



Students in Foster Care Credit Transfer

Executive Summary

Youth in foster care face an uphill battle in educational attainment. Abuse, ongoing trauma, and unstable living arrangements contribute to poor outcomes for foster youth. Foster children move from one home to another an average of two to three times while in care, and one-third of older youth experience five or more school transfers.¹ In Arizona, 40 percent of students in foster care change schools at least once during the school year.² The high mobility experienced by foster students can prevent them from receiving credit for time spent in class, completed work, skills acquired, and subjects mastered.

In 2023, the Center for the Rights of Abused Children lobbied for and helped pass legislation that codified a federal presumption that remaining in the school of origin was in the best interest of a child. The law established timelines for schools to complete best-interest determinations, transfer a student's records when switching schools, and ensure transportation. The Center proposes building on this effort to increase stability and educational outcomes by establishing a statewide policy and procedure for calculating and transferring prior and partial coursework for children in foster care. This proposal will minimize delays in graduation, boost educational attainment, and help children better prepare for adulthood.

Key Takeaways

- Children in state care have the lowest on-time graduation of any demographic - including homeless children.³
- Fewer than half of Arizona students in foster care (41.2%) graduated from high school within four years in 2022.⁴ Students in foster care dropped out of school at twice the rate of the statewide average.⁵
- Nationally, 64% of youth aging out of foster care will earn a high school diploma or GED. Fewer than 10% will complete college.⁶
- Nationally, 40% of students in foster care change schools at least once during the school year; 27% attend two schools within a school year; 10% attend three; and 5% attend four or more schools.⁷
- Given the high mobility of students in foster care, partial credit policies can help ensure students receive credit for their work across schools, preventing unnecessary repetition and the discouragement that goes with re-doing or restarting instruction. This, in turn, will promote timely graduation.



Proposed Reform

The Center proposes legislation requiring the Arizona Department of Education (ADE) to develop rules calculating, transmitting, and accepting partial credits for foster children when transferring schools. Broadly defined, partial credit policies evaluate coursework satisfactorily completed and award partial or full course credit toward graduation requirements. More specifically, these policies allow students the opportunity to finalize the full coursework requirement through:

- Applying course waivers if a student previously completed a similar course.
- Awarding credit for time spent in a class and enrollment in an equivalent course.
- Evaluating mastery of a subject and rewarding course completion credits through competency testing, evaluation of records and written work, or through a course completion packet.
- Enrolling students in credit recovery or remedial programs, such as tutoring.

Arizona legislation should require:

- ADE to develop uniform policies for calculating partial credits earned by children in foster care, including methods for calculating partial credits.
- A receiving school to meet with the foster student within 10 school days to develop a success plan for graduation that includes:
 - Acceptance of completed courses as well as partial credits earned by the pupil for equivalent courses and immediate enrollment in equivalent courses if the school offers them.
 - A requirement that partial credit calculation be shared with the attorney, foster caregiver, and parent.
 - A requirement that the receiving school apply partial credits to state graduation requirements to the extent possible.
- A requirement to award a diploma to a foster youth who transferred following eleventh grade or during twelfth grade and met the state requirements for graduation, or the graduation requirements of the school of origin, even if the student has not met the graduation requirements of the receiving school.
- Provisions requiring DCS to notify the school of origin and the receiving school, if necessary, that the student is in foster care.

Additionally, statute can require that the rules developed by ADE for calculating partial credit include any or all the following considerations:

- The student's enrollment and coursework history.
 - The award of partial credit, with clear annotations on the student's transcript. Credit could be measured in any number of ways, including:
 - seat time.



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- performance of formative, summative, or nationally norm-referenced assessments.
- competency demonstrated through project-based learning, portfolios, or independent study.
- mastery of skills.
- Accepting and awarding credits.
 - Specify that receiving schools do not have to offer an identical course to give credit. Credits should be translated and awarded into the new school's system.
 - Credits should be applied toward the graduation requirement they were intended to meet. If a school does not have an equivalent course, when translating credits from the school of origin into the receiving school's system, credits should be applied to graduation course credit rather than electives to the extent possible.
 - Students can and should be exempted from end-of-year assessments if they satisfactorily completed a course in a prior school or district.
- Enrolling the student in equivalent credit types to continue earning credits; if an equivalent course is not available, offer alternatives such as online course work or course completion packets and enroll students in classes based upon age-appropriate and graduation requirements.

