need to establish educational liaisons in school districts and local DYFS offices who are responsible for coordinating the educational services these children need.

### Timely Info Needed

**“Schools can work to facilitate transfers by having ‘transfer packets’ that describe the school, teacher, curriculums, expectations, phone numbers, emails, parent organizations, etc. Administrators should have to watch transfer students specifically to make sure they aren’t being lost in the shuffle of schools.”**

**-Resource Parent**

**“There has to be a method in place or a person in place so that there is much better, timely information given and received about a child’s school program. I sometimes get a new student who comes with great information, making the transition much easier. I can tell where they are currently, what to look for, which skills sets to review and reinforce before moving on. Other times the information is old, outdated . . . I would make some type of standardized packet to send with a student moving on.”**

**-Teacher**

## WILLINGNESS TO TRANSPORT

The Child Advocate’s survey also specifically asked resource parents whether they would be willing to transport children to a school outside their home district. Nearly half – 45 percent – said they would transport a child if the school was within five miles of their residence. That number dropped sharply as the distance increased. Only 23 percent said they would or could drive 10 miles to transport the child to the home school, and 8.5 percent said they would be willing and able to manage a 15-mile one-way commute.

Most resource parents cited logistical barriers. They said transporting children to school would be difficult because of their work schedules. Others said that it would be tough to juggle transportation and schedules for different children in different schools. Some resource parents also expressed concern over the child’s safety, worrying that the child’s parents would have access to the child if the child remained in his home school. Others said going to school in a different district might make it more difficult for children to make friends in their new neighborhood.



Figure 5

<b>How Far Are You Willing To Transport A Child?</b>			
<b>Distance</b>	<b>Yes</b>	<b>Would Consider</b>	<b>No</b>
5 Miles	45.3%	26.5%	28.2%
10 Miles	23.1%	20.0%	56.9%
15 Miles	8.5%	20.0%	71.5%

**Competing Schedules**

**“I am a single mother with other school age children that need to be taken to school. If I had to transport my foster children to another district it would be very difficult to get everything done and get to work on time...”**

**-Resource parent**

**“I have several children in my home. It would be very difficult to transport one child to a different school while getting the others on/off their buses for our district’s school.”**

**-South Jersey resource parent**

Clearly, these results demonstrate that any school stability plan must include a comprehensive transportation system. The burden of transporting children to and from school cannot fall on resource parents, who are already juggling a myriad of tasks in taking on the rewarding but challenging responsibility of caring for these children. It also highlights the need to place children close to their biological families, whenever possible, to make transporting students easier.

Concerns over children integrating into a new community are valid but must be weighed against the educational advantages children realize when they have school stability. When school stability is in a child’s best interest resource parents may need to find other

opportunities to help children create neighborhood connections, such as supporting a child’s participation in local groups and recreation programs. The responses also highlight the importance of safety considerations and the need to ensure school districts release children only to appropriate caregivers.

**CHILD ADVOCATE FOCUS GROUPS**

To learn more about this issue from the people who are on the frontlines with these children, Child Advocate staff conducted 17 focus groups around the state. The focus groups included:

- Resource parents in eight locations: Willingboro, Piscataway, Essex, Hackensack, Toms River, West Caldwell, Mantua and Camden

- Four focus groups with Court-Appointed Special Advocates, which assist family court judges in making decisions about a child's case, in Cumberland, Mercer, Passaic and Hunterdon/Warren counties
- A group of law guardians, who represent children in child protection cases, from every county in the state
- A group of Office of Parental Representation attorneys, who represent birth parents in child protection litigation cases
- A group of birth parents in southern New Jersey
- Two groups of community service providers – one in north Jersey and one in central Jersey

Like the survey respondents, most focus group participants said they would support a change in state law to provide school stability for children in foster care. Again mirroring the comments from survey respondents, these focus group participants consistently maintained that this decision must be made on a case-by-case basis, taking into consideration the child's needs and circumstances. They said remaining in the home school may be good for some children but not for every child. They said a mechanism for regular review of school selection must be built into any changes, as the child's best interest may shift as the case progresses.

"For some kids, it is beneficial to stay, especially toward the end of a school year. Otherwise, it can sometimes be better to integrate into the neighborhood," said a northern Jersey resource parent.

"Don't automatically do things. Think about the kids and how each decision affects them and act like it's your kid people are talking about. Look at the educational needs, look at the social supports, look at the logistics," said a Mercer County CASA volunteer.

