

Educational Stability in the Fostering Connections Act: Approaches in Missouri and Beyond

By Angela M. Hull, Ph.D.

The Fostering Connections to Success and Increasing Adoptions Act P.L. 110-351 includes provision requiring education stability for children in foster care. The Act specifically states that the primary social services agency must connect with local education agencies to ensure stability for the student¹. Missouri's Department of Social Services (DSS) is responsible for the Act's implementation, and has made state- and local-level efforts to make connections with districts.

Federal and state statute regarding the Fostering Connections Act do not reference the state education agency that typically handles communications and guidance to school districts regarding federal law; in Missouri, this is the Department of Elementary and Secondary Education (DESE). As a result, states have taken various approaches to assuring implementation of the education stability provision, including legislative or administrative policy changes and/or less formal efforts to streamline communication among social service workers and educators.

The following outlines the Fostering Connections Act education provision and the efforts in Missouri and beyond to provide foster children with streamlined education. Several questions for Missouri policy may be drawn from this analysis.

Education Stability Provision

The Act includes three major provisions related to education stability and continuity (FosteringConnections.org):

- (1) **Plan for Ensuring Stability:** As a requirement of Title IV-E, each state must ensure the educational stability for children in foster care via the child's case plan.
- (2) **Enrollment:** Each state must assure that every child receiving a Title IV-E foster care, adoption, or guardianship payment is a full-time school student, or is incapable of attending school due to a documented medical condition.
- (3) **Transportation:** The definition of "foster care maintenance payments" under Title IV-E has been broadened to include "reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement."

States have taken various approaches to the education stability provision. A 2009 policy brief from National Association of Public Child Welfare Administrators (NAPCWA)² describes Missouri's implementation of all parts of the Act, including education stability:

¹ http://www.fosteringconnections.org/tools/assets/files/Public_Law_110-351.pdf

² Available at <http://www.fosteringconnections.org/resources/tar?id=0006&type=research-report&topic=Education>

Education stability mandates were addressed in the Foster Care Bill of Rights that was passed in the last (e.g., 2009) legislative session (Missouri House Bill 154, Foster Care Education Bill of Rights and Senate Bill 291). A workgroup that includes personnel from elementary and secondary education departments and representatives from various school boards is developing policy changes that include travel to keep children in the same school district should be in place by the end of August 2009³. Policy changes were made to allow reimbursement of foster parents for travel necessary to maintain children in the same school district they were in at time of removal.

Administrative Jurisdiction

The Fostering Connections Act refers to a “State agency” as responsible for coordinating with local education agencies (e.g., school districts) to “ensure that the child remains in the school in which the child is enrolled at the time of placement” unless a school change is in the best interests of the child (P.L. 110-351, SEC. 204).

Missouri’s Department of Social Services (DSS) is the agency responsible for implementing the Fostering Connections Act. Generally, the Missouri Department of Elementary and Secondary Education (DESE) is responsible for guidance to school districts on federal and state education law.

Two 2009 state laws support Missouri’s implementation of Fostering Connections, Senate Bill 291 and House Bill 154, which contain Foster Care Education Bill of Rights, § 167.018 and 167.019 RSMo; see Appendix A.

Per state law, school districts must have an educational liaison for foster children to ensure educational placement and enrollment, and to assist with proper paperwork transfers, including school record requests and submissions. Districts must accept particular credits, authorize excused absences due to legal proceedings and permit access of student records to the placing agency. The child placing agency must consider the student’s school attendance area, as the student has the right to remain in his or her school or origin, which had been a DSS policy since 2006.

In addition, DSS connected with local districts to inform transportation policies, and report local offices and districts have both formal and informal working agreements.

In a subsequent September 2009 memo, DSS informed its staff of the onus to work with districts (and students when appropriate) to determine a child’s school placement. Other DSS memos walk through local agency office reporting requirements (see Appendix B). In August 2009, DESE disseminated a memo to

³ Source: Conference call with Paula Neese, Director, Amy Martin, Program Development Specialist, and Melody Yancey, Program Manager, Children’s Division August 17, 2009

school districts focusing on the bill of rights, and highlighting 2006 transportation agreements between DSS and DESE (see Appendix C).

Missouri's approach is similar to some other states, in that DSS has connected with local boards of education more so than the state education agency, since DESE has no authority for records, and no specific responsibility within federal or state legislation to mandate district compliance.

Other States' Policy

Missouri's approach to implementing education stability provisions is not uncommon, in that the primary Fostering Connections agency works to connect to local districts, as federal law states. Like Missouri, many states report a need for state law to affirm the state education agency role in the Fostering Connections Act education stability efforts.

Many primary agencies like DSS report either formal or informal working arrangements with their state education agency to communicate Fostering Connections responsibilities, which may include additional activities per state law (see Appendix D). Missouri does not report this relationship, either formally or informally, in the NAPCWA or in various memorandums, but an inter-agency workgroup regularly meets to discuss various implementation issues.

States also may be developing model MOU's for local use, or checklists for social workers. Missouri has some formal and informal working procedures at the local level between social services offices and local school districts.

Potential Missouri Legislation

DESE appears to have concern for its lack of jurisdiction of student records and over local districts actions, deferring to historic local control of districts. This may be the primary reason for proposed legislation specifically charging DESE with the authority to mandate district cooperation.

