

A Report on Education Experiences of Children  
in Pennsylvania Residential Treatment Facilities  
March 2011



**I**n 2009, Stoneleigh Foundation Junior Fellow Arley Styer joined with the Education Law Center (ELC) to explore the educational experiences of children placed in Pennsylvania group homes and residential treatment facilities. These children, many of whom tend to suffer from behavior disorders, often encounter educational barriers such as lack of needed special education services or too few hours of schooling while in placement. Upon returning to the public school system, they face a higher risk of falling behind or dropping out than their peers. Despite mounting anecdotal evidence regarding the unmet educational needs of children in these placements, there had been little research into the issue.

Every year, thousands of Pennsylvania children are placed in residential settings such as group homes and residential treatment facilities. In fact, in 2007, Pennsylvania placed more children in residential treatment facilities than any other state in the country.<sup>1</sup> A high percentage of these youth are also involved in the juvenile justice system, the child welfare system, or both. Children with disabilities in these facilities are entitled by law to a free, appropriate public education in the least restrictive environment. Yet, they are often educated on the facilities' grounds, even though they could—and often should—be attending regular schools. Due to the “interagency” nature of this population, neither the Departments of Education nor Public Welfare sufficiently attends to or monitors the quality or quantity of the education these children are receiving either on site or in public schools. To understand the scope of the problem and possible solutions, Styer and colleagues initiated research that ultimately resulted in concrete and positive outcomes for children in dependent care.



**DISCOVERY**

Styer's year-long project began with a discovery phase, including a review of existing literature on educational challenges for children in foster care and children with behavioral disabilities. She also examined state data and individual reports on a range of residential placements in Pennsylvania and interviewed policymakers and professionals engaged in this work. Based on this discovery work, Styer and ELC identified key inquiry areas to explore in the next phase of research, including the quality of education provided in these placements and the impact of a child's educational experience during placement on the transition to the home school.

In partnership with the Disability Rights Network, and in collaboration with the Department of Public Welfare, the Pennsylvania Council of Children, Youth and Family Services, and the Children’s Hospital of Philadelphia, Styer collected 394 surveys, completed four focus groups, and conducted over twenty-five interviews.<sup>2</sup>

Throughout her work, Styer heard a common story across different types of residential placements—a story of children who were often shut out of public school and who did not receive adequate or appropriate instruction at on-site educational programs. For many different reasons, academic skills were not adequately developed, and frequently credits were not earned or were not accepted by school districts towards a high school diploma. As a result, when these children returned to their home school, they found themselves perilously behind their peers academically, often causing them to give up and drop out. For children in residential settings with special education needs, the consequences were often even more damaging because they lacked any “special education decision maker” while in placement to represent their interests through the special education process.

## FINDINGS

Styer and her project partners gathered important data related to four areas of concern.

### **Concern:** Are children attending on-site schools or public schools and are their public school placements appropriate?

- › Seventy-one percent of youth surveyed reported that they attended on-site schools.
- › Fifty-six percent of providers reported that “none” or “less than 10 percent” of children in their care attended public school.
- › Over 62 percent of child welfare professionals stated that clients were “refused” enrollment by public schools while 30 percent of providers reported this conduct.
- › Forty-four percent of providers reported that youth who were permitted to attend public schools were “required” to attend an alternative education program for disruptive youth.

### **Concern:** What is the quality of education provided to resident children either at on-site schools or in education programs at intermediate units or nearby school districts?

- › Fifty-two percent of caseworkers reported that the curriculum at on-site schools was not grade-level appropriate.
- › Qualitative data indicates that the education provided by on-site schools is limited in instruction hours, relies heavily on worksheets, is far below grade level, fails to advance basic skills, and is not geared towards keeping students on track to graduate.
- › Approximately 50 percent of youth surveyed reported that they were taught in a classroom with children of varying ages and abilities.
- › Thirty-seven percent reported that they were taught in a classroom with students “around” their own age; and 12 percent reported that school consisted “solely” of independent worksheets.

### **Concern:** How are special education issues addressed and do children in residential settings have active special education decision makers?