They, too, cited additional disruption to a child's life and lack of educational continuity as the primary reasons why school stability is so important. They consistently said that changing schools forces these children to cope with yet another transition just as they are trying desperately to deal with having to leave their biological families.

"Ideally, if you are removing (a child) from the family, everything else should stay the same," said an attorney who represents parents in child protection cases. "We want minimal disruption to children's lives."

Participants said the wide variation in curriculums from district to district makes it nearly impossible for these children to succeed in school. Frequent changes in placement only exacerbate this problem.

"I have been in classes where children come in at any point in the school year and they are lost. It is so disruptive, more so when the kids have special needs. All schools have different categories, classifications and curriculum. It is extremely disruptive to the child and others in the classroom. Also, the teacher must focus so much on this child [who is new] that it becomes unfair to the rest of the kids in the class," said a Passaic County CASA.

They also told stories of how children have been hurt by school changes.

"My grandson was 16. He was a junior and an outstanding wrestler and breaking records. I fought the district. He wound up having to switch schools. He was an A student. His grades started going down," said a Middlesex County resource parent.

Another common theme that emerged in the focus groups was the need to place children closer to home. Many focus group participants reported that the children they care for or work with are often placed far from their biological parents, which, they noted, makes it much more difficult to maintain school stability.

“If you keep them closer, it makes decisions about the school so much easier,” said one biological parent.

Placing children closer to their biological families is a key goal of the state’s efforts to reform the child welfare system. Success in this area is critical if New Jersey is to provide these children with school stability.

Focus group participants also echoed the need to identify one person whose job is to coordinate academic services and advocate educationally for these children.

“Children need a strong educational advocate,” said a Mercer County CASA volunteer. “They are already at academic risk due to everything in the home life. If you really care about kids, then Department of Children and Families and Department of Education need to have a strong relationship. We need a bridge.”

## LEGISLATIVE CHANGE FIRST STEP TOWARD SCHOOL STABILITY

To provide children in foster care with school stability, New Jersey needs to change its state residency law and create a process to determine whether remaining in the home school is in a child’s best interest.

The Departments of Children and Families and Education and the Office of the Child Advocate, with input from various stakeholders, drafted proposed bill language and worked with lawmakers to introduce new legislation. S1333/A2137, pending in both houses, creates a presumption that a child will remain in the current school, unless it can be demonstrated that doing so is not in the child’s best interest. The measure amends the state’s residency rules to make them consistent for all children in state care or custody. Under the proposal, responsibility for the education of children in foster care placements would remain with the school district in which the child’s parent or legal guardian lived at the time of the child’s placement. The child would be entitled to attend school in the resource parent’s district,

should that be in the child’s best interest, but the parent’s district would be responsible for the cost of that education.

The legislation broadly outlines the criteria to be used in making the best interest determination, with factors including:

1. safety considerations;
2. the proximity of the resource home to the child’s present school;
3. the age and grade level of the child as it relates to the other best interest factors;
4. the needs of the child, including social adjustment and well being;
5. the child’s preferences;
6. the child’s performance, continuity of education and engagement in the current school;
7. the child’s special education programming if the child is classified;
8. the point of time in the school year;
9. the child’s permanency goal, the likelihood of reunification and the anticipated duration of the current placement.

In order to ensure that remaining in the current school is in a child’s best interest, the Division of Youth and Family Services would be responsible for assessing each child’s individual situation, using the best interest criteria detailed above and other criteria developed by the agency. This process must occur within one week of removal and be done, whenever possible, in consultation with a parent or guardian, representatives from both school districts, when applicable, and the child or his law guardian.

If the division determines that the child should stay in his current school, no court approval is

required. If, however, the division determines that it is in the child's best interest to attend school in the resource parent's district, then the division must apply to the court for an order to change the child's school, unless all parties agree to the change.

The legislation necessarily carries a provision that allows the division to immediately enroll the child in the new school prior to obtaining court approval if there is a clear and emergent safety issue or if remaining in the current school would impose a significant hardship on the child. In these cases, the division must make an application to the court for approval within three days of moving the child.

The legislation also allows any party in the case (the division, the child, a parent or guardian or the law guardian) to make an application to the court for an order changing the child's school at any time while the child is in the foster care system.

The Child Advocate strongly urges the New Jersey Legislature to act swiftly to approve this proposal. While various pieces of legislation have been introduced over the years on this issue, none addresses the issue as comprehensively as this proposal, which will provide a clear and consistent process for minimizing school changes for children in foster care, improve their chances for school success and bring New Jersey into compliance with federal requirements.