In 2010, Missouri House Bill 2413 (Stream) specifically stated that DESE "shall ensure" that various criteria are implemented within school districts, including prompt decisions on enrollment, extra-curricular activities and eligibility, graduation, data collection and record requests.

Additional Questions and Considerations

States have taken various approaches to working with state and local education agencies to implement the education stability section of the Fostering Connections Act. Missouri defers to local control of schools, and relies on its interagency task forces to generate recommendations for action at the state level. Although locally

agencies may have working agreements, enabling legislation could spur more uniform approaches regarding foster children education.

Another state approach could be to require foster care reporting as part of the district accountability system, through the Missouri School Improvement Program and Annual Performance Reports. This could be done through regulation, or through a statutory change.

Less formal actions could include partnerships with children's agency associations, K12 associations and perhaps the interagency working group to craft model working agreements or checklists for local social services offices and districts, or check Missouri progress toward full implementation of education stability (see Appendix E). Dissemination could include association meetings and publications, state agency memos, and other joint public/private efforts.

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About the Author

Angie Hull has a master's in public administration (MPA) and a doctorate (Ph.D) in education policy from the University of Missouri-Columbia, where she studied school finance and published nationally. She lobbied for several Missouri K-12 organizations, consults full-time in education policy and research, and is an adjunct assistant professor at MU.

Appendix A: Missouri Statute

Missouri Revised Statutes

Chapter 167 Pupils and Special Services Section 167.018

August 28, 2010

Foster care education bill of rights--school district liaisons to be designated, duties.

167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the "Foster Care Education Bill of Rights".

2. Each school district shall designate a staff person as the educational liaison for foster care children. The liaison shall do all of the following in an advisory capacity:

(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;

(2) Assist foster care pupils when transferring from one school to another or from one school district to another, by ensuring proper transfer of credits, records, and grades;

(3) Request school records, as provided in section 167.022, within two business days of placement of a foster care pupil in a school; and

(4) Submit school records of foster care pupils within three business days of receiving a request for school records, under subdivision (3) of this subsection.

(L. 2009 H.B. 154 merged with S.B. 291)

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Missouri General Assembly

Missouri Revised Statutes

Chapter 167 Pupils and Special Services Section 167.019

August 28, 2010

Placement decisions, agencies to consider foster child's school attendance area--right to remain in certain districts--course work to be accepted--graduation requirements--rulemaking authority.

167.019. 1. A child-placing agency, as defined under section 210.481, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes or to return to a previously attended school in an adjacent district.

2. Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic school, or nonsectarian school in accordance with district policies or regulations.

3. If a pupil completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court as described in chapter 211, the school district of residence shall issue a diploma to the pupil.

4. School districts shall ensure that if a pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as a result of the absence of the pupil under these circumstances.

5. School districts, subject to federal law, shall be authorized to permit access of pupil school records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August

28, 2009, shall be invalid and void.

(L. 2009 H.B. 154 merged with S.B. 291)

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[Missouri General Assembly](#)

Appendix B: Department of Social Services

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

September 4, 2009

M E M O R A N D U M

What's Inside:
Promoting Educational Stability through travel reimbursement for resource providers

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF
FROM: PAULA NEESE, DIRECTOR
SUBJECT: FOSTERING CONNECTIONS ACT AND FOSTER CARE EDUCATION BILL OF RIGHTS– PROMOTING EDUCATIONAL STABILITY FOR CHILDREN IN ALTERNATIVE CARE

DISCUSSION:

Federal House Resolution 6893 Fostering Connections to Success and Increasing Adoptions Act requires state child welfare agencies to coordinate with schools to improve educational stability for children in foster care. Missouri's ["Foster Care Education Bill Of Rights"](#) (Sections 167.014, 137.019 and 210.1050) requires that **youth 14 and older should have a voice in making the decision on what school district they would like to attend.**

As a result of these two pieces of legislation and with the best interest of the child in mind, Children's Division staff are to work with local school districts/school liaisons to ensure that children remain in the school they are enrolled in at the time of placement into alternative care. Arrangements for the child to remain in the school they are enrolled in should be discussed during the 72 hour Family Support Team meeting and evaluated during Placement Stability Family Support Team meetings. Educational stability should be a priority when assessing the child's placement needs and making placement decisions. Based on location of the resource provider, the school district may be willing to provide transportation. If it is determined that the school district is unable or unwilling to provide the transportation then the school district/educational liaison should be asked to provide documentation in writing to the Children's Division.

In the event that the school is unwilling to provide transportation for the child to remain in their original school district, the resource parent should be approached about providing this transportation. Mileage reimbursement for transportation costs will now include reimbursement for resource providers transporting foster children to the school they were enrolled in at the time of placement into foster care. Resource providers may receive mileage reimbursement at the current state mileage rate for each mile over a 10 mile round trip per day. The mileage will be reimbursed using a Children's Services Integrated Payment System Invoice, CS-65, with the service code TRED.

The resource provider will complete the Travel Expense Log, CD-106, and submit it to the local CD staff for approval within thirty (30) days of the month that the trip occurred. The written approval will be attached to the Travel Expense Log, CD-106, and CS-65 for submission of reimbursement.

