

# No Grandchildren Left Behind: Educational Issues Faced By Grandparents

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## Abstract

*The purpose of the “No Child Left Behind” Act of 2001 is “to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.” (PL 107-110, Section 1001) However, in all 9536 sections of this law, the words “grandparent” occurs only five times and the word “grandchild” occurs only once, in the context of Native American tribal issues. In the same law, the word “parent” occurs 651 times with no specific provisions to address the specific issues faced by grandparents raising grandchildren.*

*There are unique challenges facing grandparents raising grandchildren which warrant serious considerations by law makers. Results of a survey indicate that grandparents often lose, rather than gain, entitlements when grandchildren move in with them. For example, a grandparent living in senior citizen housing must move elsewhere if a grandchild moves into their home. Grandparents often report difficulties in dealing with teachers, administrators, and Child Study Teams in the school system. If they do not have legal custody of their grandchildren, they must repeatedly seek out the natural parent to sign forms related to the child's health care and education. Informal custody agreements commonly practiced within minority communities are often not recognized. As a result, grandchildren's rights to fair and equal educational experiences are minimized.*

*State policies and local grassroots initiatives that address educational issues facing grandparents raising grandchildren are highlighted. Exemplars of pending legislative bills in the state of New Jersey that have the potential of empowering grandparents to advocate for their rights as parents, provide avenues for nation-wide interventions. The involvement of social workers as policy advocates can serve as a catalyst for passage of bills in all states to ensure that both grandparents and grandchildren's educational interests are protected.*

## Introduction

There are more than six million children, approximately 1 in 12 children who are living in households headed by grandparents. According to the U.S. Census 2000 data, 2.4 million grandparents are taking primary responsibility for their grandchildren's basic needs. Data also indicates that children living with their grandparents are more likely to have a series of disadvantages. There were 57 percent of single grandmothers who were poor and 46 percent lacked a high school diploma. This rise in children who are being taken care of by grandparents is attributed to several factors including drug abuse, incarceration, HIV/AIDS, domestic violence

and abandonment due to mental health issues and financial difficulties. Grandparents also face a myriad of challenges far different from those faced by adult parents. They face physical and at times chronic ailments often associated with the process of aging. Such ailments tend to slow them down. They are usually on fixed income and cannot afford any additional help in the form of hiring a helper, enrolling grandchildren in extra-mural activities or paid tutoring. They lack information about the range of support services, benefits and information about policies they should be aware of to fulfill their roles. Knowledge of such services (McCallion et al.,2000) can lighten the challenges. Grandparents often lose, rather than gain entitlements when grandchildren move in with them. All these factors lead to stress more importantly in situations where there is lack of support (Sands & Goldberg-Glen, 2000) placing grandparents at risk to depression (Burnett, 2000).

Other issues are much involved and more difficult to navigate. For example, grandparents living in senior citizen housing must move elsewhere if a grandchild moves into their home. Grandparents often report difficulties in dealing with teachers, administrators, and Child Study Teams in the school system. If they do not have custody of their grandchildren, they must repeatedly seek out the natural parent to sign forms related to the child's health care and education. Interventions through support groups and parent skills training can ease some of the issues associated with raising grandchildren (Hayslip & Kaminski, 2005). However, interventions at policy levels that ensure universal considerations for grandparents and grandchildren are equally needed.

### **The Special Needs of Children Raised by Grandparents**

Children who are raised by grandparents deserve special treatment that is consistent with their special needs. Three factors warrant such treatment. Primarily they are more likely to have suffered emotional scars resulting from circumstances associated with their separation from biological parents. Such scars take longer to overcome. As a result, they are in need of constant reassurance and stability in their lives to be focused on their education. Secondly, due to poor health some grandparents are unable to provide support and guidance to grandchildren. As a result, grandchildren are more at risk to truancy, school suspension and dropping out. Lastly, data indicates that grandchildren raised by grandparents are more likely to be poor and grandparents are more likely to be illiterate. As a result, their home environments are more likely to be void of activities that are intellectually stimulating. Depending on their perception of stress associated with care-giving (Sands, Goldberg-Glen, Thorton, 2005) they may not be in positions to render assistance with school work.

