

# FACT SHEET: Education and Workforce Related Policies Affecting Systems-Involved Youth

This resource intends to inform researchers, policymakers, and practitioners of the federal legislation that govern systems-involved youth, and highlight grant opportunities. This resource does not include all legislation impacting systems-involved youth, but rather highlights legislation and grants specifically focused on supporting secondary, postsecondary, and workforce success among these youth. The term ‘systems-involved youth’ is used to describe youth involved in the juvenile justice system, child welfare system, or both systems (i.e., crossover youth).

## Legislation/Grants with Attention to Systems-Involved Youth

### Every Student Succeeds Act

The Every Student Succeeds Act (ESSA) was signed into law on December 10, 2015, reauthorizing the Elementary and Secondary Education Act (ESEA) of 1965 and replacing the No Child Left Behind Act (NCLB) of 2001. As the new federal education legislation law governing all K-12 education, ESSA underscores the commitment to uphold high educational standards for all students, but aims to fix the one-size-fits-all approach to education associated with NCLB.

In an effort to ensure quality education for all students, ESSA includes provisions in Title I, Part D solely dedicated to prevention and intervention programs for neglected, delinquent, or “at-risk” youth. Title I, Part D provides federal funding to states to establish and improve programs targeted to these youth. Specifically, some [changes under Title I, Part D of ESSA](#) aim to improve educational services in juvenile justice facilities in order help youth meet statewide academic standards; promote the transition of youth from facilities to further education or employment; prevent dropping and pushing out of youth in school; and provide reentry support to young people returning to their school and/or community. Additional [key provisions](#) under ESSA include requiring state and local education agencies to involve parents, family members, and communities in improving educational outcomes for justice-involved youth, expanding funding for support and transitional services for tribal youth, and demonstrate how Title I, Part D funding will be used to coordinate with other federal, state, and local programs, such as career and technical education programs.

ESSA also includes [special protections](#) for youth in foster care in order to promote their [educational stability](#) and success. These protections require states to disaggregate data on student achievement and graduation rates for youth in foster care, ensure students remain in their school of origin (unless it is not within their best interest), allow for immediate enrollment and record transfer to a new school if necessary, and ensure access to necessary transportation to and from school. State and local education agencies must also designate state and local points of contact for child welfare agencies to ensure effective collaboration and implementation of foster care provisions.

### Crossover Youth Callout: Who are they? How are they affected by ESSA?

Youth who come in contact with both the child welfare and juvenile justice systems are known as crossover youth. Crossover youth may occupy these systems at different points or at the same time, and their status may or may not be known to either the child welfare or juvenile justice systems.

ESSA specifies in Title I, Part D Subpart 1 that state agencies, to the extent feasible, must note when a youth has come in contact with both the child welfare and juvenile justice systems and use funds for targeted evidence-based services and interventions to keep these youth in school. Additionally, the definition of “at-risk” was amended to include those at risk of “dependency adjudication, or delinquency adjudication” and those that come in contact with the child welfare system.

For more resources related to ESSA, please reference AYPF’s [resource page](#).



## McKinney-Vento Homeless Assistance Act

ESSA amended the McKinney-Vento Homeless Assistance Act in 2015, strengthening the previous legislation and providing an opportunity for states to prioritize youth experiencing homelessness. Youth involved in the juvenile justice and/or child welfare system often experience homelessness and can benefit from the supports and protections provided under ESSA. The amended legislation prioritizing identification of homeless youth removes barriers to success and stability, improves access to college, and strengthens professional development of staff and administrators that serve homeless youth.

For more information, please reference:

- [GradNation Report, America's Promise Alliance: "Hidden in Plain Sight: Homeless Students in America's Public Schools"](#)
- [Guidance Fact Sheet, U.S. Department of Education: "Supporting the Success of Homeless Children and Youths"](#)
- [Non-Regulatory Guidance \(updated March 2017\), U.S. Department of Education](#)
- [National Association for the Education of Homeless Children and Youth \(NAEHCY\) webinars](#)
- [NAEHCY Statutory Language and Summary Document](#)

## Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) was reauthorized in 2004 and amended by ESSA in 2015. IDEA [ensures](#) that all children with disabilities have access to a free appropriate public education, special education, and related services to prepare them for education, employment, and independent living. IDEA provides assistance to states and localities for the provision of education, implementation of early intervention services, and continuous improvement of tools, programs, and services supporting children with disabilities. Research indicates that significant amounts of [youth in foster care](#) require special education services and are more likely to be receiving services than their non-foster peers, and that [incarcerated youth](#) need or are already receiving special education services at higher rates than their non-incarcerated peers. Given the overrepresentation of systems-involved youth identified as eligible for special education services, and the [mobility of these youth](#) which can interfere with accessing these services, IDEA is a valuable tool for ensuring that these youth get the educational services they need as identified by their Individual Education Plan (IEP). Protections under IDEA [apply](#) to students served in juvenile justice facilities. Additionally, [Section 504](#) of the Rehabilitation Act of 1973 is a federal law that prohibits discrimination against individuals with disabilities, and protects the rights of these individuals in programs and activities that receive financial assistance from the U.S. Department of Education.

