



Expanded Workforce Education for Abused and Neglected Children

Executive Summary

Every child deserves a safe and loving home, but far too many live in homes that are unhealthy and unsafe—often from birth. These are children who were born exposed to drugs, which can have long-lasting impacts including damage to the brain’s structure and functioning. Unsurprisingly, foster youth are classified as disabled at high rates. They graduate at rates markedly lower than their peers.

Yet education, particularly workforce education for abused and neglected children, is a pathway to overcome a lifetime of victimization by their birth family or, in some instances, the very system charged with protecting them. Education can lead to a more hopeful and healthy future, but the current tuition waiver program covers too few abused and neglected children and fails to include homeless youth.

To account for the disproportionate rates of individuals needing support to graduate and enter adulthood and the workforce, the Center urges legislators to make the necessary changes to increase the number of foster care children and homeless youth using the tuition waiver program. The reforms the Center advocates focus on facilitating the transition from high school to community college, university, or vocational training, expanding the pool of students covered and the timeframe to use the waiver, and broadening the expenses and fees covered to streamline the current tuition waiver process.

Finally, our suggested reforms would introduce an annual reporting mechanism to promote accountability and transparency to better engage youth transitioning out of foster care and into their desired workforce education program.

Key Takeaways

- Fetal exposure to drugs often produces long-lasting changes in brain structure and function. One in five children enter foster care as infants, with their parents’ substance use causing at least half of these separations.¹
- Students in foster care are classified with a disability at twice the rate of students living in poverty and the general student population², and children in

¹ Ross EJ, Graham DL, Money KM, Stanwood GD. [Developmental consequences of fetal exposure to drugs: what we know and what we still must learn](#). *Neuropsychopharmacology*. 2015 Jan;40(1):61-87. doi: 10.1038/npp.2014.147. Epub 2014 Jun 18. PMID: 24938210; PMCID: PMC4262892.

² Vanessa X. Barrat, BethAnn Berliner, Natalie J. Felida, [Arizona’s Invisible Achievement Gap: Education Outcomes of Students in Foster Care in State’s Public Schools](#), WestEd (San Francisco, 2015) ii.



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the state's care have the lowest on-time graduation rate of any demographic, including homeless children.³

- Average debt for college graduates in Arizona is \$24,298.⁴

The reforms would:

- Clarify the definitions of who is eligible for the tuition waiver program and expand the number of foster care recipients and homeless youth in the program, based on Maryland law.⁵
- Focus on facilitating the transition to community college, university, or vocational training, using language in Texas law.⁶
- Expand the current law beyond tuition and mandatory fees to include qualified higher education expenses and streamline the administrative process.
- Create an annual reporting mechanism promoting accountability and transparency to better engage youth transitioning out of foster care and into their desired workforce education program. Maryland law provides an example.⁷

Background

Substance Exposure, Special Needs, and School Stability

Over 830 newborns suffer from drug withdrawal annually in Arizona.⁸ Since 2017, the number of newborns with neonatal abstinence syndrome increased 41%.⁹ Fetal exposure to drugs often produces long-lasting changes in brain structure and function.¹⁰ Some of these long-lasting changes include deficits in cognitive and motor ability, attention deficit hyperactivity disorder, lower IQ, behavior problems, long-term deficits in executive function, poorer cognition, and deficits in attention, memory, and verbal fluency.¹¹

³ Arizona Department of Education, *AZ School Report Cards: Four Year Graduation Rate*, <https://azreportcards.azed.gov/state-reports> (accessed September 22, 2023).

⁴ U.S. News and World Report, Arizona Snapshot, <https://www.usnews.com/news/best-states/arizona>, (accessed on August 3, 2023).

⁵ [Md. Code Ann., Educ. § 15-106.1](#)

⁶ [Tex. Fam. Code Ann. § 264.1212](#)

⁷ [Md. Code Ann., Educ. § 15-106.1](#)

⁸ Davidson S, Lalani K, Griffin A, and Gallaway MS. [Neonatal Abstinence Syndrome Surveillance Report, 2017-2021. Phoenix, AZ. Arizona Department of Health Services](#); 2022 at p. 8.