### **Focus Group of Grandparents**

In 2003, four focus groups were held with New Jersey grandparents who were raising their grandchildren. These focus groups were arranged in conjunction with existing Grandparents Raising Grandchildren groups. Each of these groups announced to its members that the next meeting would be devoted to a focus group session on issues faced by grandparents raising grandchildren. A self-selected sample of grandparents appeared to participate in the focus groups. Since this was a self-selected sample, it is impossible to statistically generalize the findings from these focus groups to the general population of New Jersey grandparents raising grandchildren.

Handwritten notes were taken during the focus groups for later analysis, keeping the content of the notes as close to verbatim as possible. Comments from the four focus groups were transcribed and merged into one document prior to analysis, as the intent was to treat the four groups as members of a common population: grandparents from New Jersey who were raising grandchildren. The findings from the focus groups were then analyzed using a manual content analysis procedure, through which similar comments were manually grouped and counted while keeping the exact content of each comment intact to assure that the contents of the comments were not distorted in the analytic procedure.

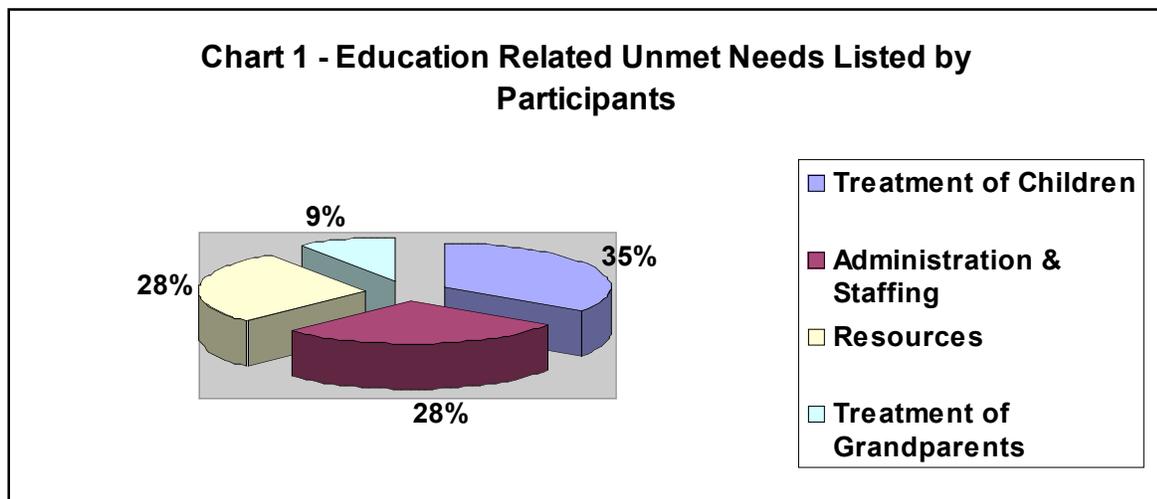
There were 72 grandparents who attended these focus groups. In assessing their unmet needs, the most frequent need identified by these grandparents was related to the education system.

Of the 72 grandparents who participated, more than one-third of the participants had concerns about the education system. Given the limited educational background of some, this area of need may even be of greater concern than indicated. Comments in this category were divided into four sub-categories:

Treatment of the children at school (11 comments)

- School administration and staffing (9 comments)
- Limited resources for education (9 comments)
- Treatment of grandparents at school (3 comments)

Chart 1 illustrates these findings:



#### **Treatment of the children at school (11 comments)**

Grandparents were particularly concerned about the treatment of children with special needs in the classroom, as well as with the educational services offered by the schools to children in general.

### **Chart 2 – Selected Comments about Treatment of Children at School**

“There should be an alternative school. When a child is expressing anger, they call the police rather than using a ‘time out.’”

“There are problems with the schools. The children are not getting what they need.”

“People call the Resource Room the ‘Dummy Room’.

“I have children with social and emotional problems. They are mainstreamed and can’t keep up. So the children are frustrated and not working up to par.”