- › While a majority of children in residential placements have Individualized Education Programs, they often do not have parents or other legally authorized persons who participate in decisions about where the child should be educated or the content of their program.
- › Approximately 45 percent of caseworkers reported acting as the decision maker even though federal law bars caseworkers from undertaking this role.
- › Caseworkers also report that surrogate parents are never (60 percent) or rarely (10 percent) appointed by courts, an authority judges hold under federal and state special education law.

### **Concern:** What impact does a child’s educational experience at an on-site school have on the transition back to the home school district?

- › Sixty-five percent of respondents asserted that youth who did enroll in public schools experienced enrollment delays.
- › Eighty-five percent of youth and over 50 percent of child welfare professionals surveyed reported difficulties transferring credits earned at on-site schools to public schools.



## RECOMMENDATIONS

Styer’s research elucidated what needs to change in order to meet the educational needs of these children and how each system—child welfare, education and the courts—can work both independently and in tandem to improve educational outcomes for these vulnerable and underserved children.

### KEY RECOMMENDATIONS ARE AS FOLLOWS:

#### » Enhance Child Welfare and Education Coordination

Children in residential placements lose ground academically with each school move and should stay in their prior school whenever possible. The lack of coordination among child welfare agencies, private providers, and host and home school districts also detracts from a child’s educational experience. These entities should work together to ensure school stability, appropriate school placement, and compliance with Individualized Education Programs for children eligible for special education.

#### » Strengthen the Response of Local School Districts

Under Pennsylvania law, a host school district—the district where the residential facility is located—is responsible for educating children in residential settings and for ensuring that children with special education needs receive a free appropriate public education in the least restrictive environment. School districts cannot deny or delay access to public schools or automatically place youth in an alternative education or another segregated setting based on their residential placement status. Every child with a disability must be identified by the host school district where the residential placement is located; promptly evaluated for services with parental consent; and, have a parent or other active, involved legally appropriate decision maker.

#### » Strengthen the Coordination of Child Welfare and Court Systems

Juvenile court judges, child advocates and child welfare professionals must address educational issues in court, including ensuring that a child has school stability and is making progress towards graduation. In addition, it is essential that, when there is no parent who is representing

a child who has or may have special education needs, the court system promptly appoints an active, involved special education decision maker to ensure that an Individualized Education Program is followed and updated when necessary.

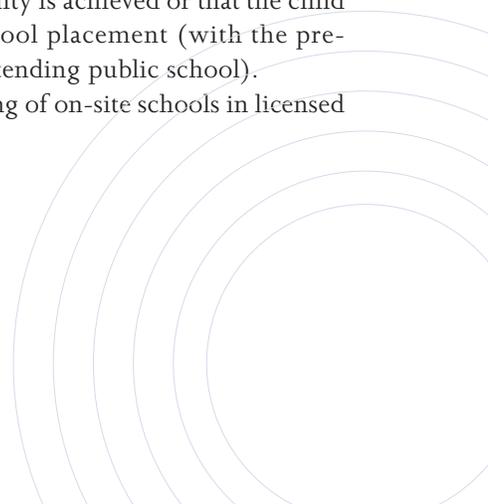
#### » Strengthen Protocols Among Key State Agencies

##### *Pennsylvania’s Department of Education should:*

- › Ensure that youth have the option to attend public schools on the same basis as resident students when appropriate, and that this option is conveyed to the student’s decision maker.
- › Ensure that districts do not deny children access to public schools, delay enrollment or automatically place youth in alternative education programs, based on existing state laws and guidance.
- › Ensure that every child with a disability is identified by the host school district, has an active involved decision maker, is promptly evaluated, receives adequate services and is educated in the least restrictive environment possible.
- › Closely monitor on-site schools and impose higher standards for instruction for children who must be educated through on-site programs, including a curriculum consistent with state standards and aligned as appropriate with the host or home district.
- › Communicate with districts to ensure that children who are subject to the federal McKinney-Vento or Fostering Connections Acts remain in the same school, if possible.
- › Support legislation to address the issue of failed credit transfers and other barriers to promotion and graduation.
- › Develop a statewide surrogate parent program.