⁹ Id.

¹⁰ Ross, Graham, Money & Stanwood, [supra](#), at 76.

¹¹ Id. at 77.



One in five children enter foster care as infants with their parent’s substance use causing at least half these separations, and the proportion is increasing.¹² The ripple effect of substance abuse can be seen in the fact that students in foster care are classified with a disability at twice the rate of students living in poverty and the general student population.¹³ To further compound the situation, more than 40% of students in foster care change schools at least once during the school year, which is nearly four times the rate of young people living in poverty and the general student population.¹⁴

Graduation and Student Debt

Children in the state’s care have the lowest on-time graduation of any demographic, including homeless children.¹⁵ Students in foster care drop out of school at twice the rate of the statewide average (foster care cohort: 10.3%; statewide: 5.4%).¹⁶ Less than half (42%) graduated from high school within four years in 2022 compared to 76.6% of all twelfth-grade students.¹⁷ Nationally, only 64% of youth aging out of foster care will earn a high school diploma or GED and less than 10% will go on to complete college.¹⁸ The average debt for individuals graduating from college in Arizona is \$24,298.¹⁹

Current Arizona Law and Practice

Two specific programs support education expenses and tuition for children in foster care in Arizona. Additionally, the federal Pell Grant program has features that are particularly advantageous to children or youth in foster care.

Current Tuition Waiver for Children in Foster Care

Under Arizona law, any university under the jurisdiction of the Arizona Board of Regents and each community college district may grant tuition waivers.²⁰ Tuition

¹² The White House Executive Office of the President, Office of National Drug Control Policy, [Substance Use Disorder In Pregnancy: Improving Outcomes for Families](#), at p. 2 (2022). See Patrick SW, Frank RG, McNeer E, Stein BD. Improving the Child Welfare System to Respond to the Needs of Substance-Exposed Infants. *Hospital pediatrics*. Aug 2019;9(8):651-654.

¹³ Barrat, Berliner & Felida, [supra](#), at ii.

¹⁴ *Id.* at 14.

¹⁵ Arizona Department of Education, *AZ School Report Cards: Four Year Graduation Rate*, <https://azreportcards.azed.gov/state-reports>. (accessed June 1, 2023).

¹⁶ Arizona Department of Education, Accountability and Research Data, “Dropout Rates 2022,” <https://www.azed.gov/accountability-research/data/> (accessed July 31, 2023).

¹⁷ Arizona Department of Education, Accountability and Research Data, “Cohort 2022 Four Year Graduation Rate Data,” <https://www.azed.gov/accountability-research/data/>

¹⁸ American Bar Association, Center on Children and the Law, Legal Center for Foster Care and Education, “[Fast Facts: Foster Care & Education Data at a Glance](#),” p. 1 (January 2022).

¹⁹ U.S. News and World Report, Arizona Snapshot, <https://www.usnews.com/news/best-states/arizona>, accessed on August 3, 2023.

²⁰ [Ariz. Rev. Stat. Ann. § 15-1809.01](#)



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means all tuition and mandatory fees charged by the community college or university. A student must meet seven eligibility requirements to receive the tuition waiver scholarships:

- Reside in the state; and
- Either
 - in foster care and at least 14 years old; or
 - in foster care when the person was at least 14 years old; or
 - adopted from foster care with the adoption finalized after the person's 14th birthday.
- Be a U.S. citizen or noncitizen lawfully present in the country; and
- Have total personal assets, not including scholarships or grants, worth less than \$10,000; and
- Be under 23 years old; and
- Be accepted into or enrolled in a degree, certificate or accredited program in Arizona and demonstrate continuous progress toward a degree or certificate to remain eligible.
- Complete a FAFSA form each year they receive the waiver.
- Complete 30 hours of volunteer service during the previous academic year; and
- Remain in good standing with the policies established by the university.²¹