### **School administration and staffing (9 comments)**

Grandparents expressed concerns with the manner in which schools administered the services that were offered to the children. Waiting long periods of time for the Child Study Team to act and having to make multiple trips to the school were two specific examples of ways in which issues at school added to the burdens faced by caregivers. These issues at school should be viewed in combination with caregivers’ limited funds and insufficient access to transportation. Also, caregivers, since they have limited access to child care, must often take all of the children with them when they leave home for any purpose. This makes it even more difficult for them to make multiple trips to the school to address issues faced by the children there.

### **Chart 3 – Selected Comments on School Administration and Staffing**

“A Child Study Team evaluation takes nine months in Newark.”

“One school has no child study team.”

“The Child Study Team is not organized. We have to make multiple trips to the school. They won’t even take an evaluation from Children’s’ Specialized Hospital.”

### **Limited resources for education (9 comments)**

Grandparents also noted the declining resources for education of the children.

#### **Chart 4 – Selected Comments on Resources for Education**

“Funds for teachers are getting cut.”

“They are closing schools.”

In addition to concerns about the public schools, at least one grandparent expressed the concern that there would be no resources for the children to attend college.

#### **Treatment of grandparents at school (3 comments)**

Grandparents felt that, on the one hand, their input was discounted at school while, on the other hand, the school system held them accountable for aspects of the children’s behavior that they were unable to control. Since a number of grandparents have health problems and disabilities themselves, they have difficulty meeting the demands that the school system places on them. Since the three comments in this category raise important issues and concerns, all three of them are presented here:

#### **Chart 5 – Selected Comments About Treatment of Grandparents at School**

“Some grandparents are fined when children are truant...Some grandparents have been sent to jail. There was a fifty year old woman locked up.”

“I can’t make it to all the meetings. I have difficulty walking and no transportation, and they say ‘she never comes to school’. I can’t do it!”

“The school looks at me like I am nobody. I go every day to fight and they say ‘Oh, she’s a grandmother.’”

In light of the special needs of children that are raised by grandparents, education is one major issue of concern to grandparents. Education is the gateway to success. As a high school diploma becomes less valuable in the marketplace, only educational upgrading can protect workers incomes (Stoesz, 2002). It can also ensure one of economic stability. Children who are raised by grandparents are likely to be poor and on fixed income. Their chances to get out of poverty and have a better quality of life for themselves and their children would therefore be dependent on the quality of education they receive to enter and graduate college. The No Child Left Behind Act of 2001 does not improve their chances to succeed. There are flaws embedded in its provision. It fails to treat children who are raised by grandparents as special needs children deserving of special treatment because of unique challenges and circumstances. There is a need

to identify avenues that can be used to advocate for changes within this legislation to incorporate the special needs of children raised by grandparents.

An examination of the policy from its inception reveals the contradictions embedded in the legislation and the disregard to make special considerations for the growing numbers of children and grandparents who have unique needs and circumstances. Given the broad scope of this policy, the main focus is on Title I which addresses the needs of disadvantaged children. Of importance are two sections under Title I related to supplemental educational services and parental involvement.

### **Background of the No Child Left Behind Act of 2001**

The No Child Left Behind Act was introduced on March 22, 2001 into the 107<sup>th</sup> Congress by Representative Republican John A. Boehner, Chairperson of the House Committee on Education and the Workforce, as HR1. There were 84 co-sponsors for this bill. The bill was introduced in the Senate on March 28, 2001 as S-1 by Senator James Jeffords, with no co-sponsors.

This House bill was the one eventually passed by both the House and the Senate. The bill went through seven versions before it was finally passed by both the Senate and the House and signed by the President on January 8, 2002.

The No Child Left Behind Act consolidates many of the provisions and programs of the Elementary and Secondary Education Act of 1965, and extends the provisions of that act through 2007.

