

# Educational Stability for Children in Foster Care



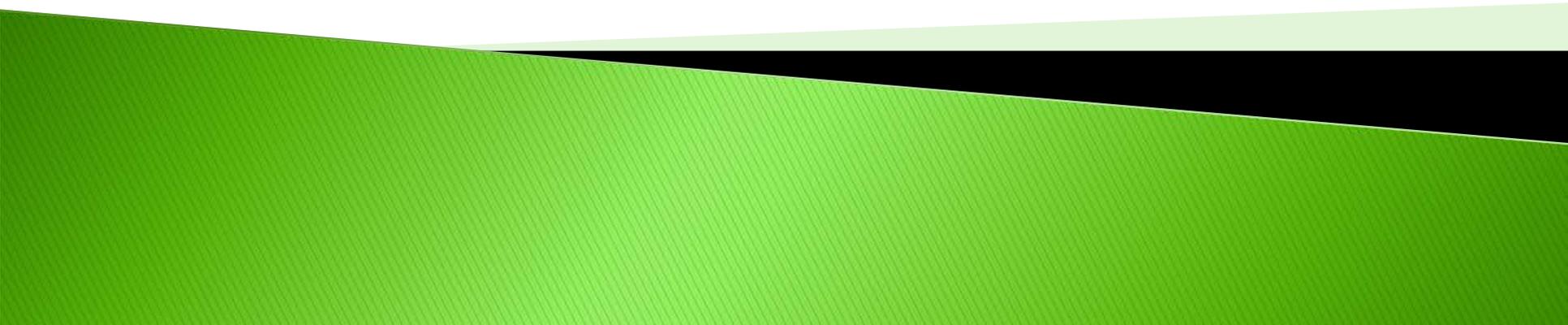
Collaboratively Presented by



Virginia Department of Social Services  
Virginia Department of Education

April 2016

# FEDERAL FOSTERING CONNECTIONS ACT



# **Fostering Connections to Success & Increasing Adoptions Act of 2008**

- ▶ Federal mandate
  - ▶ Most sweeping child legislation in a decade.
  - ▶ Significant reforms for children in foster care.
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# 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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# 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?



# Yes, No, Maybe So

- ▶ School age children and youth in foster care who are changing foster care placements
  - ▶ Preschoolers in foster care (not K–12 grades)
  - ▶ Children and youth in kinship care
  - ▶ Children and youth leaving foster care and going back home
  - ▶ Refugee children and youth in foster care without DSS involvement
  - ▶ Children and youth in foster care being placed in residential settings
  - ▶ Children and youth who have been adopted
  - ▶ Children and youth in their initial foster care placement
  - ▶ Children and youth experiencing homelessness
  - ▶ Children and youth in foster care leaving residential placements and returning to another foster care placement within the community
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# Educational Stability

Two components:

- 1) The placement of child in foster care takes into account:
    - The appropriateness of the child's current educational setting
    - The proximity to the school in which the child is enrolled at the time of placement
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# Educational Stability

- 2) Child welfare agency coordinates with appropriate local educational agency:
- To ensure child remains in the school in which child is enrolled at time of placement; or
  - If remaining in school is not in child's best interests, the child welfare agency and the local educational agencies provide immediate and appropriate enrollment in a new school, with all educational records of child provided to the school.
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# Importance of Educational Stability

- ▶ When children change foster care placements, they often change schools, negatively impacting their education.
- ▶ National study of 1,087 alumni youth in foster care: youth who had one fewer placement change per year were 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

What about Virginia??