Notably, the tuition waiver is not diminished by the Arizona Education and Training Voucher Program.²²

Advocates for tuition waivers report that during a pilot program, "a total of \$810,028 in fees and tuition were waived by Arizona's public colleges and universities on behalf of 199 students from spring 2014 to fall of 2017."²³

After the pilot program concluded, an Arizona state audit found that "[p]rograms have assisted recipients, but data management needs improvement, and changes to some requirements may increase Programs' reach."²⁴ Subsequent amendments to the tuition waiver program in 2019 lowered the eligibility age from 16 years to 14 years.²⁵

A 36-month follow-up by the state auditor general recommended that the state consider "program outcome data, such as graduation and dropout rates," but also

²¹ Id.

²² Id.

²³ Christie Renick, "[Tuition Waivers Help Hundreds of Arizona Foster Youth Imagine a Different Future](#)," *The Imprint*, February 15, 2018

²⁴ Id. at 3.

²⁵ [H.B. 2061](#), 54th Leg., 1st Reg. Sess. (Ariz. 2019).



noted that the initial 2018 statute “does not include a requirement to assess the [p]rograms’ effectiveness.”²⁶

The auditor also recommended state agencies coordinate outreach efforts to ensure that all eligible current and former foster care youth are aware of the program. The auditor suggested the state increase the age cap, modify the eligible educational expenses, and increase on-campus support programs.²⁷ These elements are included in the Center’s suggested reforms.

Education and Training Voucher Program

Under federal law, Arizona administers an Education and Training Voucher Program (ETV) for youth in foster care.²⁸ The funding helps with higher education expenses for young adults currently or formerly in foster care.²⁹ Funding is for five years, can be consecutive or intermittent, and students are eligible until the age of 26.³⁰ ETV funds of up to \$5,000 annually can be used for school-related expenses such as tuition, housing, school supplies, transportation, childcare, living expenses, computers, books, and health insurance.³¹ Funding can be used toward graduate school if the five-year time limit has not been met.³²

The four eligibility requirements for the benefit are:

- In U.S. or tribal foster care on or after the 16th birthday, or adopted from U.S. or tribal foster care with the adoption finalized after the 16th birthday.
- Be a U.S. citizen or qualified non-citizen;
- Have personal assets (bank account, car, home, etc.) under \$10,000; and
- Be in good standing and progressing toward earning a credential.³³

Pell Grants

Aside from the above-referenced programs and institutional scholarships, youth can access funds through the Pell Grant program. Normally, federal Pell Grants are awarded based on financial need. However students who are in foster care, aged out of foster care, or were adopted out of foster care or an orphanage after reaching age 13 are, as a general rule, considered automatically independent and qualify for the

²⁶ Ariz. Auditor General, [Auditor General Report 17-106: 36-Month Follow-up Report](#), p. 4 (July 15, 2020).

²⁷ Id.

²⁸ [42 U.S.C.A. § 677](#)

²⁹ Id.

³⁰ Id.

³¹ Id.

³² Id.

³³ Id.



maximum Pell Grant.³⁴ The amounts of grants change, but the maximum federal Pell Grant award is \$7,395 for the 2023-2024 award year (July 1, 2023 to June 20, 2024).³⁵ Pell Grants generally do not have to be repaid. There are limited circumstances under which Pell Grants *may* have to be repaid.³⁶

Proposed Reform Elements

Clarifying Definitions

Arizona should clarify the current tuition waiver program's definitions of foster care recipient, homeless youth, out-of-home placement, tuition, and vocational certificate. Here are proposed definitions based on a framework in Maryland law.³⁷