Additionally, if it is determined during a Family Support Team Meeting that remaining in the same school district is not in the best interest of the child, it shall be documented with an explanation as to why the child should not remain in the school district of origin. The case plan must include assurances by Children's Division and the local school district educational liaison that each child age 14 and over is given the opportunity under this legislation to have a voice in making the decision on which school district they would like to attend. Youth may express to attend the school district they resided when placed into alternative care or where their new placement provider resides.

NECESSARY ACTION	
<ol style="list-style-type: none"> 1. Review this memorandum with all Children's Division staff. 2. Review revised Child Welfare Manual chapters as indicated below. 3. All questions should be cleared through normal supervisory channels and directed to: 	
PDS CONTACT Crystal Wilson 573-751-1354 Crystal.L.Wilson@dss.mo.gov	PROGRAM MANAGER Amy Martin 573-751-2981 Amy.L.Martin@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS Section 4 Chapter 7 Subsection 2 Family Support Team Meeting Section 4 Chapter 11 Attachment C Special Expenses Payment	
FORMS AND INSTRUCTIONS N/A	
REFERENCE DOCUMENTS AND RESOURCES CD09-82 2009 Legislation	
RELATED STATUTE Fostering Connections to Success and Increasing Adoptions Act of 2008 http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h6893enr.txt.pdf	
HB154 http://www.house.mo.gov/billtracking/bills091/biltxt/truly/HB0154T.HTM	
SB291 http://www.house.mo.gov/billtracking/bills091/billpdf/commit/SB0291c.pdf	
ADMINISTRATIVE RULE N/A	

COUNCIL ON ACCREDITATION (COA) STANDARDS

[S21.2.01](#) 7th Edition COA Standards

[FC6.03](#) 8th Edition COA Standards

CHILD AND FAMILY SERVICES REVIEW (CFSR)

Item 21, [Educational Needs of Children](#)

PROTECTIVE FACTORS <http://www.dss.mo.gov/cd/info/cwmanual/philbase.pdf>

Parental Resilience

Social Connections

Knowledge of Parenting and Child Development

Concrete Support in Times of Need

Social and Emotional Competence of Children

FACES REQUIREMENTS

N/A

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

June 29, 2010

M E M O R A N D U M

What's Inside:

Legal Guardianship
Subsidy Education and
Medical Information Policy
Updates

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND
CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, DIRECTOR

SUBJECT: LEGAL GUARDIANSHIP SUBSIDY AND EDUCATION/MEDICAL
INFORMATION POLICY UPDATES

DISCUSSION:

The purpose of this memorandum is to introduce new requirements in response to the Fostering Connections to Success and Increasing Adoptions Act of 2008/Public Law 110-351, and to provide direction to staff regarding the necessary FACES data entry to meet the new requirements. As a result of completion of the new requirements, the Children's Division will apply consistent eligibility criteria, be able to determine IV-E eligibility, and have the opportunity to claim Federal IV-E funding for guardianship subsidies in the same manner as adoption subsidies. This change is effective June 30, 2010.

IV-E GUARDIANSHIP:**Provider Requirements:**

The following conditions must be met to be determined a provider eligible for IV-E Guardianship subsidy:

1. The provider is considered an eligible relative provider:
 - Grandparent(s)
 - Aunt(s)
 - Uncle(s)
 - Adult Sibling, including half-siblings (must have a parent in common)
 - *Note: Step-siblings are not an approved resource, eligible for guardianship subsidy.*
 - Adult First Cousin
2. The Relative Provider/Legal Guardian is able to meet licensure requirements;
3. The Legal Guardianship Contract has been negotiated, approved, and entered into the system, ***on or prior to the date of guardianship.***

If there are conditions listed above that cannot be met by the relative provider, and that provider has cooperated with the completion of criminal background checks, training (STARS for the Caregiver Who Knows the Child), the home assessment process and it has been determined **by approval of the Regional Director or designee** that permanency will best be achieved for the child/ren, Missouri only funded guardianship subsidy may be approved.

Child Requirements:

The following conditions must be met for a child to be determined eligible for IV-E Guardianship subsidy:

If the answers to questions 1, 2 3 and 5 are “Yes”, then the child is ‘Eligible’ OR
If the answers to questions 4 and 5 are ‘Yes’, then the child is ‘Eligible’

1. Was the child IV-E Eligible and reimbursable for 6 consecutive months immediately prior to the LG placement?
2. Was the child placed with the LG provider for 6 consecutive months prior to the LG placement?
3. The answers to all of the following questions are ‘Yes’:
 - a. Has reunification been ruled out as an appropriate permanency option?
 - b. Has adoption been ruled out as an appropriate permanency option?
 - c. Does the child have a strong attachment to the prospective relative guardian?
 - d. Does the guardian have a strong commitment to care permanently for the child?
 - e. Has the child been consulted regarding the kinship arrangement? (only applies to ages 14 and up)
4. Is the child a member of a sibling group; of which one of the children qualify for the above three conditions?
5. Is the child a full time elementary or secondary school student or incapable of attending school due to a documented disability condition?

Note: If a child has not been in a reimbursable placement for 6 months prior to the guardianship being awarded, guardianship should not be delayed until this condition is met.