# Every Student Succeeds Act

- ▶ December 10, 2015
- ▶ McKinney–Vento – effective October 1, 2016
  - “Awaiting foster care” deleted from homeless definition December 2016
- ▶ Fostering Connections type language included in Title I, Part A
  - 2016–17 is a planning year
  - Implementation begins in 2017–18 school year
  - Includes language for achievement and graduation data to be disaggregated for students in care

# 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.

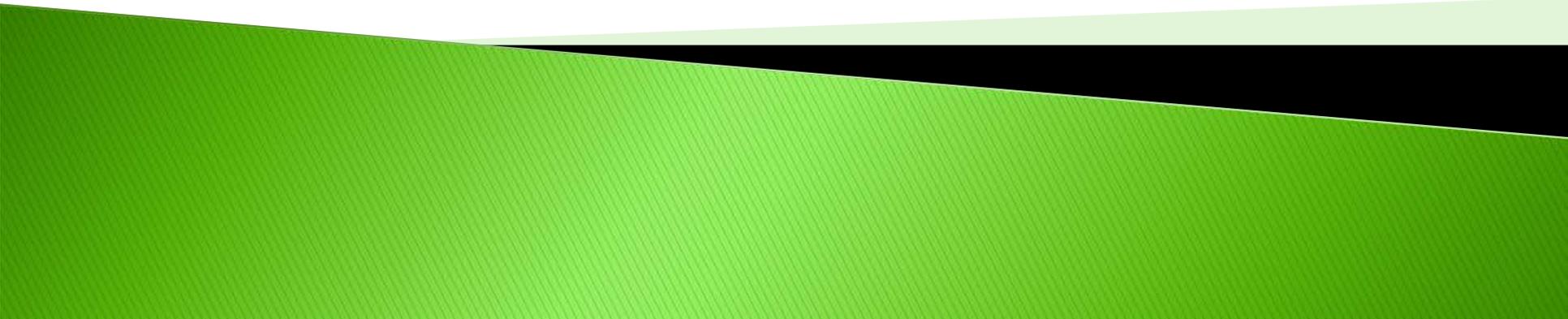
# Code of Virginia

- 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

# Virginia Guidance updated August 2013



# Joint Guidance Documents & Forms

- ▶ VDOE/VDSS Joint Guidance On School Placement For Children In Foster Care
- ▶ Best Interest Determination for Foster Care School Placement Form
- ▶ Immediate Enrollment of Child in Foster Care Form

# Guidance from Virginia Department of Education Virginia Department of Social Services

- ▶ See VDOE Web site:

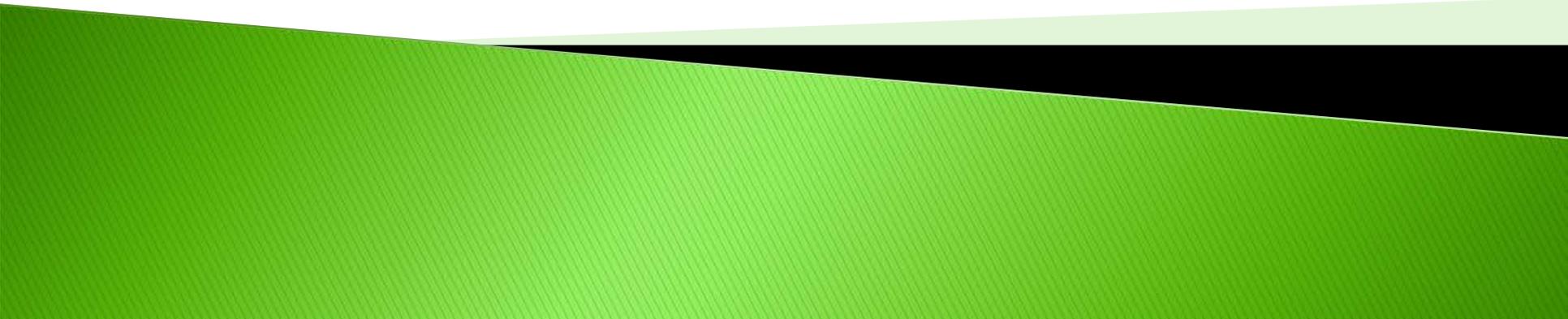
[http://www.doe.virginia.gov/support/student\\_family/foster\\_care\\_students/index.shtml](http://www.doe.virginia.gov/support/student_family/foster_care_students/index.shtml)

