

Educational Stability for Children in Foster Care




Collaboratively Presented by



Virginia Department of Social Services
Virginia Department of Education

Fostering Connections to Success & Increasing Adoptions Act of 2008

- ▶ 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

Importance of Educational Stability

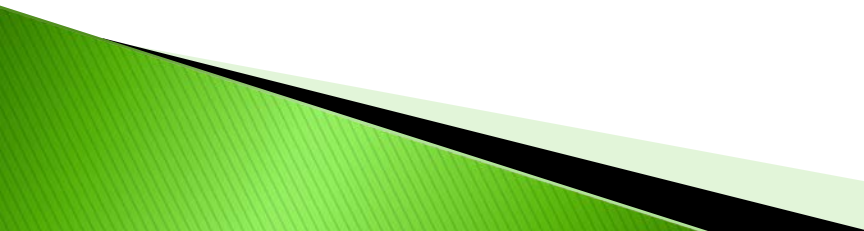
- ▶ When children change foster care placements, they often change schools, negatively impacting their education.
- ▶ National study of 1,087 alumni youth in foster care: youth who had one fewer placement change per year were almost twice as likely to graduate from high school before leaving care.
- ▶ 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

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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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

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

**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 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.

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.

FAQ

- ▶ How does the local school division and DSS agencies avoid placing foster youth in inappropriate educational settings like public day schools and home bound?


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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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.

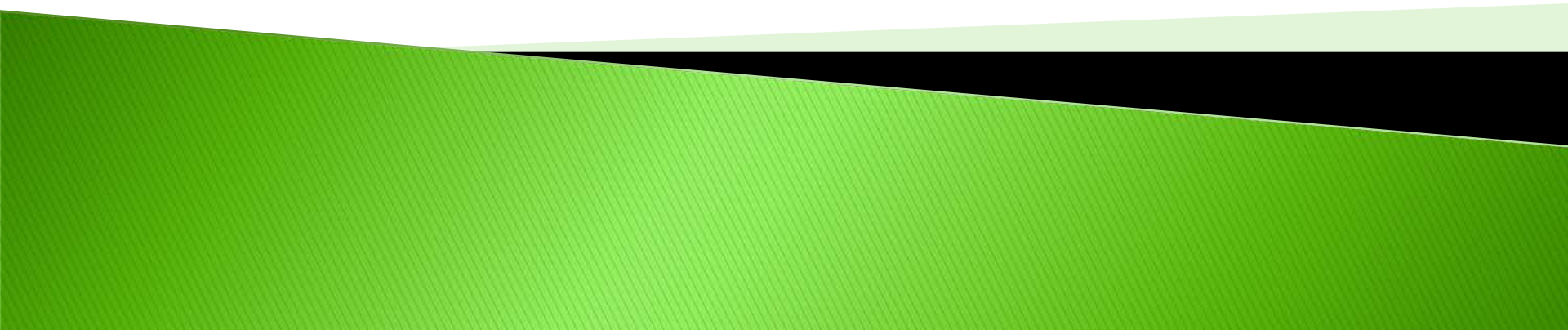
All Records Provided to New School

- ▶ 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

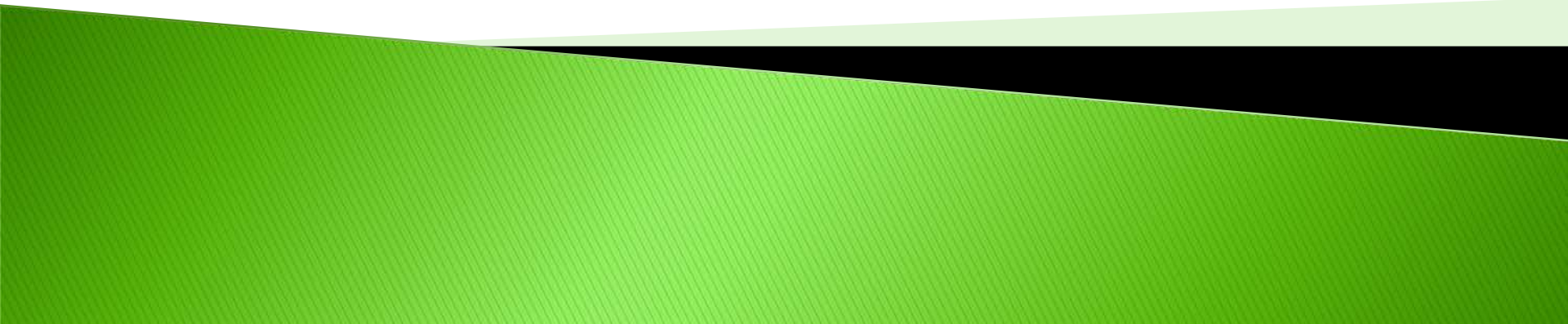
All Records Provided to New School

- ▶ 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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RESOLVING SCHOOL PLACEMENT DISPUTES



Tracking Educational Outcomes of Children in Foster Care



Guidance from the Virginia Department of Education

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 foster care
- ▶ [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

▶ 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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