Background

Arizona foster youth experience the lowest graduation rates of any demographic in the state, with just 41% of youth graduating in four years and 11% dropping out in 2022.⁸ The five-year graduation rate is not much better, hovering around 47%.⁹ Students who enter foster care are struggling to complete their coursework and graduate in four or five years.

Part of the reason for decreased educational outcomes can be traced to frequent disruptions and the impact on children's educational attainment. One longitudinal study found that students in foster care lose four to six months of academic progress with each school change.¹⁰ Alternatively, a national study of 1,087 foster care alumni in 13 states showed that youth who experienced one fewer change in living arrangement per year were 1.8 times more likely to graduate from high school before leaving foster care.¹¹

Instability can result in missing or being placed in inappropriate classes. Additionally, highly mobile students can experience inconsistency in receiving educational services. Consequently, these students may not get the help they need, may lose class credits with each move, and may struggle to graduate. Thus, the presumptions should be to maintain children in their school of origin. However, when it is in the best interest of a child to transfer schools, school systems need to minimize the impact on the child.



Disruption and inefficiency are exacerbated when records are incomplete, lacking critical information such as student achievement, attendance, seat time, and subject mastery, or if relevant records are missing altogether. Additionally, schools often offer different classes, utilize different methods of calculating full and partial course credits, and require different core classes to graduate. Consequently, when youth in care switch schools, they often cannot obtain full or partial credit for prior coursework.

Failure to recognize and award credit for completed courses and coursework can contribute to delayed graduation and dropping out. The consequences of not completing high school can be dire and lifelong. Low educational attainment can lead to a host of long-term challenges, including unemployment, poor health, and housing instability or homelessness.¹²

Current Law

Federal Law and Policy

Federal law and nonregulatory guidance provide general direction but leave much up to the states to augment and clarify - setting the floor but leaving states free to build up from there. For example, when transferring schools is in the best interest of a child, enrollment and a request for the child's academic records must happen "immediately."¹³ However, "immediate" can be fairly ambiguous, especially when federal guidance describes the term to mean "as soon as possible in order to prevent educational discontinuity."¹⁴ In 2023, the Center helped ensure that remaining in the school of origin is in the best interest of a child absent a specific finding to the contrary and setting strict timelines on enrollment and record transfers.¹⁵

Regarding student credit calculations, awards, and transfers, much is left to the states. The Every Student Succeeds Act (ESSA) requires states to increase educational stability for vulnerable youth, including homeless children and youths in the juvenile justice system.¹⁶ For example, to receive a federal grant to better educate homeless¹⁷ children, a state's plan must include "[a] description of procedures that ensure that ... [homeless children] and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this clause from *receiving appropriate credit for full or partial coursework satisfactorily completed* while attending a prior school, in accordance with State, local, and school policies."¹⁸

Arizona Law

The Arizona State Board of Education is responsible for setting minimum graduation requirements while local districts and charter schools are free to add additional requirements for their graduates.¹⁹



Arizona law currently provides for transfers for all students.²⁰ This section should be amended to include language specific to youth in foster care, requiring all schools to accept completed and partial coursework toward graduation requirements.

Credit Transfer

Transferring credit under normal circumstances can be difficult. As an example, the Arizona Attorney General was asked for an opinion in a case involving students attempting to transfer credits from a public charter school to traditional high school districts. The charter school offered some high school level courses to middle school students, but district schools refused to accept transfer credits for high school level courses offered and completed in a charter middle school. As a result, students either had to take the same course again or be placed in a more advanced course without receiving credit for prior course work. Additionally, many of the district schools did not allow students to take a placement exam to demonstrate proficiency for credit.²¹

Ultimately, the Attorney General clarified that school districts must provide transfer students with an opportunity to demonstrate competency in a course or subject to obtain credit without having to repeat the class or coursework. Children in foster care frequently face similar difficulties compounded by multiple transfers, including within the same school year.