After introducing the bill, Boehner, who was the sponsor of this Bill stated that “Nearly 70 percent of inner city and rural fourth graders cannot read at a basic level; low income students lag behind their counterparts by an average of 20 percentile points on national assessment tests; and one-third of all incoming college freshmen enroll in a remedial reading, writing, or mathematics class.” (<http://edworkforce.house.gov/hearings/107th/fc/hr132901/osboehner.htm>, Accessed 12/23/2005) Subsequently, on April 1, 2001, Boehner expressed his concern about the misclassification of minority students as mentally retarded, and their placement in special education classes. (<http://edworkforce.house.gov/press/press107/minorityidea4201.htm>, Accessed 12/23/2005) On April 6, 2001, Boehner expressed concern about the low reading scores released by the National Center for Education Statistics, and expressed his support for President Bush’s Reading First Initiative. (<http://edworkforce.house.gov/press/press107/readfirst4601.htm>, Accessed 12/23/2005)

In all 9536 sections of this law, the words “grandparent” occurs only five times and the word “grandchild” occurs only once, in the context of Native American tribal issues. In the same law, the word “parent” occurs 651 times. Two of the instances in which the word grandparent is used are in the context of the following definition of the term parent:

“Parent.--The term `parent' includes a legal guardian or other person standing in loco parentis (such as a **grandparent** or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).” (Section 9101 Definitions (26), Accessed 12/23/2005, Emphasis Added).

All other instances of the use of the term grandparent or grandchild are in the context of provisions for Native American children and their families.

On its way to passage, the bill was amended 28 times. One of these amendments added “Parental Freedom of Information” text to the bill, allowing parent’s access to the curriculum that their child is studying. (<http://thomas.loc.gov/cgi-bin/bdquery/D?d107:14:./temp/~bdRYhH>: Accessed 12/23/2005) None of the amendments to the law mention grandparents or address their special issues.

After the passage of the No Child Left Behind Law in 2001, there were several related laws enacted. A search of this legislation revealed ten related laws. The laws addressed the following issues:

- On 1/10/02, PL 107-116 addressed appropriations for education, including funds for No Child Left Behind.
- On 8/2/02, PL 107-206 provided funds to extend the national mathematical and special education clearinghouse for one year.
- On 11/5/02, PL 107-279 established a National Center for Education Research, a National Center for Education Statistics, and a National Center for Education Evaluation and Regional Assistance. This law also included requirements for national assessment of educational progress.
- On 2/20/03, PL 108-007 provided funds to extend the national mathematical and special education clearinghouse for one year.
- On 1/23/04, PL 108-199 allocated appropriations for No Child Left Behind, and to continue to provide parents with a choice of public or private educational options for their children. Grandparents were not mentioned in this act.
- On 10/18/04, PL 108-335 addressed appropriations for the District of Columbia, including funds for No Child Left Behind.
- On 10/21/04, PL 108-355 addressed the issue of teen suicide, but stated that the provisions of this law should not supersede parental notification requirements of the No Child Left Behind Law.
- On 10/25/04, PL 108-364 addressed the issue of assistive technology, specifically relating this to No Child Left Behind and to the education of children with handicapping conditions.
- On 12/8/04, PL 108-447 stipulated that funds under No Child Left Behind could not be distributed to local education agencies that had not met federal certification requirements.
- On 12/30/05, PL 109-149 addressed appropriations for education, but stipulated that funds under No Child Left Behind could not be distributed to local education agencies that had not met federal certification requirements.

While the purpose of the No Child Left Behind Act of 2001 is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments” (PL 107-110, Section 1001), a review of these laws within the context of grandparents and their grandchildren demonstrates that their unique needs have been completely

ignored. It is an unrealistic expectation for children who are raised by grandparents to be able to meet the high academic proficiency by 2013-14 without special federal provisions.

