

Educational Stability for Children in Foster Care



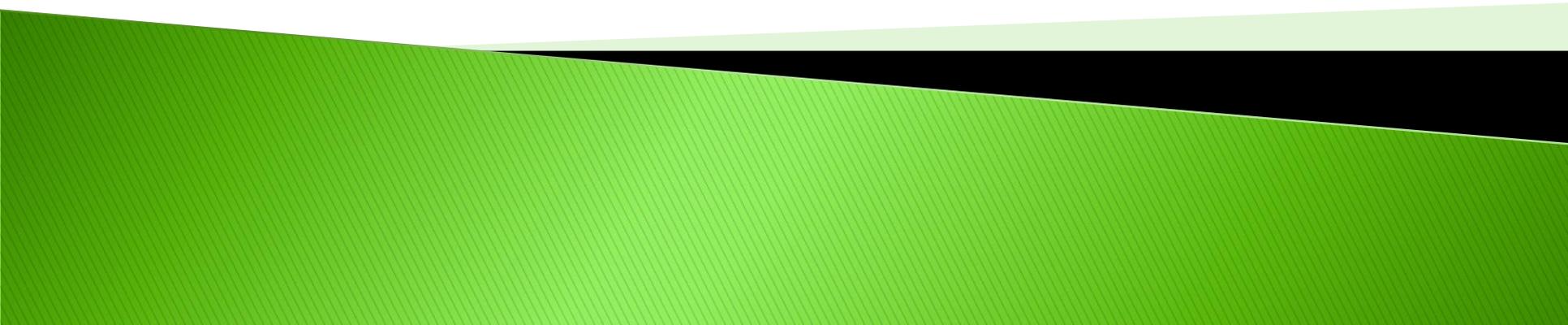
Collaboratively Presented by



Virginia Department of Social Services
Virginia Department of Education

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**Fostering Connections Act
and
Every Student Succeeds Act**



Fostering Connections Act of 2008

Major Areas of Reform

- ▶ Increasing adoptions
 - ▶ Providing state option of financial assistance for relatives assuming custody of children
 - ▶ Improving services for older youth
 - ▶ Providing oversight and coordinating health services
 - ▶ Ensuring educational stability
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Every Student Succeeds Act (ESSA) of 2015 Title I, Part A



Rolling Implementation
December 10, 2016
2017–18 School Year

ESSA

- ▶ Education has a parallel mandate
- ▶ FC in Title I, Part A (Lynn Sodat, PAA director)
- ▶ MV SC cannot be SEA contact (OK at local level)
- ▶ Jo Ann Burkholder, Director of Student Services is official contact
 - Vivian Stith–Williams and Patricia Popp – VDOE implementation team
- ▶ FC liaisons IF corresponding child welfare agency notifies the LEA, in writing, that a point of contact for the LEA exists
 - Renee Garnett and Bethany Robinson – VDSS implementation team

ESSA (continued)

▶ December 10, 2016

- Local Title I plans must describe collaboration with LDSS to provide transportation
- “Awaiting foster care” removed from McKinney–Vento

▶ 2017–18 (?) report achievement data and on-time graduation rate for students in foster care

- VDOE – new foster care flag in student data system for 2016–17
- Immediate enrollment or superintendent notification should trigger

Educational Requirements Apply to All Foster Care Placements

- ▶ Requirements apply when child is in foster care (i.e., LDSS has responsibility for placement & care of child).
- ▶ Regardless how child enters foster care:
 - Court commitment (e.g., abuse, neglect)
 - Voluntary entrustment agreement when parents request LDSS assume custody of child for a temporary period or permanently.
 - Voluntary noncustodial agreement with parents for child to receive foster care services while they retain legal custody and LDSS assumes placement, care, and case management responsibility.
- ▶ Includes initial and subsequent placements of children

Who is Covered?