Generally, state law offers a mechanism for transferring credits, notice of accepted and denied credits, and testing for credit. For example, when a student transfers from a private school, the student must “be provided with a list that indicates those credits that have been accepted and denied by the school district.”²² When the school district denies credit, the student “may request to take an examination” to receive credit for the course.²³

When a student transfers to a district school from another district or a charter school, the new school district is required to “accept credits earned by the pupil in courses or instructional programs at the charter school or school district.”²⁴ Additionally, the district school board can “adopt a policy ... for ... determining whether a credit earned by a pupil who was previously enrolled in a school district or charter school will be assigned as an elective or core credit.”²⁵ The law also permits charter or district schools to note “the learning outcomes that a student mastered ... to provide a record of the demonstrated competencies and award partial credit.”²⁶ Like transferees from private schools, transferees from charter and district schools must be provided with a list of accepted and denied credits and afforded an opportunity to test for credit in each denied course.²⁷



States with Foster Care Partial Credit Programs²⁸

While several states have enacted laws that help award partial credits to students who experience disruption and instability in their education, many of those states focus on homelessness (see, for examples: Delaware²⁹, Kentucky³⁰, Maine³¹, Nevada³², New Mexico,³³ Pennsylvania³⁴, and Washington³⁵). California and Texas provide examples of states with Democratic and Republican majorities, respectively, that have enacted provisions that require the establishment of a partial credit policy for foster youth. California has created what appears to be the most robust partial credit program for youth in foster care.

For example, California law contains an entire section specific to transferring records of youth in care. The law reads, in part:

As part of the transfer process ... the local educational agency shall compile the complete educational record of the pupil, including a determination of days of enrollment or seat time, or both if applicable, an official transcript ... including full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed ... including a determination of the days of enrollment or seat time, current classes and grades, immunization and other records, and, if applicable, a copy of the pupil's [504] plan ... or individualized education program.³⁶

In 2013, a group that included the California School Boards Association, California Department of Social Services, and the Child Welfare Council published a partial credit model policy. This policy contains guidance for awarding credit for completed coursework so students and foster care can progress toward high school graduation, including formulae for calculating partial credit.³⁷

Texas law also contains provisions that apply partial credit to youth experiencing foster cares:

In recognition of the challenges faced by students ... in substitute care, the agency shall assist the transition of students ... in substitute care from one school to another by ... developing procedures for awarding credit, including partial credit if appropriate, for course work, including electives, completed by a student who is homeless or in substitute care while enrolled at another school [and]... developing procedures to ensure that a new school relies on decisions made by the previous school regarding placement in courses or educational programs of a student ... in substitute care and places the student in comparable courses or educational programs at the new school, if those courses or programs are available.³⁸



Anticipated Impact

By statutorily requiring ADE to establish uniform rules for calculating and awarding transfer credits and focusing on individual student success plans and graduation requirements, the state can boost academic outcomes for students in foster care. Alleviating some of the obstacles of high mobility for foster youth would have a significant impact on nearly every child in care. The Annie E. Casey Foundation estimates that eliminating disparities between youth aging out of foster care and their peers in the general population would result in 5,290 more young people graduating from high school annually, leading to \$2.17 billion in economic gains during their working lifetimes.³⁹

¹ The Legal Ctr. for Foster Care and Educ., *Fostering Success in Education* (April 2018), http://www.fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?EntryId=2100&Command=Core_Download&method=inline&PortalId=0&TabId=124.

² Barrat, V. X., Berliner, B., & Felida, N. J., *Arizona's Invisible Achievement Gap: Education Outcomes of Students in Foster Care in the State's Public Schools*, 15 (WestEd 2015), <https://foster-ed.org/wp-content/uploads/2017/03/Arizonas-Invisible-Achievement-Gap-2015.pdf>.

³ Ariz. Dep't of Educ., *AZ School Report Cards, Four Year Graduation Rate*, <https://azreportcards.azed.gov/state-reports> (last visited June 1, 2023).

⁴ *Id.*

⁵ Ariz. Dep't of Educ., *Accountability and Research Data, Dropout Rates 2022*, <https://www.azed.gov/accountability-research/data/> (last visited July 31, 2023).

⁶ Am. Bar Ass'n Center on Children and the Law, *Fast Facts: Foster Care & Education Data at a Glance*, 1 (January 2022), <https://static1.squarespace.com/static/63dcf65b8d0c56709027332e/t/6454f88fa66ab34124a03df4/1683290255678/Foster+Care+and+Education+Fast+Facts+final.pdf>.

⁷ Barrat, *supra* note 2, at 15.

⁸ Ariz. Dep't of Educ., *supra* note 3.