### **Title I**

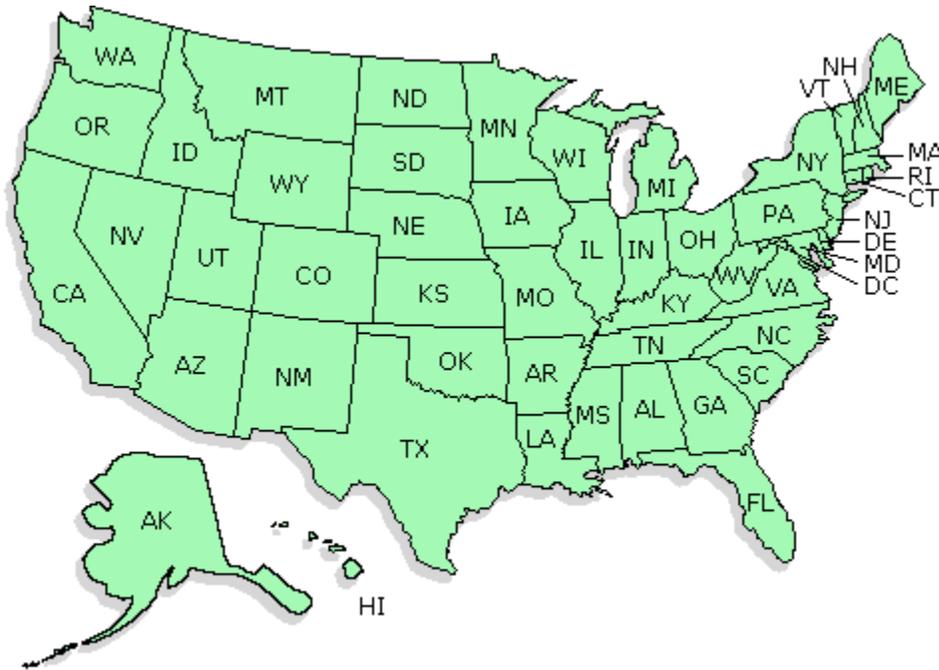
Title I of this policy is designated as the major part of the policy that addresses academic achievements for disadvantaged children. Disadvantaged children are considered under this policy to be children with disabilities; children with limited English proficiency; children from major racial and ethnic groups and low-income family backgrounds. Children who are raised by elderly grandparents who are on fixed income and have physical and health impediments are not only disadvantaged and therefore entitled to provisions accorded to all disadvantaged children under this policy, they are a group deserving of special attention within this policy.

It is the purpose of Title I to ensure that all children have a fair, equal and significant opportunity to have a high quality education. Some of the measures proposed to achieve this purpose are by closing the achievement gaps between high and low achieving schools, meeting the needs of low-achieving children, holding schools, states and local authorities accountable, affording parents opportunities to participate in the education of their children and providing resources where there is the greatest need. Lastly, it is to coordinate services with other agencies serving youth children and families (Section 1001). Of relevance to this paper are two sections covered under Title I, Supplemental Educational Services, (Sections 1116.e.) and Parental Involvement (Section 1118).

### **Supplemental Educational Services (SES). Section 1116(e)**

The No Child Left Behind makes provisions to low-income families to enroll their children in supplemental educational services if their child attends a Title 1 school that has been designated by the state to be in need of improvements for more than one year. Section 1116(e) (12) defines supplemental educational services as tutoring and other supplemental academic enrichment services that are in addition to instruction provided during the school day, that are of high quality, research-based and specifically designed to increase a student's academic achievement on the state's assessments. Extra help for these children should be available before or after school, on weekends or in the summer. School districts have an obligation to notify parents annually that their children are eligible for supplemental educational services. In addition, districts must also provide parents with a list of state-approved supplemental educational providers in the area and must let parents choose the provider that best meet the educational needs of their child.

**Chart 6 – TutorsForKids.org Map**



A website developed by SESQ Center, American Institutes for Research provides information on Supplemental Educational Services (SES) in all states (<http://www.tutorsforkids.org/state.asp>).

**Parental Involvement Section 1118**

Under this section of Title 1, provisions are made for funds to be available for the development and implementation of programs and services that foster parental involvement by local educational agencies. Schools covered under this plan can use existing structures for parent involvement and/or use programs similar to Head Start, Reading First, Parents as Teachers or Home Instruction Programs. Of importance to this section is the identification of barriers that hinder the full participation of parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are members of racial or minority background. In addition, one percent of funding must be used towards the promotion of family literacy and parenting skills. Lastly, schools and educational agencies are expected to provide assistance to parents so that they can understand topics related to content on academic standards.

**Implementation at the State Level**

In the State of New Jersey, the administration and implementation of No Child Left Behind of 2001 is designed to maximize local control and flexibility, interpret the provisions of the federal

program in the best interest of the students of the state and consider as its first priority the accomplishment of State goals, objectives, program needs and accountability systems as they relate to the federal program with a secondary priority of implementing federal goals, objectives, program needs, and accountability systems that do not directly advance State goals, objectives, program needs and accountability systems ( A1699 ). Again, no special provision for grandparents is articulated.

