Proposed Amendment to CGSA §17a-65, Concerning Special Education Eligibility of Foster Children in Pre-K through Second Grade, and the Obligation to Annually Track the Academic Progress of Children Committed to DCF

What will this proposed legislation do?

This amendment to current legislation would require DCF to promptly review the educational files for consideration for special education services, and promptly make a referral to the local school district where warranted, pursuant to CGSA §§10-76a to 10-76h, for any child in pre-K through second grade, upon that child’s commitment to DCF, or upon DCF being appointed educational rights by the court. In addition, this amendment would require DCF to utilize the results of these reviews to annually track the academic progress of each child and youth in state custody and report to the Interagency Council for Ending the Achievement Gap, created pursuant to CGSA §10-16nn.¹

Why do we need these amendments?

- The disparity in academic performance between children in foster care and those who are not is significant;² those disparities widen and become entrenched as students grow older and their educational needs remain unaddressed.³

- In Connecticut, in 2018-19 a low percentage of students in DCF custody performed at, or above, proficient level on the state assessment test for reading, especially when compared to children not in DCF-custody: 3rd Graders – 19.3% (DCF) vs. 54.3% (non-DCF); 8th Graders – 19% (DCF) vs. 55.8% (non-DCF). Similarly, a low percentage of DCF students performed at, or above, proficient level on the state assessment test for math.

¹ The Interagency Council for Ending the Achievement Gap was created pursuant to CGSA § 10-16nn to assist in the development and implementation of a master plan to eliminate the academic achievement gap in Connecticut. This proposed amendment would help DCF gather information to produce these reports and require DCF to produce the reports to the Interagency Council, which replaces the Achievement Gap Task Force.

² National Working Group on Foster Care and Education, Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care (2018) (children in state care require more special education services, have poor test scores and school attendance, lower high school completion rates, and lower levels of performance in post-secondary education), at pp. 5-8.

³ Students in foster care often suffer with unaddressed special education needs for numerous reasons, including: the lack of a consistent knowledgeable adult to advocate on their behalf, frequent moves resulting in incomplete evaluations and referrals, and learning disorders being misdiagnosed and attributed to their complex abuse/neglect history. See Annie E. Casey Foundation report, Sustaining Momentum: Improving Educational Stability for Young People in Foster Care (2014), at http://www.aecf.org/resources/sustaining-momentum.
assessment test for math: 3rd Graders – 19.3% (DCF) vs. 55% (non-DCF); 8th Graders – 6.3% (DCF) vs. 43.5% (non-DCF).  

- Children who need special education and related services must be identified early so they get the support they need. Identifying and addressing the educational needs of young children in foster care is critical to ensuring their long-term academic success.

**How will these amendments address this problem?**

- Requiring DCF to systematically review records of this particular population will more routinely ensure the early identification of students in need of special education, and that they have the supports and services they need before significant delays and disruption to a student’s academic progress occur.

- As it is now, under current legislation, DCF is already required to promptly review the educational files of any child, *upon his or her entry into any facility or school program run or contracted for by DCF*, to determine if such child is eligible for special education. This amendment would require that every DCF-committed child, pre-K through second grade, have his or her file reviewed for eligibility, not just those already in alternative education programs.

- Identifying students with special education needs, and providing those services from an early age, is critical to addressing the disparities in educational outcomes for children and youth in foster care and to better addressing the needs of this vulnerable population. If a child cannot read by third grade, his or her future academic outcomes are more likely than not to be poor.

- Requiring DCF to incorporate the results in its annual report of the academic progress of each child in state custody under CGSA §17a-65(a) will create a fuller picture of the educational outcomes for students in foster care. Further, requiring DCF to report to the Interagency Council for Ending the Achievement Gap will enable the Council to fulfill its mission of developing and implementing a plan to eliminate the achievement gap in Connecticut, and furthering the educational needs of children.

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