SIBLING PLACEMENTS

If a sibling group is being placed with a prospective relative guardian, IV-E eligibility of one sibling results in the sibling group being IV-E eligible. This eligibility applies if the sibling group is being placed simultaneously or at any subsequent date following placement of the eligible child.

However, the questions on the IV-E Guardianship Determination (additional data entry) screen are still required for each individual child regardless of the IV-E eligibility status of the first child. Children in a sibling group should have their cases linked in FACES so that the IV-E eligibility specialist may determine the eligibility for each child. For the purpose of IV-E eligibility, full blooded siblings and half-siblings (children with one parent in common) would be deemed eligible for the sibling determination. Step-siblings are not eligible under IV-E guidelines for sibling group determination of IV-E eligibility and require a IV-E determination to be completed independently for each child.

CHILD INFORMATION- CASE MANAGER RESPONSIBILITIES

In order to determine if a child is eligible for IV-E reimbursable guardianship subsidy, required information must be entered into FACES and the new GAP Guardianship screens. Staff will be required to answer the eligibility questions for all guardianship cases.

Case Management at the top of the A/C Monitoring and A/C Information screens that will allow the worker to return to the IV-E Guardianship Determination (additional data entry) screen and complete the data entry necessary for the state to track all guardianship subsidy cases.

Case Managers and IV-E eligibility specialists can also use the Worker Alerts (IV-E Gap) screen to monitor any guardianship cases that are waiting for the additional data entry and/or determinations to be completed. This screen is accessed via a link from the FACES Worker Alert screen. A separate window opens that displays a list of all DCN's in which some action needs to be taken to determine eligibility. The screen automatically defaults to the alerts for the worker who is signed on.

Missouri Department of Social Services
Children's Division
Worker Alerts (IV-E GAP)

References: [IV-E GAP Reference Sheet](#)

Links: [IV-E GAP Additional Data](#) [IV-E GAP Determination](#)

User ID: Worker Name: SACWIS EFIX

From Date: / / To Date: / /

Notify Date	Due Date	DCN	Call/Case #	Short Description
06/17/2010	06/17/2010	63725419	20101650013	Additional Data Entry is required for IV-E Guardianship Determination

DETERMINING ELIGIBILITY- IV-E ELIGIBILITY SPECIALIST RESPONSIBILITIES

Once the case manager has completed the additional questions for IV-E Guardianship Determination, an alert is sent to the appropriate IV-E eligibility specialist via the Worker Alerts (IV-E GAP) screen. The IV-E eligibility specialist can access the IV-E Guardianship Determination (Determination) screen either by clicking the worker alert or accessing the screen directly. Links to this screen are available in Eligibility at the top of the Determination History screen.

The IV-E eligibility specialist will complete the Guardianship Determination by reviewing all the necessary data on the GAP Guardianship Determination screen. Once all the information is verified, click the "Perform Guardianship Determination" button. The system executes the IV-E Guardianship logic and displays the determination result. The IV-E eligibility specialist can review these results, make any necessary corrections and perform the guardianship determination again if the initial results are not as expected. Once the guardianship determination results are accurate, the IV-E eligibility specialist saves and submits the final determination.

**Missouri Department of Social Services
Children's Division
IV-E Guardianship Determination (Determination)**

References: [IV-E GAP Reference Sheet](#)
 Links: [IV-E GAP Additional Data](#) [IV-E GAP Worker Alerts](#)

ES Worker:
 Status:

List of DCNs						
DCN	Child's Name	ES Worker	Status	IV-E Guardianship Determination	IV-E Guardianship Funding	
					Begin Date	End Date
<input checked="" type="checkbox"/> 63725419	CHILD TEST		Pending Determination	N/A		

Status: Pending Determination
 DCN: 63725419 Case #: 20101650013
 Child's Name: CHILD TEST DOB: 01/01/2004
 Case Manager Name/ID: SACWIS EFIX / SACE020 ES Worker Name/ID:
 Is the child a full time elementary or secondary school student? No
 Expected Graduation Date:
 Is the child incapable of attending school due to a documented medical condition? No

Legal Status 9 Begin Date: 06/01/2010 Legal Status 9 End Date:
 LGS Placement Begin Date: 06/01/2010 LGS Placement End Date:
 LGS Placement Vendor Name:
 LGS Placement DVN:
 Individual 1: Polly Davies Individual 1's Relationship with Child: Grandparent
 Guardianship Contract Begin Date: Guardianship Contract End Date:
 RH License Last Status:

Has reunification been ruled out as an appropriate permanency option? Yes No
 Has adoption been ruled out as an appropriate permanency option? Yes No
 Does the child have a strong attachment to prospective relative guardian? Yes No
 Does the guardian have a strong commitment to care permanently for the child? Yes No

IV-E Guardianship Determination Results			
Criteria and Description	Criteria Determination	Test	Test Determination
Criteria 1 - Sibling Criteria	Failed		
Criteria 2 - Contract Criteria	Failed		
Criteria 3 - School Criteria	Failed		
		Test 1 - School Enrollment/Attendance	Failed
		Test 2 - Documented Medical Condition	Failed
Criteria 4 - Individual Child's Eligibility	Failed		
		Test 1 - IV-E Eligibility and Reimbursability (past six months)	Failed
		Test 2 - Placement (past six months)	Failed
		Test 3 - Guardianship Preference	Passed
Criteria 5 - Relationship (to the vendor) Criteria	Passed		