»» Complete worksheet in groups

Importance of Educational Stability

- ▶ When children change foster care placements, they often change schools, negatively impacting their education.
 - ▶ **Unscheduled school change/one year: 75% v. 40% for peers**
- ▶ One fewer placement change/year *almost twice as likely to graduate* from high school before leaving care.
- ▶ Keeping child in the same school:
 - Provides continuity in education
 - Maintains important relationships at school
 - Provides stability during traumatic time
 - Improves educational and life outcomes
- ▶ High mobility impacts non-mobile students, too.

VIRGINIA STATE CODE



Code of Virginia

- ▶ Previously addressed school enrollment of students in foster care
 - ▶ Amended effective July 1, 2011 to mirror the federal act in terms of educational stability
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Code of Virginia

- 63.2–900.3 Enrollment and school placement of children in foster care
 - Requires the LDSS when placing a school aged child in a foster care placement to determine in writing, jointly with the LEA whether it is in the child’s best interests to remain enrolled at the school in which he was enrolled prior to the most recent foster care placement.

Code of Virginia

- 22.1–3.4 Enrollment of certain children placed in foster care (Revised)–
 - B. The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction. The child *shall be allowed* to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the *joint determination* of the placing social services agency *and the local school division* that such attendance is in the best interest of the child.

Code of Virginia

- ▶ 22.1–289 E Transfer and management of scholastic records; disclosure of information in court notice; penalty
 - Provides for an expedited transfer of the scholastic record upon receiving notice of a foster care placement across jurisdictional lines

Joint Guidance Documents & Forms

- ▶ VDOE/VDSS Joint Guidance On School Placement For Children In Foster Care – August 2013; [currently under revision](#)
- ▶ Best Interest Determination for Foster Care School Placement Form – [see proposed draft](#)
 - [FC/ESSA Form B-17](#)
- ▶ Immediate Enrollment of Child in Foster Care Form – [see proposed draft](#)
 - [FC/ESSA Form C-17](#)

Guidance from VDOE

Superintendent's Memos

- ▶ [No. 306-10, dated December, 10, 2010](#)
 - Announced Joint guidance and required liaisons be appointed
- ▶ [No. 197-11, July 22, 2011](#)
 - Requirements regarding students with disabilities placed in FC
- ▶ [No. 244-11, dated September 9, 2011](#)
 - Announced Joint federal letter with resources
- ▶ [No. 297-12, dated November 2, 2012](#)
 - Announced updated guidance
- ▶ [No. 172-14, dated June 27, 2014](#)
 - Resource reminders and liaison survey
- ▶ [No. 272-16, dated October 28, 2016](#)
 - Title I, Part A transportation assurance
- ▶ See VDOE Web site:
- ▶ http://www.doe.virginia.gov/support/student_family/foster_care_students/index.shtml

Guidance from the Virginia Department of Social Services

- Foster Care Chapter E of Child and Family Services Manual, Section 6
 - Requirements when making placement decisions
 - Schools as key partner in making placement decisions
 - VDSS & DOE joint guidance and forms.
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How Schools Can Help

Stabilize the Child's Basic Needs

- Physical Needs
- Emotional Needs
- Social Needs

Build Relationships

- School wide
- Classroom
- Recess
- Family

Provide check-in's

- Two days
- Two weeks
- One month



THE COLLABORATIVE PROCESS



Liaisons

- ▶ Foster Care Liaisons
- ▶ Point person for communication with LDSS
- ▶ http://www.doe.virginia.gov/support/student_family/foster_care_students/fostering_connection_liaisons.pdf
- ▶ Educational Stability Liaisons
- ▶ Oversight role
- ▶ Direct work/ communication remains with the case worker
- ▶ ***will add later this week****

School Divisions

Local Departments of
Social Services

Important First Step to Avoid Enrollment Delays

Before Local Department of Social Services (LDSS) makes a placement change*:

The placement of child in foster care should take into account:

- The appropriateness of the student's current educational setting
- The proximity to the school in which the student is enrolled at the time of placement

*When possible, not possible with emergency placements.

