

RIGHTS OF MASSACHUSETTS FOSTER CHILDREN TO EDUCATION*

Prepared by the Mental Health Legal Advisors Committee
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What must the state do for foster children with respect to education?

The Fostering Connections to Success and Increasing Adoptions Act of 2008 features provisions that aim to improve education stability for children in foster care. Child welfare agencies must now provide a plan to ensure the educational stability of children while they are in foster care. Specifically, the child's foster care placement must consider the geographical proximity of the placement to the child's school. State child welfare agencies should coordinate with local educational agencies to ensure the child stays in his current school. The state child welfare agency must also consider the appropriateness of the child's current educational setting. If they determine that staying in the current school is not in the child's best interest, they should make plans to immediately enroll the child in a more appropriate setting and to transfer his records promptly.¹

Furthermore, the Act requires all states to provide assurance in their Title IV-E state plans that all school-age children in foster care are either enrolled full-time in elementary or secondary school or have completed secondary school. The same standard applies to children who are not in foster care but who receive adoption assistances or subsidized guardianship payments.²

The Act also improves school transportation for children in foster care. It increases the amount of funding that may be used to provide reasonable education-related transportation to and from school.³

Fostering Connections also provides more funding and services enabling children, teenagers and young adults in foster care to pursue educational and employment goals. For example, youth aged 16 or older who have transitioned from foster care to kinship guardianship or adoption may receive Education Training Vouchers (ETVs) and Independent Living Services.⁴ States have the option to provide payments to foster youth up to the ages of 19, 20 or 21 if they are engaging in the following activities:

- Completing high school or a program leading to an equivalent credential;
- Participating in post-secondary or vocational education;
- Participating in a program or activity designed to promote or remove barriers to employment;
- Working at least 80 hours a month;
- Or are incapable of doing any of the above activities due to a documented medical condition.⁵

* See also MHLAC's flier on homeless youth.

¹ "Questions and Answers: *Fostering Connections to Success and Increasing Adoptions Act of 2008 – Education Provisions*," Legal Center for Foster Care and Education, undated.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*