## Workforce Innovation and Opportunity Act

The Workforce Innovation and Opportunity Act (WIOA), signed into law in 2014, reauthorized and expanded upon the Workforce Investment Act (WIA), funding the nation's workforce training and supporting coordination with adult education and vocational rehabilitation programs. With an increased focus on the country's most traditionally underserved workers, [key provisions](#) of the law include a requirement that a larger percentage (75% compared to 30% under its predecessor WIA) of state and local youth funds go toward out-of-school youth ages 16-24, which can include youth involved in the juvenile or adult justice systems and the foster care system. Additionally, WIOA authorizes [one-stop career centers](#) and core programs including [YouthBuild](#), which provides academic and work-based learning experiences for youth, including those involved in the foster care and/or juvenile justice system.

## The Family Educational Rights and Privacy Act

The [Family Education Rights and Privacy Act \(FERPA\)](#) was signed into law in 1974, and has been amended many times since then. FERPA protects the privacy of student education records, and applies to all educational institutions and agencies, including postsecondary institutions, that receive funds under an applicable program of the U.S. Department of Education. FERPA dictates what educational information from a student's record can be shared and with whom, which is relevant to foster care and justice-involved youth as their information is communicated across systems.



## Higher Education Act

The [Higher Education Act \(HEA\)](#) was reauthorized in 2008. HEA authorizes a variety of federal student aid programs that provide financial assistance to students and their families and programs that provide federal support to postsecondary institutions of higher education. It includes [provisions](#) that support college and career readiness and success for foster youth, such as a requiring federal college access programs (e.g., [TRIO programs](#)) to prioritize the unique needs of foster youth and ensure automatic eligibility for foster youth.

## Perkins Career and Technical Education Act

The Carl D. Perkins Career and Technical Act of 2006 (Perkins IV) provides federal support to local and state secondary and postsecondary programs that develop the academic, career, and technical skills of students participating in career and technical education. Institutions receiving Perkins funds must ensure [access for special populations](#) who face difficulty in attaining education and employment, including foster children.

## Education Innovation and Research Grants

A successor program of Investing in Innovation (i3) grants, [Education Innovation and Research \(EIR\) grants](#) are available in three forms (Early-Phase, Mid-Phase, and Expansion) with the purpose of improving achievement and attainment for [high-needs students](#), defined as “students who are at risk of educational failure or otherwise in need of special assistance and support” and inclusive of youth in foster care or youth who have been incarcerated, through innovative, evidence-based solutions. EIR priority options for early-phase grants include improving school climate, increasing postsecondary preparedness, and reengagement of disconnected youth. Twenty-five percent of funds are reserved for rural applicants.

## Performance Partnership Pilots for Disconnected Youth

The [Performance Partnership Pilots \(P3\)](#) program allows states, localities, regions and tribes to test innovative, outcome-focused strategies to achieve improvements in education, employment, and other outcomes for disconnected youth. Disconnected youth is defined as low-income people, ages 16-24, who are homeless, in foster care, involved in the justice system, or are not working or enrolled in (or at risk of dropping out of) an educational institution. Through flexibility in the use of formula funds and competitive grants across multiple federal programs, the program lessens administrative burden on states, localities, regions, and tribes by allowing funds to be pooled and then governed by a single set of reporting and other requirements.

## Legislation/Grants Specifically Targeted to Youth Involved in the Juvenile Justice System

Visit the U.S. Department of Education’s [webpage](#) for guidance, technical assistance and support, and additional resources regarding correctional education in juvenile justice facilities.

### **Juvenile Justice Delinquency and Prevention Act (*passed in the Senate on August 1, 2017*)**

The Juvenile Justice Delinquency and Prevention Act (JJDP Act) became law with bipartisan support in 1974, establishing federal requirements to protect delinquent youth and promote prevention efforts. JJDP Act was reauthorized in 2002, and has been due for reauthorization since 2007. The law includes four core requirements of states, in order to receive federal funding:

1. *Deinstitutionalization of Status Offenders (DSO)* – Youth charged with status offenses may not be placed in secure detention or locked confinement, but should rather be supported through family or community-based programs. A status offense is conduct that is unlawful when committed by a minor yet is not criminal when committed by an adult, for example truancy, running away, curfew violations and underage drinking.



2. *Adult Jail and Lock-up Removal* – Youth under jurisdiction of the juvenile justice system may not be detained in adult jails or lock-ups except for limited amounts of time before or after a court hearing, in rural areas, or in unsafe travel conditions.
3. *Sight and Sound Separation* – When youth are placed in adult jails or lock-ups, sight and sound separation is required. Youth cannot be housed next to adult cells, share common areas, or have any other contact with adult offenders.
4. *Disproportionate Minority Contact (DMC)* – States must address and study the disproportional amount of youth of color that come into contact with their juvenile justice systems, with attention to various points of contact, including arrest, diversion, and transfer.