Including School Information in LDSS Decision on Residence

- ▶ LDSS shall notify current school that child needs a new residence (foster care placement).
- ▶ School shall provide LDSS information on appropriateness of student's current school placement via:
 - Phone, email, sharing school documents
 - Participating in LDSS Family Partnership Meeting on placement decision.

LDSS Decides Residence

LDSS determines most appropriate residence for child based on:

- Child's safety and permanency plan is paramount.
 - Appropriateness of student's current educational setting.
 - Proximity (distance from potential residences) to current school.
 - All other critical factors in making placement decisions.
- ▶ LDSS shall notify appropriate school division representative(s) that student will have new residence and need to jointly determine student's best interest for school placement. [FC/ESSA A-17](#).

The Best Interest Determination Process

Who is responsible?

- **The LDSS case worker** is responsible for organizing and facilitating the process.
 - ❖ The “joint” educational placement decision is made between the responsible school division and LDSS.
 - ❖ Immediate enrollment form should not be faxed to the school division without completing the BID process.
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Proposed: BID Not Required When:

- ▶ the new residency is zoned for the current school
 - ▶ a student enters a Level C licensed residential placement
 - ▶ a student returns from a residential placement or detention to the SAME foster care placement
 - ▶ the distance between the school of origin and the new foster care placement is greater than 100 miles
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New ESSA Step

- ▶ When foster care liaison receives notice
 - Share current school and new residence address with school of origin transportation designee to identify possible ways school division could assist with transportation to maintain current school placement.
 - This information is considered during the Best Interest Determination (BID) process

Where is the student while the BID is pending?

- » Student Should NOT Be Disenrolled From Current Placement

Joint Determination of Child's Best Interest

- As quickly as possible (e.g., within 3 work days), LDSS and appropriate school division representative shall jointly determine child's best interest for school placement with key partners. (Done with IEP team for students with disabilities, after FAPE determination as appropriate.)
- Presumption: Child will remain in same school, unless contrary to child's best interests.
- Two options for child:
 - Remain in current school where child was enrolled when placed in new residence
 - Enroll in school of child's new residence.

FAQ

- ▶ What happens if we cannot meet the 72 hour deadline and complete the best interest determination?

General Education Students

- ▶ LDSS must contact school division foster care liaison for child's current school to convene best interest determination meeting.
 - ▶ LDSS and school division foster care liaison for child's current school jointly determine child's best interest for school placement, in consultation with child & other key partners.
 - ▶ Child remains in current school, unless contrary to child's best interests.
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Students with Disabilities Served Under IDEA

- ▶ The responsibility for determining school placement and the mechanism for making this determination are driven not only by Fostering Connections, but also by the state and federal regulations under IDEA.
 - ▶ The school division and LDSS must determine which school division is responsible under IDEA for the student's free appropriate public education (FAPE).
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Students with Disabilities*

New Residence in Current School Division

- ▶ LDSS must contact school division foster care liaison for child's current school to conduct the BID.
- ▶ Child remains in current school, unless contrary to child's best interests.
- ▶ *Proposed – include an IEP representative in the BID process; no IEP meeting needed if no change

*Simplified explanation – process currently under review

Students with Disabilities*

New Residence in Different School Division

- ▶ LDSS must contact school division foster care liaison for child's current school & for school of child's new residence for best interest determination meeting.
- ▶ State special education regulations provide school division for child's new residence is responsible for FAPE.
- ▶ If, however, IEP team in school division of child's new residence determines that child needs to be placed in private day or residential facility for educational reasons, responsibility for FAPE shifts to the division where LDSS has custody. Then that school division participates in best interest determination process.

BID Decision:

- »» Maintain Current School Placement

Transportation to Maintain School

Who is responsible?