In administering Supplemental Educational Services, the New Jersey Department of Education (NJDOE) has instituted stricter standards (as permitted by federal law) requiring Title I districts to offer SES in Year 2 schools if choice is not an option and the district cannot build capacity for choice. Reportedly, many parents opt for Supplemental Education Services rather than school choice. In addition, New Jersey's Department of Education requires that parents who are eligible (eligibility is determined by the school's poor academic performance two years in succession), be notified about the availability of services in a language that is understandable. Parents must be informed about the qualifications, effectiveness and timelines provided to use these services. Agreements must be reached with the providers and the identity of children receiving these services be kept confidential.

Some school districts have a number of failing schools and therefore are obligated to provide at least 20% of federal funds under Title 1 for Supplemental Educational Services. The large numbers of children needing the services and the availability of funds make it impossible to adequately provide them. For example one school district estimates that it cost \$2,200 per student per year for Supplemental Educational Services. For this school district to be able to serve all students needing the service, it would cost the district \$3.2 million. The district is presently in violation because it has opted not to inform some parents about the service and is using federal funds elsewhere. For those parents whose children started receiving the services, service providers contracted with the district have not been paid and are now discontinuing serving the students.

### **What is at stake for grandchildren in New Jersey**

In the state of New Jersey, the concerns of grandparents raising grandchildren have been at the forefront for the past ten years. In 1999, the State of New Jersey set up a task force composed of professionals, politicians, legal experts and community leaders. This task force addressed problems facing grandparents raising grandchildren. Issues raised in this task force included lack of transportation, health care, user-friendly language, legal and custody issues, financial, housing, access to information and social services that were integral to raising grandchildren. While there were other major findings addressing the different problem areas, one of the major findings of this task force was that while more children today are being raised by grandparents, "schools do not specifically provide outreach to this caregiver population so that they can appropriately oversee their grandchildren's education and progress". Access to important information for their grandchildren's education was limited by barriers in communication and illiteracy. Some of the recommendations made were related to education. Issues raised by grandparents about navigating the system of education for their grandchildren were part of the public policy initiatives. They included the following:

- The Department of education to consult with DHS and encourage school districts to conduct special orientation sessions at the start of the school year for grandparents raising grandchildren.
- DHS in consultation with the Department of Education to encourage volunteer literacy tutoring groups to target the grandparents raising grandchildren population
- The Department of Education to encourage local school districts and school recreational programs to make special efforts to involve grandparents raising grandchildren in programs such as arts, cultural activities and other field trips.
- The Department of Education to encourage local school districts and local recreational programs to establish supervised recreational facilities or community service programs for school-aged children so they could utilize after school on weekends and during the summer months when working grandparents cannot care for them.
- The Commission on Higher Education to encourage institutions of higher learning in the State to expand the use of undergraduate and graduate students in social work to serve needy families and children, specifically, grandparents raising grandchildren. Private and public educational institutions should consolidate efforts to provide services to this special population.
- The Commissioner of Human Services should establish a Statewide Grandparents Raising Grandchildren Advisory Board to advise the commissioner about the needs of these grandparents and policies and programs that are necessary to meet these needs. The members of the advisory board should include, but not be limited to, legislators, representatives from the six county coalitions and grandparents who are raising their grandchildren who reflect the diversity of the group in terms of age, income, ethnic background and geographic area of residence (e.g., urban suburban and rural). The Department of Human Services, in consultation with the Statewide Grandparents Raising Grandchildren Advisory Board, should facilitate efforts to develop a network that would link grandparents raising grandchildren advocacy and support groups throughout the State with each other so as to encourage a mutually beneficial exchange of ideas. (New Jersey State Legislature, Assembly Task Force on Grandparents, January 6, 2000).

Pursuant to these recommendations, three Bills are pending in the legislature, A 1070, A 1068 and A 1067, all sponsored by Assemblyman Samuel D. Thompson.

A 1070 mandates institutions of higher education to establish programs for families headed by grandparents and supplementing Title 18A of the New Jersey Statutes, increasing training of social workers, and law schools to offer legal counseling.