IV-E Guardianship Determination

IV-E Guardianship Determination: Child is 'Ineligible' for IV-E Guardianship funding.
 Override:
 Child is eligible for IV-E Guardianship funding.
 Child is Eligible (s) for IV-E Guardianship funding.
 IV-E Guardianship Notes:

If the child does not meet the eligibility criteria for IV-E Guardianship Subsidy as outlined in the first section of this memo, but the IV-E Eligibility Specialist has documentation that supports IV-E eligibility, they do have the ability to override this determination. Below are some examples of situations in which a truly eligible child may not be determined correctly as “Eligible”:

- Child has a full/half sibling that meets the IV-E Guardianship eligibility, but the siblings are listed under separate case numbers in FACES. Therefore, the sibling relationship is not being picked up in the determination calculation, thus making the child ineligible for this reason only (all other conditions are met). If the IV-E Specialist can verify the qualifying sibling relationship, they can override the “Ineligible” determination.
- Child has been placed with the same LG providers for 6 consecutive months. The LG providers get a divorce and the provider with whom the child is remaining gets a new vendor number. The system determines that the child is “Ineligible” due to the provider having a different DVN, thus not recognizing that the child was with the same provider for 6 months prior. If the IV-E Specialist can document the consecutive 6 months of prior placement, they can override the “Ineligible” Determination.

For audit purposes, the IV-E Eligibility Specialist must be able to provide documentation verifying that the child meets any missing IV-E Guardianship requirements before they complete the determination override. The IV-E Eligibility Specialist will determine the begin and end dates of eligibility and must clearly document the reason for the override in the “IV-E Guardianship Notes” section.

IV-E Guardianship Determination	
IV-E Guardianship Determination:	Child is 'Ineligible' for IV-E Guardianship funding.
	Override:
	<input checked="" type="checkbox"/> Child is eligible for IV-E Guardianship funding.
	<input type="checkbox"/> Child is Eligible (s) for IV-E Guardianship funding.
	Guardianship Funding Can Begin On: <input type="text"/> / <input type="text"/> / <input type="text"/>
	Guardianship Funding End Date: <input type="text"/> / <input type="text"/> / <input type="text"/>
	Override Performed By: SACWIS EFIX / SACE020
IV-E Guardianship Notes:	<input type="text"/>
<input type="button" value="Save and Submit IV-E Guardianship Determination"/>	

REQUIRED EDUCATION INFORMATION

New Federal Legislation (P.L. 110-351) requires each child receiving a IV-E foster care, adoption, or guardianship payment to be enrolled full time as an elementary or secondary school student, or be deemed incapable of attending school due to a medical condition.

The Education Information screen in FACES has been updated to include mandatory fields that staff must complete regarding each child’s education for the current school year. These fields will be mandatory for **all** Alternative Care functions, not just limited to guardianship cases.

The mandatory fields are:

- Is the child enrolled full-time?

- Is Child incapable of attending school due to documented Medical Condition?
 - This field will display 'Yes' or 'No' based on information entered on the Medical Information screen. If the child is unable to attend school due to a documented medical condition, staff must document this on the Medical Information screen.
- Current School District: Based on the child's residence, regardless of whether the child is enrolled in school or not;
- Current School District code: Required for all ages.
- School District at the time of Removal and Address.
- Removal School District Code: Required for all ages.
- Current or most recent school of enrollment and address: This field is required for ages 7-18 and optional for all other ages.
- The begin date of attendance at the current or most recent school: This field is required for ages 7-18 and optional for all other ages.
- The number of times the child has changed schools during the last six months: This field is required for ages 7-18 and optional for all other ages.
- How many school changes have resulted due to changes in foster placements?
- Have school records been transferred?
 - Date requested
 - Date received
- If efforts were made to maintain youth in original school: This field is required for ages 7-18 and optional for all other ages.
- Current Grade Level: This field is required if the child is between the ages of 7-16; optional if the child is not yet 7 years or older than 16 years;
- Expected Graduation: Staff is required to provide an expected graduation date for children who are in the 9th grade or higher; this field will be optional for children who have not yet reached 9th grade, but are aged between 5 and 17 years.
- Is the Child Pursuing a GED, GED Date and GED Details: If the youth has obtained or is pursuing a GED in place of high school graduation, GED details must be captured, including from where the GED is obtained and the date of completion of the GED.
 - **Note:** For Youth 9th grade and above, either Expected Graduation Date OR GED information is required.
- Individualized Education Plan (IEP)
 - Is the IEP current?
 - Is the IEP being followed?
 - Date of the last IEP

- Does the child have a 504 plan?
 - Is the 504 Plan current?
 - Is the 504 Plan being followed?
 - Date of last 504 Plan

- Any other special services the child receives, options include:
 - Physical Therapy
 - Occupational Therapy
 - Speech Therapy
 - Other (this box should be utilized to describe any services other than First Steps or developmental services)

- Is the child in any special classes/Summer School/Enrichment Classes?