- The LDSS is responsible for transportation (with school division assist, if agreement is reached)
UNLESS
 - ❖ The student has an IEP *with specialized transportation* in the IEP,* making the school division is responsible

*IEP for a private placement assumes transportation is included – best practice: write it in the IEP

Regular School Transportation

- For general education students and for students with disabilities who use regular school transportation, LDSS shall arrange for transportation and payment of transportation expenses.
 - Reasonable costs are legitimate maintenance expense:
 - Title IV–E for eligible children
 - CSA State Pool Funds for non–Title IV–E eligible children
 - Providers reimbursed state mileage rate with proof of miles driven
 - Foster parents
 - Friends, relatives and neighbors of child or foster parent
 - Employees of child placing agencies and residential programs
 - Other transportation:
 - Local school bus* (reimburse with signed agreement/contract)
 - Bus fare or similar reasonable public transportation at established rate.
- *See division cost per mile spreadsheet

Specialized Transportation

- For students with an IEP that requires “specialized” transportation to current school, such costs are paid by the school division responsible for FAPE for student to remain in current school.
 - Includes individualized provisions, noted in the IEP, that are needed because of the student’s disability and necessary to guarantee access to a free appropriate public education (FAPE).
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BID Decision:



Current School is NOT in the
Student's Best Interest – Immediately
Enroll in Local School

Immediate Enrollment

- After you make the “joint” school placement decision, the **LDSS case worker** should contact the foster care liaison and let them know who will be bringing the child to school for enrollment.
- Immediate enrollment form (**FC/ESSA Form C-17**) should have the BID attached.

*These are best practices.

Present Student for Enrollment

- LDSS or LCPA presents student to enroll in new school of residence.
- Gives school Immediate Enrollment of Child in Foster Care Form on yellow paper – signed by LDSS.
 - Documents all minimum legal requirements for person immediately enrolling the child: provides written statement, to best of his or her knowledge:
 - Child's name, age, and address of residence
 - Required certifications
 - Student is in good health and free from communicable or contagious disease

School Immediately Enrolls Child

- ▶ Child shall be immediately & appropriately enrolled.
 - “Immediate” means no later than beginning of next school day after presentment for enrollment.
 - “Presentment” means person enrolling child has appeared at school and presented all required information and certifications.
 - “Enrollment” means child is attending classes and participating fully in school activities.

All Records Provided to New School

- ▶ If documents not immediately available when assuming custody of child or changing placements, LDSS/LCPA shall obtain and produce, or otherwise ensure compliance with these requirements, within 30 days after enrollment of child.
 - ▶ Sending and receiving schools shall expedite transfer of student's record.
 - ▶ For students with disabilities, copies of student's special education records, including most recent IEP, must be provided promptly.
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Residential Treatment Input for BID

- ▶ Residential placements are NOT schools of origin
- ▶ Residential placement is NOT the decision-maker; school division foster care liaison MUST be involved
- ▶ Staff from residential Placements HAVE important information
 - FC/ESSA Form D-17

RESOLVING SCHOOL PLACEMENT DISPUTES



How can you use this information to support students in foster care?



Educational Stability Contacts:

Vivian Stith-Williams, MSW, Ph.D.

School Social Work Specialist
Virginia Department of Education
101 N. 14th. Street
Richmond, VA 23219
804-225-4543

Vivian.Stith-Williams@doe.virginia.gov

Patricia A. Popp, Ph.D.

State Coordinator, Project HOPE-VA
Clinical Assoc. Professor, School of
Education
The College of William and Mary
P.O. Box 8795
Williamsburg, VA 23187
757-221-7776

pxpopp@wm.edu

Renee Garnett, M.Ed.

IL Program Specialist
801 E. Main Street
Richmond, VA 23219
804-726-7944

Renee.garnett@dss.virginia.gov

Bethany Robinson, MSW

Education Program Specialist
801 E. Main Street
Richmond, VA 23219
804-726-7944

Bethany.Robinson@dss.virginia.gov

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