##### *Pennsylvania’s Departments of Public Welfare and Education should jointly:*

- › Develop a protocol for agencies, private providers and host/home districts to facilitate school placement decisions and access to public schools, including providing notice to a child’s education decision maker to ensure that school stability is achieved or that the child has an appropriate school placement (with the presumption in favor of attending public school).
- › Increase joint monitoring of on-site schools in licensed facilities.





## OUTCOMES: MOVING THE DIAL

Even before the project ended in June 2010—and since then—the dial has moved toward improved educational services for youth in Pennsylvania’s group homes and residential treatment facilities.

### » **Advancements in Policies and Increased Monitoring: New State Directives**

This project informed ELC’s work with state policymakers on a number of important initiatives that will expand and improve educational opportunities for youth living in residential settings. ELC partnered with Disability Rights Network and [Juvenile Law Center](#) in undertaking several of these initiatives.

- › In May 2010, the [Department of Education](#) issued an updated Basic Education Circular (which provides guidance on the implementation of law, regulation and policy) entitled *Educational Programs for Students in “Non-Educational” Placements*<sup>3</sup>. The document clarifies a child’s legal entitlement to attend public school and enumerates the narrow circumstances under which a child may attend an on-site school. It also sets out in detail the obligations of host school districts to meet the education and special education needs of the children in residential settings. The directive also explains the responsibilities of host and home school districts, as well as private providers.
- › In January 2010, the Department of Public Welfare issued a companion *Bulletin, OMHSAS-10-02*<sup>4</sup>, which sets out the obligations of the residential facilities, including notifying host school districts when students are admitted and facilitating discharge planning to a home school district.
- › Together, ELC, the Juvenile Law Center and the Disability Rights Network and the Department of Public Welfare developed a bulletin and education screen that requires caseworkers to determine the educational status and needs of each child in foster care when a child first comes into care and each six months thereafter (or annually for children who remain with their families). As a result of the organizations’ work on this project, the mandated screen was expanded to specifically address the legal rights of children in residential settings.

**Stoneleigh Foundation** The Stoneleigh Junior Fellowship Program provides recent graduates with an opportunity to help design and carry out social change projects in the fields of child welfare, juvenile justice, education and behavioral health, with the support of a partner organization. The Fellowship is designed to provide a dynamic, hands-on experience for the Junior Fellow, resulting in a tangible product that advances the work of the partner organization.

**Arley Styer** Prior to becoming a Junior Fellow, Arley worked with underserved children and youth in both educational and community settings. As a Policy Intern at People’s Emergency Center in Philadelphia, she conducted research on the value of early education and intervention for homeless children. Arley has a dual master’s degree in Social Service and Law and Social Policy from Bryn Mawr College and a BA from Ursinus College.

**Education Law Center** Since 1975, the Education Law Center of Pennsylvania (ELC) has worked to make good public education a reality for Pennsylvania’s most vulnerable children—poor children, children of color; children with disabilities, English language learners, children in foster homes and institutions, and others. Their strategies include not only “traditional” legal work, but also training and information-sharing; advocating for new laws and policies in Pennsylvania and Washington; and working with organizations and media.

- › ELC and the Disability Rights Network are currently working with both the Departments of Education and Public Welfare to increase oversight of on-site schools based in facilities.

### » **Trainings, Outreach and Joint Protocols**

One of the additional benefits of the project is that the many meetings, surveys and interviews conducted during the fellowship spread the word among professionals in the field that these children were experiencing problems and that they have rights. Through the project, ELC was able to identify many of the misconceptions held by child welfare agencies, private providers, educators and judges regarding the educational needs and rights of children in residential settings. As such, many have made requests for technical assistance and training on the issue. As a result, ELC has:

- › Developed a model joint protocol to guide school placement decisions for children in residential placements. ELC is now working to refine and disseminate this tool more broadly and meeting with a cross-section of county leaders in child welfare, education and the legal field to develop similar protocols for specific jurisdictions.
- › Addressed this topic in presentations for judges statewide, who have since remarked that they are often opting for public school placement in lieu of automatically placing children in on-site education programs for truancy as they had in the past.
- › Conducted numerous joint trainings for caseworkers, providers, educators and court representatives regarding this topic.