- ▶ See VDSS Foster Care Manual:  
Chapter 12 (Section E)  
Identifying Services to be Provided

<https://www.dss.virginia.gov/form/index.cgi>



# THE COLLABORATIVE PROCESS



**LDSS Shall Take into Account  
School Information when Deciding  
Child's New Residence  
(Foster Care Placement)**



## Including School Information in LDSS Decision on Residence

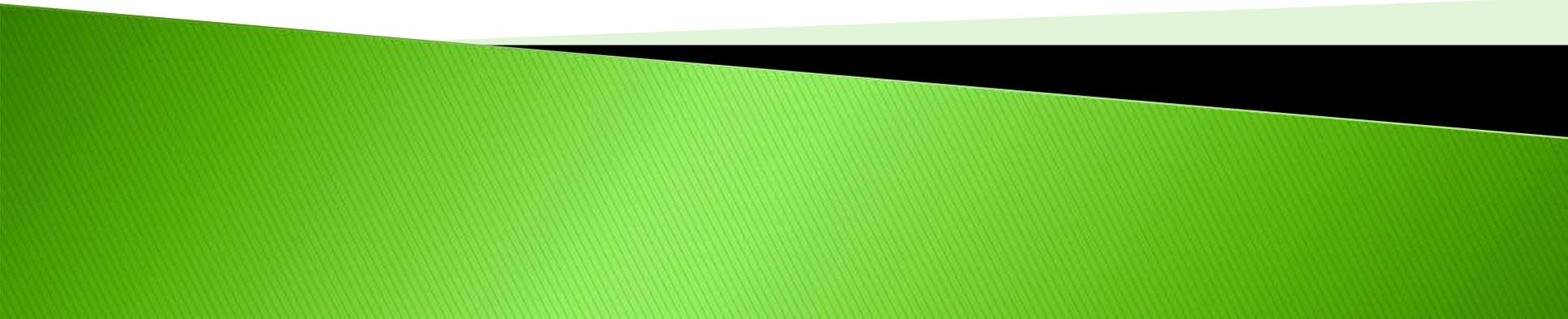
- ▶ LDSS shall notify current school that child needs a new residence (foster care placement).
- ▶ School shall provide LDSS information on appropriateness of child's current school placement via:
  - Phone, email, sharing school documents
  - Participating in LDSS Family Partnership Meeting on placement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

# Including School Information in LDSS Decision on Residence

LDSS determines most appropriate residence for child based on:

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

# The Enrollment Process



# Joint Determination of Child's Best Interest for School 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.

# 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.

# 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), and the student's IEP team must participate in the decision.
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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 for best interest determination meeting.
- ▶ Child remains in current school, unless contrary to child's best interests.
- ▶ If change in school placement is being considered, the IEP team from the child's current school, with the school division representative, determines where the student can receive FAPE.
  - If student can receive FAPE in both settings, IEP team, school division representative, and LDSS jointly determine child's best interest.
  - If student cannot receive FAPE in both schools, student must be enrolled in school where FAPE can be provided.

# 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. IEP team designated by receiving school division must be convened to participate in determination of child's best interest & what constitutes FAPE for child.
- ▶ 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 back to sending school division. Then that school division participates in best interest determination process.

When Joint Determination is  
Child Remains in Same School



# 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.

# Specialized Transportation Needs

- 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). Examples (not exhaustive):
    1. Student requires transportation to private day or private residential school.
    2. Student requires physical accommodations/modifications (e.g., car seat or security devices such as harnesses, brackets, restraints, seatbelts, vests, etc.)
    3. Student requires specialized equipment such as special or adapted bus, lift, or ramp.
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# Special Transportation Continued

4. Student requires a bus with a two-way radio, phone, or other equipment in case of emergency.
  5. Student requires specialized services including personnel to provide assistance or supervision (e.g., aide).
  6. Student requires necessary medical equipment to perform procedures on the bus.
  7. Student requires alteration to school or bus schedule (e.g., partial day attendance, shortened bus ride, etc.).
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## When Joint Determination is:

- Remaining in same school is contrary to child's best interest
  - *Immediately* enroll child in school of residence for child's new foster care placement
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# LDSS Notifies New School

- ▶ Within 72 hours of placing child in new residence, LDSS or licensed child placing agency (LCPA) shall in writing:
  - Notify principal of child's new school of residence and superintendent of relevant school division of need to enroll child.
  - Inform principal of status of parental rights of child's parents.
- ▶ Use Notice of Receiving Foster Care Services Form
- ▶ When LDSS is officially notifying the school and presenting child for enrollment at the same time, use the Immediate Enrollment of Child in Foster Care Form

## LDSS Presents Child for Enrollment

- LDSS or LCPA presents child to new school of residence.
- Gives school Immediate Enrollment of Child in Foster Care Form on yellow paper.
  - 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

- ▶ LDSS/LCPA shall provide, when presenting child to the school, documents normally required for enrollment, when available:
  - Birth certificate
  - Proof of immunization
  - Pre-school physical examination

# 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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# The Enrollment Process

For Youth Transitioning from Residential  
Treatment Programs

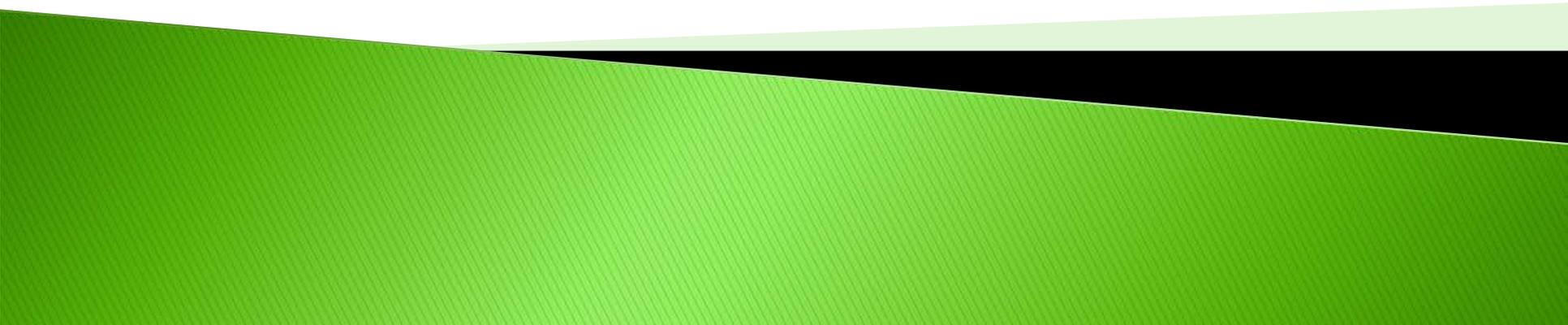
# Stepping Down From Residential Treatment

- ▶ Start planning for the youth's transition (discharge planning starts day 1)
- ▶ Discuss with the youth where they would like to live when they leave residential care
- ▶ Once a placement has been identified then identify the school placement
- ▶ Notify the school division liaison to discuss the youth's transition
- ▶ Schedule the BID meeting at least 2 months prior to the youth's discharge (think about transportation)

# Reminders

- ▶ LDSS worker and LEA foster care liaison make the determination on the BID
- ▶ The residential placement provides important information but CANNOT sign as a decision maker
- ▶ What else to we need to consider???