<sup>1</sup>N.J.S.A. § 18A:7B-12 (b)

<sup>2</sup>N.J.A.C. 6A:22-4.1(g) (h) (i)

The New Jersey Office of the Child Advocate is an independent state agency dedicated to promoting positive change in public policy and practice to improve the safety, health and well-being of New Jersey children, especially those with the greatest need.

To achieve this goal, the Child Advocate identifies important issues that require systemic change. The Child Advocate works closely with Legislators, government officials, community stakeholders and other advocates to craft innovative solutions to identified problems. The Child Advocate then monitors implementation of these reforms to make a real difference in the lives of New Jersey's children and their families.

#### Office of the Child Advocate Staff

Joseph F. Suozzo, First Assistant Child Advocate  
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Tasya Gonzalez-Beck, Helpline, Assistant Child Advocate  
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Denise Palermo, Assistant Child Advocate  
Nancy Parello, Director, Policy and Communications  
Joseph Pargola, Attorney Assistant, Lead Project  
Lissette Villegas, Receptionist  
Elizabeth Wood, Assistant Child Advocate



For more information on this issue, call Nancy Parello or Nicole Hellriegel at (609) 984-1188.

**New Jersey Office of the Child Advocate**  
**Testimony**  
**Senate Health and Human Services Committee**  
**March 4, 2010**

**Joseph F. Suozzo**  
**First Assistant Child Advocate**

Good afternoon Chairwoman Weinberg and members of the Senate Health, Human Services and Senior Citizens Committee. Thank you for providing me with the opportunity to testify today.

The bill before you, S-1333, is of critical importance to the thousands of children who enter the New Jersey foster care system each and every year.

Being placed in foster care is arguably one of the most traumatic events that can happen to a child. A child must leave his family and often live with people he has never met, in a new home, a new town.

Adding to the child's trauma, under current New Jersey law, a child is also often required to change schools. Left behind are friends, trusted teachers and other important adults in his life. For some of these fragile children, school is often the only source of stability they know.

New federal legislation requires states to provide children in foster care with the opportunity to stay in their home school when they enter the foster care system, if remaining in that school is in the child's best interest.

The Fostering Connections to Success and Increasing Adoptions Act makes receipt of federal funding contingent upon meeting the Act's many provisions. New Jersey stands to lose up to \$123 million in federal funding if it fails to comply with the Act.

New Jersey's current school residency law is at odds with this critically important federal law. When a child is placed in a foster home, current state law shifts responsibility for the education of that child to the foster parent's home district. This essentially means that children must change schools when they enter any foster home placement that is outside the parent's school district -- a likely occurrence with New Jersey's 605 school districts.

In addition to preserving critical federal dollars, providing educational stability to children in foster care can improve their chances for school success. Voluminous research documents the damage that changing schools does to children in foster care, who are often already at an educational disadvantage. When these children are required to change schools, sometimes



repeatedly due to multiple placements in different foster homes, their chances for academic success are further eroded. Our recent report, which we have provided to you, details the many ways that children are harmed by school mobility.

To measure support for such a legislative change, the Child Advocate surveyed people working with or caring for children in foster care. Our survey, conducted from May to October last year, garnered nearly 650 responses from resource parents, law guardians, court-appointed special advocates, lawyers for birth parents, social service providers and others.

The survey found widespread support for such a change. In fact, 61 percent said they would support this change, while only 19 percent opposed it. The rest expressed no opinion either way.

Of the 19 percent opposing this change, most cited logistical reasons, such as transportation, cost and scheduling, while those in favor cited the detrimental effects that school mobility has on children in care.

In the hundreds of comments we received through the survey, the most resounding theme was that the child's best interest must be the driving factor behind making this critical educational decision.

Many said a consistent decision-making process must be in place that considers various factors, including the child's educational needs, expected length of time in placement, distance from the resource home to the school of origin and other vital factors. They also noted the need for a consistent review of that decision, as circumstances often change while the child is in foster care. We believe the measure before you accomplishes these important goals.

It also provides a presumption that children will remain in their schools unless it is against their best interests to do so. And it provides the family court with the final authority to select the appropriate school district for the child when there is disagreement among the parties in the case.

Achieving school stability for children in foster care will require statewide leadership coupled with a strong collaboration among the state Departments of Education and Children and Families, local school districts and the family courts. We urge you to approve this legislation and stand ready to work together to ensure the needed changes are implemented.

Children in foster care need a strong educational foundation if they are to support themselves once they become adults. They deserve school stability.

I'd be happy to answer any questions you may have.