#### » Legal Advocacy

The project has also allowed ELC to undertake the more “traditional” legal work of taking legal action on behalf of children in residential placements to address specific systemic issues. The project triggered many calls to ELC staff, several of which resulted in the filing of administrative and judicial complaints including the following:

**Children in residential placements with qualifying disabilities are entitled to an educational program that is “equally effective” as that afforded to their non-handicapped peers and are entitled to access to public school.** In this administrative complaint filed on behalf of youth residing in a drug and alcohol rehabilitation program who had received limited instruction hours through an on-site program, ELC asserted that these children were being discriminated against on the basis of disability and were entitled to an educational program that is “equally effective” as that afforded to their non-handicapped peers. The state agreed and ordered specific corrective action.

**Whenever possible, children in residential placements should be enrolled in regular public school rather than placed automatically in on-site schools.** ELC, the Disability Rights Network and KidsVoice, a Pittsburgh-based child advocacy organization, filed an administrative complaint on behalf of a youth and

all children similarly situated. Upon her arrival at a group home, the child—who was never previously identified for special education services—was automatically placed in an on-site special education school for children with emotional disturbance. The school district’s treatment of this child and other students similarly assigned to the on-site school was found to violate federal and state disability laws and the school district has now adopted new policies and procedures in response to the state’s ruling requiring a corrective action plan.

**Children living in residential settings cannot be denied access to regular public schools or placed in more restrictive settings based on their living situation.** In part through this project, ELC learned that children residing in a particular group home were routinely placed in separate classrooms in a district’s alternative education building and denied access to the district’s regular public schools. Based solely on their status as residents of the group home, the children were educated in multi-grade classrooms and received more limited and inferior educational opportunities. For example, their curriculum consisted primarily of worksheets and they had no access to libraries, vocational courses, laboratories or advanced placement courses. ELC and KidsVoice filed a class action lawsuit on behalf of children who now, or in the past two years, or in the future may be educated in these separate classrooms.

#### NEXT STEPS: WHERE IS THE DIAL NOW?

ELC and its partner organizations continue to advocate for the educational rights of Pennsylvania children placed in group homes and residential treatment facilities. Arley Styer’s fellowship ended in June 2010, and she is now pursuing her career in public policy. For more information about this project, or about the education rights of children, contact Education Law Center at 215-238-6970 or visit their website at [www.elc-pa.org](http://www.elc-pa.org).

For more information about Stoneleigh Foundation and our fellowship programs, contact us at 215-735-7080 or [www.stoneleighfoundation.org](http://www.stoneleighfoundation.org).

<sup>1</sup> “White Paper: Community Alternatives to Psychiatric Residential Treatment Facility Services, Commonwealth of Pennsylvania Office of Mental Health and Substance Abuse Services.” April 4, 2008. (Available at [www.stoneleighfoundation.org](http://www.stoneleighfoundation.org).)

<sup>2</sup> Surveys were conducted of 261 caseworkers, 67 residential treatment facilities and 66 youth in foster care who were currently or formerly in residential placement. Four ninety-minute focus groups comprised of 7-8 individuals each, including caseworkers from public and private child welfare agencies, statewide administrators, professionals working in private residential settings, and youth currently resident in residential placement. Interviews were conducted with state, county and local government representatives, state policymakers, representatives from welfare offices, child advocate attorneys, representatives from school districts, family courts, residential providers, attorneys, parents and youth.

<sup>3</sup> The Basic Education Circular is available at [www.stoneleighfoundation.org](http://www.stoneleighfoundation.org) and on the Pennsylvania Department of Education web site [http://www.portal.state.pa.us/portal/server.pt/community/pa\\_codes/7501/educational\\_portions\\_of\\_\\_non-educational\\_\\_placements/507372](http://www.portal.state.pa.us/portal/server.pt/community/pa_codes/7501/educational_portions_of__non-educational__placements/507372)

<sup>4</sup>The Department of Welfare Bulletin OMHSAS-10-02 is available at [www.stoneleighfoundation.org](http://www.stoneleighfoundation.org) and searchable on the Pennsylvania Department of Public Welfare web site, <http://services.dpw.state.pa.us/olddpw/bulletinsearch.aspx>.