MEDICAL INFORMATION SCREEN

- In the Socialization or Emotional Care section, a new check box has been added with the following question. This answer will also display on the Education screen:
 - Unable to attend school?
 - Yes:
 - Name of Physician
 - Date Exemption Received
 - Comments
 - No

<p>Socialization or Emotional Care:</p> <hr/> <p>Because of this child's medical/developmental disability (not age) he/she requires:</p> <p><input type="checkbox"/> Emotional support, encouragement, and reassurance due to withdrawal, fearfulness, depression, dependency, feelings of inferiority, etc.</p> <p><input type="checkbox"/> Structured behavior management regimen</p> <p><input type="checkbox"/> Socialization stimulation (i.e. touch response)</p> <p><input type="checkbox"/> Foster parents to spend time with neighbors, community figures, school authorities in working out plans to address the child's disability</p> <p><input type="checkbox"/> Calming measures on a daily basis</p> <p><input type="checkbox"/> Restructuring of bonding with biological parents or attachment to a permanent replacement</p> <p><input checked="" type="checkbox"/> Unable to attend school</p> <p>Physician Exemption :</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Name of Physician:</p> <p>Date of Exemption Received : <input type="text"/> / <input type="text"/> / <input type="text"/></p> <p>Comments: <input style="width: 100%;" type="text"/></p>
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<p>NECESSARY ACTION</p> <ol style="list-style-type: none"> 1. Review this memorandum with all Children's Division staff. 2. All questions should be cleared through normal supervisory channels and directed to:

PDS CONTACT Emily Montgomery, MSW (573) 522-8620 Emily.M.Montgomery@dss.mo.gov	PROGRAM MANAGER Amy Martin (573) 751-3171 Amy.L.Martin@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS Section 4 Chapter 30 Subsection 4 – Child’s Eligibility Criteria for Adoption or Legal Guardianship Subsidy	
FORMS AND INSTRUCTIONS N/A	
REFERENCE DOCUMENTS AND RESOURCES HR 6893 Public Law 110-351	
RELATED STATUTE N/A	
ADMINISTRATIVE RULE N/A	
COUNCIL ON ACCREDITATION (COA) STANDARDS N/A	
CHILD AND FAMILY SERVICES REVIEW (CFSR) N/A	
PROTECTIVE FACTORS N/A Parental Resilience Social Connections Knowledge of Parenting and Child Development Concrete Support in Times of Need Social and Emotional Competence of Children	
FACES REQUIREMENTS As required by memo	

Appendix C: Department of Elementary and Secondary Education



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
School Laws

Mark Allan Van Zandt, General Counsel
Kris Morrow, Assistant General Counsel
Shelley Kiesling, Legal Assistant

M E M O R A N D U M

Date: August 28, 2009

To:

From: Kris Morrow, Assistant General Counsel

Re: Foster Care Education Bill of Rights

Senate Bill 291 (2009) created sections 167.018 and 167.019, RSMo, otherwise known as the “Foster Care Education Bill of Rights”. These laws require public school districts and child placing agencies to ensure foster children don’t fall through the cracks when it comes to receiving an education.

§ 168.018, RSMo

Section 168.018, RSMo, requires each school district to designate a staff member as “the educational liaison” for children in foster care. Acting in an advisory capacity, the educational liaison is required to:

1. Ensure and facilitate the proper educational placement, enrollment in school and checkout from school of foster children;
2. Assist foster care students when transferring from one school or district to another, by ensuring proper transfer of credits, records and grades;
3. Request school records of a foster care student pursuant to section 167.022, within two (2) business day of a foster care student’s placement in a school, and
4. Submit school records of foster care students within three (3) business days of receiving a request for a foster care student’s records.

§ 167.019, RSMo

Section 167.019, RSMo, requires a child placing agency, as defined in section 210.481, RSMo, to promote the educational stability of foster children. The child placing agency must take into consideration the foster child’s school attendance area when placing the child. This section further defines the right of foster children in regard to their continuing education:

1. A foster child has the right to remain enrolled in and attend his or her school of origin or to return to a previously attended school in an adjacent district.
2. The school district shall accept for credit full or partial course work satisfactorily completed by a foster care student while attending a public school, non-public school, or non-sectarian school in accordance with district policy or procedure.
3. A foster care student’s school district of residence shall issue a diploma to a foster care student under the jurisdiction of the juvenile court providing the student completes the district’s graduation requirements.

4. A school district shall ensure that if a foster care student is absent from school because of a change in placement made by a court or child placing agency, or because of a verified court-appearance or court-ordered activity, the grades and credits of the foster care student shall be calculated as of the date the student left school, and the student's grades shall not be lowered as a consequence of the absence.
5. Subject to federal law, school districts shall permit access of foster care student records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by a juvenile officer or by law and to assist with the school transfer and placement of a student.

Transportation

The transportation of foster care students to school is not addressed in the Foster Care Education Bill of Rights or in other law. On June 13, 2006, the Department of Social Services, Children's Division issued a Memorandum regarding changes to section 211.032, RSMo, permitting a foster child to remain in the same school at the time of placement. The Department of Elementary and Secondary Education provided the Children's Division with transportation options a child placement agency team can take into consideration when placing a foster child, including:

1. The school bus of the foster child's home district travel to the home of the foster parent to pick up the child. These miles would be considered eligible miles for the school district to include in their allowable cost for state aid;
2. The foster parent provides transportation and receives reimbursement for mileage from the school district. School districts can include this as an allowable cost for state aid;
3. The foster parent meets the school bus at the boundary line of the school district;
4. The school district contracts with an individual besides the foster parent to transport the child to the child's home district; or
5. The foster parent provides transportation with no reimbursement for mileage from the school district.