Foster Care Recipient means an individual who (a) was placed in an out-of-home placement by the Department of Child Safety (DCS); and either (b) (i) resided in an out-of-home placement on the individual's 18th birthday or at the time the individual graduated from high school or successfully completed a GED; or (ii) resided in out-of-home placement on or after the individual's 12th birthday for at least 60 days and was placed into guardianship, adopted, or reunited with at least one parent.³⁸ Additionally, this definition could include a younger sibling if they were concurrently placed into guardianship or adopted from an out-of-home placement by the same guardian or adoptive family.³⁹

Further, it is prudent to address the population referred to as "homeless youth," also known as unhoused youth. Whether they are part of the hidden foster care system, go missing, or manage to stay off the radar of DCS, this population deserves protection. For purposes of this proposal, *Homeless Youth* means (i) they have had a consistent presence in the state for at least one year before enrollment in a public institution of higher education that is documented by a school, employer, or other records, and (ii) has been verified as a homeless child or youth, as defined by the federal McKinney-Vento Homeless Assistance Act, at any time during the 24 months immediately preceding their enrollment in a public institution of higher education or

³⁴ U.S. Dep't of Educ., Office of Fin. Aid, <https://studentaid.gov/help-center/answers/article/can-i-receive-federal-student-aid-if-i-was-or-am-in-foster-care> (accessed on September 22, 2023).

³⁵ U.S. Dep't of Educ., Office of Fin. Aid, <https://studentaid.gov/understand-aid/types/grants/pell> (accessed on September 22, 2023).

³⁶ U.S. Dep't of Educ., Office of Fin. Aid, <https://studentaid.gov/understand-aid/types/grants#when-you-may-have-to-repay-a-grant> (accessed on September 22, 2023).

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*



while the youth is enrolled in a public institution of higher education.⁴⁰ Such a status can be verified by any number of sources, including:

- A school counselor.
- A school social worker.
- A local education agency liaison for children and youth experiencing homelessness designated in accordance with the federal McKinney-Vento Homeless Assistance Act.
- A director or designees of a governmental or nonprofit entity that receives public or private funding to provide services to people experiencing homelessness.
- The director or a designee of a federal or state outreach and student services program designed to identify and provide services to economically disadvantaged individuals.
- The director or a designee of a federal or state program for providing early awareness and readiness for undergraduate programs.
- The director or a designee of a financial aid department at a public institution of higher education in which the youth is enrolled or seeks to enroll.⁴¹

Out-of-home placement means “the placing of a child in the custody of an individual or agency other than with the child's parent or legal guardian and includes placement in temporary custody pursuant to § 8-821, voluntary placement pursuant to § 8-806 or placement due to dependency actions.”⁴²

Qualified Higher Educational Expense means tuition, fees, books, meal plans, parking tags, supplies, room and board, and equipment charges imposed by a public institution of higher education offered during the fall, winter, spring, and summer terms.

Tuition means the charges imposed by a public institution of higher education for enrollment at an institution, including “charges for registration and all fees required as a condition of enrollment in credit-bearing and noncredit courses offered during the fall, winter, spring, and summer terms.”⁴³

⁴⁰ Id.

⁴¹ Id.

⁴² [Ariz. Rev. Stat. Ann. § 8-501](#)

⁴³ [Md. Code Ann., Educ. § 15-106.1](#)



Vocational certificate means a certificate or license awarded by a public institution of higher education on completion of a course of study that prepares an individual to work in a career field by taking credit-bearing or noncredit courses.⁴⁴

Facilitating the Transition to Community College, University, and Vocational Training

Arizona should model its approach on a Texas law that provides a framework for how young people in school can more fully access and participate in an expanded workforce education waiver program.⁴⁵ The general parameters include:

- DCS is required to provide written notice to the youth, their attorney, and their caregiver of their potential eligibility for the tuition waiver program;
- School districts, in coordination with DCS, are required to facilitate the transition of each child enrolled in the district who is potentially eligible for an expanded workforce education waiver by:
 - Assisting the child with the completion of any applications for admission or financial aid, including FAFSA.
 - Arranging, transporting, and accompanying the child on campus visits, as necessary.
 - Assisting the child in researching and applying for private or institution-sponsored scholarships.
 - Identifying whether the child is interested in an appointment to a military academy.
 - Assisting the child in registering and preparing for college entrance examinations, including arranging for the payment of any examination fees and test prep fees by DCS.
 - Coordinating and documenting contact between the child and DCS.⁴⁶

Streamline the Process

Here are the Center proposed amendments to Arizona's current tuition waiver statute:

- Clarify that residency in the state is based on the time of application for the waiver.
- Adjust eligibility to specifically include children who entered the foster care system at a younger age and homeless youth, as defined above.
- Remove asset limits to allow more foster youth to qualify.
- Cover qualified higher education expenses, and apply the waiver after Pell Grant funds and any institutional or private scholarship money are applied.

⁴⁴ Id.

⁴⁵ [Tex. Fam. Code Ann. § 264.1212](#)

⁴⁶ Id.



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Specifically, *exclude* requiring the application of any education and training voucher funds before the waiver.

- Increase the upper age cap from 23 to under 27 years of age;
- Remove the requirement that the student demonstrate continuous progress toward a degree or certificate to remain eligible.
- Remove the requirement that after receiving the waiver the student annually completes 30 hours of volunteer service.
- Amend language that they must be in good standing with the policies established by community college, university, or vocational certificate programs to require they be working on a plan to be in good standing, including but not limited to being on probation, in an alternative dispute resolution program, remedial education pathway, or in a diversion program.
- Cover 100% of qualified higher education expenses. Currently, the waiver only covers tuition and fees.
- Request that state universities and community colleges provide foster care recipients and homeless youth priority for on-campus housing and require that housing be made available to foster youth during school breaks at no extra charge.
- Require state universities and community colleges to provide remedial courses or academic support for foster care recipients and homeless youth at no extra charge to the student.
- Prohibit institutions from limiting students' participation in the tuition waiver program based on their high school academic performance.
- Include a fraud prevention clause.
- Make the effective date immediate.

Annual Reporting

Maryland law provides a template for how an annual reporting mechanism might best be achieved for a tuition waiver program.⁴⁷ Here is an example:

- Each community college, university, or vocational training program must report to the Arizona Commission on Postsecondary Education on the aggregate and disaggregate number of foster care recipients and homeless youth, including data disaggregated by age, race, ethnicity, sexual orientation, and gender identity, who:
 - Received the workforce education waiver during the prior academic year.

⁴⁷ [Md. Code Ann., Educ. § 15-106.1](#)



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- Applied for but did not receive the workforce education waiver during the prior academic year and the reason for denial.
- Previously received the workforce education waiver but did not receive the workforce education waiver during the following academic year and the reason for not continuing to receive the workforce education waiver.
- Earned a bachelor’s degree, an associate degree, or a vocational certificate from the institution during the prior academic year.
- Filed an appeal, including the outcome of each appeal and the reason for each appeal denial.
- Each public institution of higher education shall submit a brief description of any forms used in conjunction with the expanded workforce education waiver to the Arizona Commission on Postsecondary Education.

Anticipated Impact

By removing the financial barrier to workforce education for a population that often lack support systems, it is more likely children with a history in the child welfare system and homeless children will complete their post-secondary course of study and productively enter the workforce. These suggested reforms could open tuition waivers to an estimated 5,038 children ages 12 and above currently in foster care,⁴⁸ and an additional 1,860 children will likely be in foster care at age 12 every year thereafter, making them eligible for this benefit.⁴⁹

⁴⁸ U.S. Dep’t of Health and Human Serv., Admin. for Children and Families, Admin. on Children, Youth and Families, Children’s Bureau, [Preliminary Estimates for FY 2021](#) as of June 28, 2022 (29), p. 1, accessed on August 28, 2023.

⁴⁹ Id. at p. 2.