For more information on the four core requirements, please reference the [Coalition for Juvenile Justice JJDPA Resource Page](#)

JJDPA also established the [Office of Juvenile Justice and Delinquency Prevention \(OJJDP\)](#) as a separate office within the Department of Justice. Those that receive JJDPA funding can also access training and technical assistance from OJJDP. Advocates and legislators alike support the reauthorization of JJDPA. The [bill](#) is currently in conference.

## Crossover Youth Callout: JJDPA

The most recent reauthorization in 2002 promoted coordination through information-sharing between juvenile justice and child welfare systems. For more information, please reference: <http://jjiie.org/hub/dual-status-youth/key-issues/>

### **Second Chance Act (introduced on June 13, 2017)**

The Second Chance Act (SCA) passed with bipartisan support in 2008. A bill to reauthorize the law was [introduced](#) in the House of Representatives in June 2017. The legislation supports state, local, and tribal governments and non-profit organizations in efforts to reduce recidivism and aid in successful reentry of those previously in federal, state, or local facilities through federal grant funding. The grants are awarded through OJJDP, and since FY 2009, more than \$475 million has been authorized for grants, training, and technical assistance that support reentry of previously incarcerated individuals into their community. These grants fund reentry services, including supports relating to housing, education, employment, substance abuse, and mental health treatment. Approximately [20% of grants](#) have been awarded to entities that serve the juvenile justice population, reaching about 24,000 youth.

### **Juvenile Justice Reentry Education Program: Opening Doors to College and Careers through Career and Technical Education**

Juvenile Justice Reentry Education Program (JJ-REP) provides grants for career and technical education (CTE) programs in juvenile justice facilities, intensive wrap-around reentry services, and post-release employment, training, and CTE opportunities. The program is a result of [collaboration](#) between the Office of Career, Technical, and Adult Education (OCTAE) and OJJDP, stemming from [research](#) on the benefits of correctional education in reducing recidivism. In 2016, [four institutions/districts](#) received funding and technical assistance through the program.

## Legislation/Grants Specifically Targeted to Youth Involved In the Child Welfare System

Visit the U.S. Department of Education's [webpage](#) for initiatives, guidance, regulations, and resources regarding foster care and education.



## The Uninterrupted Scholars Act

The Uninterrupted Scholars Act (USA) was signed into law in 2013, amending the Family Educational Rights and Privacy Act (FERPA), to ease the sharing of information between agencies that support youth in foster care. USA amended FERPA to permit, but not require, educational agencies and institutions to share student educational record information with authorized state or local child welfare agencies without parental consent. USA also allows educational agencies and institutions to disclose student information pursuant to a judicial order without requiring notice to parents when the parent is a party to the court proceeding, so as to eliminate duplicative notice and accelerate the sharing of records.

*For more information, please reference:*

- [Department of Education's Guidance \(issued in May 2014\)](#)
- [Legal Center for Foster Care and Education Q & A factsheet](#)

## Fostering Connections to Success and Increasing Adoptions Act

The Fostering Connections to Success and Increasing Adoption Act (FCSIAA) of 2008 amended parts B and E of Title IV of the Social Security Act. Major provisions include:

- Allows states to continue providing payment for youth in foster care to age 19, 20, or 21, if youth meet certain parameters
- Allows youth 16 years and older who have left foster care and entered guardianship or adoption to access Education Training Vouchers (ETVs) and services through the Chafee Foster Care Independent Program
- Child welfare agencies must ensure educational stability of the child while in foster care
  - o Taking into account the proximity of the child's current school to placement
  - o Coordination between local education agencies and child welfare agencies
  - o Immediate enrollment and transfer of records to new school (if in best interest of child to change schools)
  - o Use funds to cover transportation costs, if needed
  - o Ensure in Title IV-E state plans that students in foster care or awaiting adoption/guardianship attend school full-time or have completed high school
- Allows federally-recognized Indian Tribes, Tribal Organizations, and Tribal Consortia to apply to receive Title IV-E funds, requires the Department of Health and Human Services to provide technical assistance, and authorizes one-time grants to support development of Title IV-E programs
- Supports placements with kin, such as guardianship with relatives and placement with siblings, and authorizes Family Connection Grants

*For more information, please reference:*

- [Child Welfare Information Gateway FCSIAA Resource Page](#)
- [Child Welfare Information Gateway, Major Federal Legislation Concerned with Children Protection, Child Welfare, and Adoption Factsheet \(pg. 10-11\)](#)
- [Legal Center for Foster Care & Education FCSIAA Fact Sheet](#)
- [Children's Defense Fund FCSIAA Webpage](#)

## John H. Chafee Foster Care Independence Program

The [John H. Chafee Foster Care Independence Program](#) offers funding to help current and former foster youth achieve self-sufficiency. States can use grants for programs that provide transitional supports such as education or employment. The program serves youth in foster care until age 18, youth who were in foster care at age 16 yet transitioned to adoption or kinship care, or youth 18-21 who have "aged out" of the foster care system. The [Chafee Education and Training Voucher Program \(ETV\)](#) was added to the Chafee Foster Care Independence Program in 2002. ETV provides financial assistance for postsecondary education and training programs for youth aging out of foster care.