A1068 mandates the training for judges and judicial personnel to sensitize them to the problems facing grandparents raising grandchildren.

A1067 appropriates funds to the Department of Human Services for the establishment of regional pilot Grand parenting Resource Centers to assist grandparents navigate resources and services in the areas of healthcare, housing, education, transportation and legal issues.( State of New Jersey 212<sup>th</sup> legislature).

## **Implications for policy**

The analysis of the policy and its provisions as it relates to parental involvement and supplemental educational services clearly points to gaps that are a disservice to those children whose parents are uneducated, powerless and more importantly elderly. When parents are not informed that their children's schools are failing to allow them to exercise their choices of selecting a different school, it is not realistic to expect their involvement at the level required by the policy. It's a far-fetched expectation on grandparents without the skills to navigate the system and establish what rights they have Under the No Child Left Behind policy. While there are resource websites available to parents by State, the Parent Information and Resource Centers (RMC Research Corporation) makes an assumption that all parents and definitely all grandparents are computer literate and have resources to access websites. Also there are discrepancies on what is claimed and what is actually available. For example this website is described as a resource to inform and educate parents and family advocates about their rights and how to make best choices. However, in visiting this website and accessing information for New Jersey, no information was available. For Pennsylvania only one was listed, for New York there were three and for the District of Columbia only three were listed.

The education of children who are raised by grandchildren is not an ordinary issue that can be lumped with others as is the case in the State of New Jersey (Task Force Report). Clearly, the No Child Left Behind policy of 2001 is an intricate and controversial policy that has been challenged by other states such as Connecticut and Iowa. In Utah for example, schools can ignore NCLB standards that conflict with the state's standards on testing. Some states pursue legal actions against the US Department of Education for failing to appropriate enough funding under NCLB while others choose not to endorse NCLB, thus forgoing federal funding for their states' education

<http://www.stateline.org/live/ViewPage.action?siteNodeId=136&languageId=1&contentId=41610>. The National Conference of State Legislatures task force has also urged Congress to make changes to the NCLB.

The National Education Association is presently supporting 111 Senate Bills aimed at improving NCLB. These Bills range from seeking reductions in class size, additional funding, flexibility for states in assessing students with disabilities, deferring sanctions for schools failing to meet Adequate Yearly Progress (AYP) until Title 1 & IDEA are funded at their authorized levels, to seeking increased support for families and communities to reduce student drop out

<http://www.nea.org/lac/esea/07nclb.htm>.

Social workers in school settings, child welfare agencies and those who work closely with the elderly population know first hand the challenges facing grandparents who are having a second run in parenting grandchildren. They recognize their noble course and efforts to build a brighter future for their grandchildren. Such a future is possible with a solid educational foundation. Advocacy in social work is one of the most powerful instruments that allow the silent to be heard. Social workers can spearhead a national campaign through their state and local organizations to mandate changes in the present educational policy so that it provides special treatment to children raised by grandparents. In New Jersey, a letter campaign by students to their Senators is to be initiated to draw awareness to the urgency in making special provisions for grandchildren under the No Child Left Behind Act of 2001.

A national campaign by social workers would even be more effective in putting pressure on the present administration to accommodate the needs of children raised by grandchildren under the No Child Left Behind policy. For example, in reviewing some of the Bills proposed to make improvements on NCLB, S.1812 and S.1302 could include language that accommodates the needs of grandchildren raised by grandparents. S. 1812 is the Mentoring America's Children Act of 2007 introduced by Senator Clinton and cosponsored by five Senators from New Jersey, Massachusetts, Indiana, California and Hawaii, 2007. It seeks to include a mentoring component to NCLB mainly for children in foster care. Social workers could advocate for an inclusion of children raised by grandchildren because of the unique challenges they face. The Keeping Parents and Communities Engaged Act (S. 1302) seeks to increase funding for Title 1 schools and further the involvement and participation of families and communities in the education of their children. The aim is for schools to work collaboratively with community organizations and minimize risks to school drop out. These are viable options of engaging politicians and improving policy to make it more responsive to the educational needs of grandchildren raised by grandparents.

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