Appendix D: State Policies regarding Educational Stability

Sources: 2009 Fostering Connections Act Implementation Reports, by state, from the National Association of Public Child Welfare Administrators (NAPCWA)¹

¹ Available at <http://www.fosteringconnections.org/resources/tar?id=0006&type=research-report&topic=Education>

Alabama requires that children in out of home care be placed in close proximity to their own home and maintained in their same school whenever possible. DHR has worked with the State Department of Education to develop policy and the State Department of Education has sent out a letter to the local superintendents suggesting protocols. However, local school districts are autonomous and establish their own protocols. Each county DHR department has worked with the local education agency and established protocols to expedite enrollment and transfer of records to avoid any delay in a child's entry into school. When a change in school is necessary, it is the caseworker's responsibility to transfer or provide the foster parents the information needed to enroll the child in school and ensure that school records are transferred.

Alaska has had programs in place for some time that address educational needs of foster children. OCS meets with Attorneys General, Guardians ad litem, local school administrators, foster youth, foster parents, and local judges to help improve educational outcomes for children in custody. Independent Living funds are used for tutors when concerns about education are brought to the social workers' attention.

Arizona Currently, the state utilizes GIS mapping to assist in identifying specific geographic areas having high child removal rates, so that foster families can be recruited in these geographic areas. With regard to the transfer of school records, there has been a lot done surrounding the language in the first motion to the court regarding access to school records. Arizona has also been focused on placing children in their own neighborhoods as part of the Annie E. Casey Family to Family model, which has also benefited the state overall in keeping the child in the same school district.

Arkansas The state is working with the Department of Education to get all educational records of youth as they leave from one school to another.

Colorado Education stability was incorporated into law by the Colorado legislature in 2008. Colorado statute provides compliance with the educational stability provision of P.L. 110-351. In 2008, House Bill 1019 created a child welfare education liaison designated by each school district and state charter school institute.¹² The child welfare education liaisons collaborate with child placement agencies, county departments, the state department, and schools to ensure proper school placement, transfer and enrollment of foster children.¹³ The liaisons work with all parties to ensure a foster child remains in an educational situation that promotes stability. The law also requires schools to transfer education records within five school days and that the receiving school admits these children within five days of receipt of a student's records.

Delaware Delaware Department of Services for Children, Youth and Their Families (DSCYF) also collaborated with the Department of Education (DOE) to establish guidelines and amend current statute regarding the educational stability provisions

of P.L. 110-351.14 Currently, both agencies work diligently to keep foster children in their school of origin when they come into care. In 2004, the state passed HB 279 requiring DSCYF and DOE to implement practices pertaining to the McKinney-Vento Homeless Educational Assistance Improvement Act to help improve youth's educational outcomes while in foster care. This legislation adds the term "awaiting foster care placement" to state statute permitting all children in care to remain in their school of origin, with transportation provided by the child's home school district. The state also has a collaborative in place with Milton Hershey School (MHS) for youth in foster care to have the opportunity to attend a prestigious boarding school. DSCYF and the school are continuing these efforts and five youth are currently enrolled in the program.

Illinois has a geographic information systems (GIS) application call "SchoolMinder" which is used for kids being placed into foster care. SchoolMinder helps children stay in their community and supports: education stability; continuity of services (received from their school); and parental and family visitation. GIS technology helps identify available foster homes that are near both the child's current educational setting and the home from which he or she was removed. The state has been successful in keeping children in their schools of origin. However, the challenge for the state is that these homes become quickly occupied. The unintended benefit is that the state can now use GIS to focus its scarce foster parent recruitment and development efforts on just those communities that are most quickly exhausting their available foster parent resources. The current GIS-based recruiting effort, begun in January, 2009, is now seeing results. After a long decline, foster parent resources are now increasing and are currently at March, 2009 levels after a continual decline in resources that began when SchoolMinder was first implemented.

Indiana Education stability compliance is managed and monitored by an education advocate in each of the state's 18 regions. IC 31-34-15-4 passed in the 2009 Indiana legislative session aligns the state regulations with the federal mandates. School disruptions are minimized by the following steps: placing a child with resource family in the same school district whenever possible; assisting the resource family living in a different district with arranging transportation for a child, so he or she can continue to attend the same school; delaying a change in placement until the end of a school semester or year, so long as the waiting does not endanger the child's safety and/or wellbeing; and scheduling medical and court appointments during non-school hours, whenever possible. If the child in out-of-home care has been placed with a resource family in the same school district but outside the attendance area for the school where the child was previously attending, then the school in the new area must provide transportation to and from the child's previous school and place where the child is currently placed.

Indiana policy further requires DCS to assure that all children in out-of-home care are referred for an initial educational evaluation to determine if an Individualized Education Plan (IEP) is needed to meet the child's educational needs. The case plan

conference is utilized to review and discuss the educational needs of each child, to develop a plan to assist in the referral process and to ensure that the child's educational needs are met. Case plans must include a plan for educational stability that documents efforts to allow the child to remain at the school that he or she attended at the time of removal. It must also be documented in the case plan if it is in the child's best interest to transfer schools and the distance of the school the child will be attending from the child's current placement. If the child must transfer schools, immediate enrollment must be completed including arranging transfer of school records and assurance that the child has been placed in a resource home or facility within close distance to his or her current school. DCS personnel will assure that every school aged child placed in out- of-home care is enrolled in school, unless one of the following circumstance exits: the youth is eligible and in pursuit of a GED; an alternative education plan has been recommend by the child's home school and approved by the court; or the youth as graduated from high school or obtained a GED certificate.