⁹ Ariz. Dep't of Educ., *Accountability and Research Data, Cohort 2021 Five Year Graduation Rate Data*, <https://www.azed.gov/accountability-research/data/> (last visited July 31, 2023).

¹⁰ Katherine C. Pears, et. al., *Adverse Consequences of School Mobility for Children in Foster Care* (July/Aug. 2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4618793/>.

¹¹ This analysis was limited to youth in care who were at least 17 years and 3 months old when they left out-of-home care from a private foster care agency after most had been first placed with a public agency. See Pecora, P.J., Williams, J., Kessler, R. C., Hiripi, E., O'Brien, K., Emerson, J., Herrick, M.A. & Torres, D. (2006). Assessing the educational achievements of adults who formerly were placed in family foster care. *Child and Family Social Work*, 11, 220–231.

¹² "Future Savings: The Economic Potential of Successful Transitions from Foster Care to Adulthood." The Annie E. Casey Foundation (2019). <https://assets.aecf.org/m/resourcedoc/aecf-futuresavings-2019.pdf#page=10>.

¹³ 20 U.S.C.A. § 6311(g)(1)(E).

¹⁴ <https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

¹⁵ State of Arizona, Senate, 56th Legislature, First Reg. Sess., 2023, S.B. 1205 available at <https://www.azleg.gov/legtext/56leg/1R/laws/0117.pdf>.

¹⁶ 20 U.S.C.A. § 7221b(f)(1)(A)(viii)(I) (requiring states that desire to receive a grant to support high-quality charter schools to describe how the state will help charter schools include disadvantaged students, including foster youth,



in their recruitment and enrollment practices students, including removing barriers to enrollment for educationally disadvantaged students); 42 U.S.C.A. § 11432(g)(1)(F)(ii) (.

¹⁷ Homeless children and youths are defined as “individuals who lack a fixed, regular, and adequate nighttime residence” including “children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.” 42 U.S.C.A. § 11434a(2).

¹⁸ 42 U.S.C.A. § 11432(g)(1)(F)(ii) *emphasis added*.

¹⁹ <https://azsbe.az.gov/resources/graduation-requirements>

²⁰ Ariz. Rev. Stat. Ann. § 15-701.01.

²¹ Arizona Attorney General Mark Brnovich, *Attorney General Opinion I16-011 (R16-013)*, October 14, 2016, <https://www.azag.gov/opinions/i16-011-r16-013#2>

²² Ariz. Rev. Stat. Ann. § 15-701.01 (G).

²³ *Id.*

²⁴ *Id.* at (H).

²⁵ *Id.*

²⁶ *Id.*

²⁷ Ariz. Rev. Stat. Ann. § 15-701.01 (I).

²⁸ SchoolHouse Connection, *State Laws to Increase High School Graduation for Students Experiencing Homelessness*, updated February 15, 2023, <https://schoolhouseconnection.org/state-laws-to-increase-high-school-graduation-for-students-experiencing-homelessness/>; Casey Family Programs, *How Do Jurisdictions Ensure that Youth in Care Receive the Academic Credits they Have Earned When They Move?*, updated July 2022, <https://www.casey.org/how-do-jurisdictions-ensure-that-youth-in-care-receive-the-academic-credits-they-have-earned-when-they-move/>.

²⁹ Del. Admin. Code § 14:1708.

³⁰ Ky. Rev. Stat. § 156.160.

³¹ 20-A M.R.S.A. §§ 257-A, 5163-5165.

³² Nev. Rev. Stat. Ann. §§ 388.205(8), 388A.489, 389.320.

³³ New. Mex. Stat. § 22-12-10.

³⁴ 24 Pa. Stat. § 13-1331.1

³⁵ Rev. Code Wa. §§ 28A.300.142, 28A.300.542, 43.185C.340.

³⁶ Cal. Educ. Code § 49069.5(e).

³⁷ California School Boards Association, California Dep. Of Social Services, and Child Welfare Council, *California's Partial Credit Model Policy*, available at https://allianceforchildrensrights.org/wp-content/uploads/2013/12/PCM_WEB_April2014.pdf.

³⁸ Tex. Educ. Code Ann. § 25.007(b).

³⁹ “Future Savings: The Economic Potential of Successful Transitions from Foster Care to Adulthood.” The Annie E. Casey Foundation (2019). <https://assets.aecf.org/m/resourcedoc/aecf-futuresavings-2019.pdf#page=10>.