# RESOLVING SCHOOL PLACEMENT DISPUTES



# Resolving Disputes

If LDSS service worker & school division representative/ foster care liaison do not agree on child's best interest for school placement:

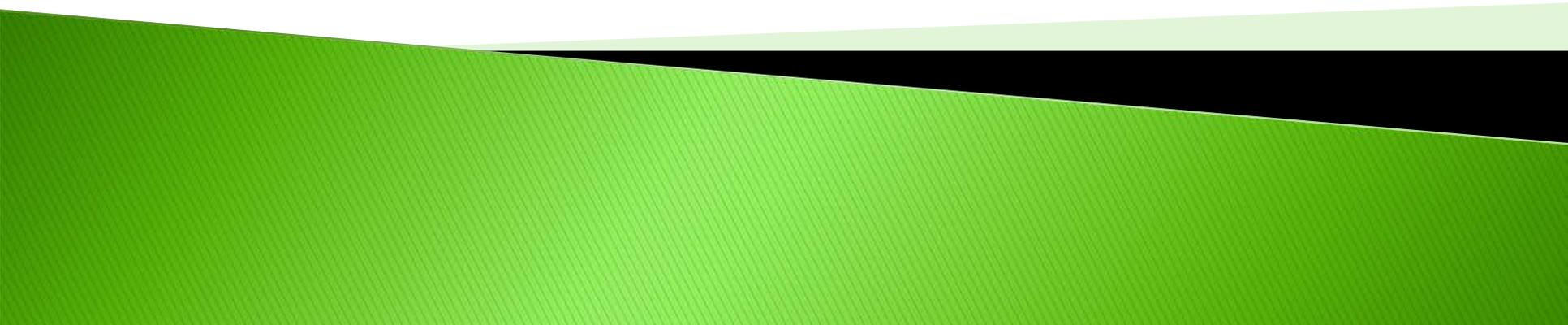
- **Student remains in same school.**
- LDSS and school division work together to resolve dispute.
- **Within five work days** of best interest determination:
  - LDSS supervisor and school division administrator resolve.
  - If not agree, submit written request for review at local level:
    - Best interest determination form
    - Reasons for agreement or disagreement
    - Additional pertinent information
    - Efforts made to resolve dispute.

# Resolving Disputes

- **Within ten work days** of written request:
  - LDSS director and school division superintendent (or their designees) resolve.
  - If unable to agree, LDSS and school division obtain guidance and consultation from respective state agencies.
    - VDSS – Regional Permanency Consultants
    - VDOE – Office of Student Services

All documentation shall be maintained in the child's case file and in student's cumulative record for any required federal reviews.

# Tracking Educational Outcomes of Children in Foster Care



# Sharing Educational Records

- ▶ Federal Social Security Act requires child welfare agency to:
  - Include in its case plan and case review system the education records for child in foster care.
  - Review, update, and provide a copy of the child's education record to child's foster care provider at time of each placement and at no cost when child leaves foster care at age of majority (Section 475)
  - Assure that school-aged child in foster care is enrolled, instructed at home, in independent program, or incapable of attending school on full time basis due to medical condition, as determined by state law (Section 471).

# Sharing Educational Records

- ▶ Uninterrupted Scholars Act: Local education agency (school division) may share educational records with LDSS without violating the Family Educational Rights and Privacy Act (FERPA)
- ▶ Webinar, Collaboration in Action:
  - <http://www.nrcpfc.org/teleconferences/2013-07-11.html>

# Child's State Testing Identification (STI) Number

- ▶ LDSS/LCPA with custody of child obtains STI number from school to:
  - Document enrollment in school for federal reporting
  - Track educational outcomes for children in foster care
- ▶ STI number: state number for Standards of Learning (SOL) Assessments; not local school identification number.
- ▶ STI number: obtained from child's SOL Student Report or by contacting person responsible for student records at child's school.

# Child's State Testing Identification (STI) Number

- ▶ LDSS shall maintain confidentiality of number; record in VDSS' Information System (OASIS).
- ▶ Avoids requiring LDSS to gather enrollment and outcome information from schools & report to VDSS.
- ▶ VDSS will give VDOE list of STI numbers.
- ▶ VDOE and VDSS will publicly report only non-identifying, aggregate, educational outcome information on children in foster care

# Fostering Connections State Liaisons

- ▶ Dr. Patricia Popp  
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Homeless Children and Youth  
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