Kansas Education stability is currently managed in Kansas on an aggregate level using the American Bar Association's indicators of success. One such indicator being: How many children are attending the same school as they were prior to entering care? Such indicators ensure that the state is prepared for federal support as they speak directly to stability

Maine According to state statute and new federal requirements on educational stability, every child's plan must include documentation of their school placement. Additionally, through inter-district agreements, children in out-of-home care are able to attend school in their original district. Although most provisions are already a state mandate, the new law requires foster children to attend school full time. Maine is awaiting clarification from ACF to verify what constitutes "full time." For example, Maine has some children in alternative programs that attend school at reduced hours, due to being determined necessary through their Individualized Education Plan (IEP) for behavioral issues. The Department of Health and Human Services is collaborating with local schools and the school district to successfully administer these provisions.

Maryland works to ensure that foster youth have strong educational stability. When a child enters care, Maryland strives to keep him or her in the child's school district. If this action is not possible, the state makes efforts to enroll children in the nearest school district within five days. In 2008, Maryland passed legislation requiring agencies to promptly enroll foster children by expediting their school records within one week after they transfer schools. This policy helps minimize disruptions to children's educational well-being. The state is working closely with the Maryland Department of Education to implement the Fostering Connections educational requirements and on enrollment issues, but these procedures require considerable cooperation and collaboration with local education authorities. Identifying responsible parties for duties and administrative costs for transportation and other

issues will be a challenge for Maryland. Meeting this requirement will require negotiation that will undoubtedly take longer than the time allotted by the act.

Massachusetts strives to place children in their own community at their home school. If placement within the home school boundaries is not possible, the Department works to quickly enroll children in the new school. The Department works with the Department of Education educational liaisons to address issues of foster children outside of their home community school. When needed, the state uses McKinney-Vento Act funds to provide transportation for children to their home schools.

Michigan considers a foster child's educational situation upon the initial out-of-home placement of a child. Instructions were provided to the county offices and private agencies about the educational stability requirements and the process to revise case service plan templates and case reading forms to include these factors. Legislation has passed the Michigan House of Representatives and is currently being considered in the Senate. A policy release is planned for 12/1/09 to include all requirements. Transportation payments are still pending a recommendation; additional data is being gathered.

Minnesota Educational stability has not been an issue in Minnesota, as it already works diligently to keep foster children in the same schools and allocates transportation funds when necessary. Agencies seek placement resources within the child's school district. When placement within the child's school district is not possible, some agency and school systems work together to arrange transportation or agencies arrange additional transportation funds to support the child's attendance in the same school. Legislation is proposed to ensure that the effort to coordinate the child's education stability with the local school is documented as part of the out-of-home placement plan.

Education stability mandates were addressed in the Foster Care Bill of Rights that was passed in the last legislative session (Missouri House Bill 154, Foster Care Education Bill of Rights and Senate Bill 291). A workgroup that includes personnel from elementary and secondary education departments and representative from various school boards is developing policy changes that include travel to keep children in the same school district should be in place by the end of August 2009. Policy changes were made to allow reimbursement of foster parents for travel necessary to maintain children in the same school district they were in at time of removal.

Mississippi Regarding educational stability, it is the state policy to try to place children within a 50-mile radius of their home, keeping them in the same school, if possible. Additionally, the 2007 settlement agreement plan calls for DFCS employees to enroll children in an accredited school within three days of placement, if necessary. The plan requires special needs assessment within 30 days of placement and DFCS is responsible for ensuring this occurs.

New Hampshire currently has two educational specialists for all children in foster care. The Education specialists work directly with the agency on cases that have issues regarding education. They consult on any educational issues as well as train the field staff on all laws and policies regarding education and special education on a consistent basis. New Hampshire is currently working on an educational passport for children in care. This project has two intended outcomes. The first is that the child's educational records are up to date, accurate and easily accessible to the student and school no matter where he or she may be living. Second, credits will be transferable and uniform across school districts and private special educational programs when children may be placed in a residential treatment facility.

New Jersey The educational stability provision has proven to be slightly challenging for New Jersey. The state's child welfare division is working closely with New Jersey's Department of Education and Office of Child Advocates in coordinating to best approach this new requirement. In any case, it appears that efforts to comply with this provision will require legislative changes. Currently, it is the foster parents' school district that is responsible for the education of the child. There are a couple of programs in place to keep kids in the same school if their foster home is located within the same school district; however, there is not a program which extends across the state. New Jersey is participating in a work group with stakeholders and state agency representatives to look at the issue of educational consistency for children in foster care.

New Mexico requires caseworkers to actively participate in educational planning as part of court ordered case plans. Additionally, the state connects foster care youth who have dropped out to GED courses in their communities. Caseworkers work with educational professionals and caregivers to ensure educational services are appropriate and that they are delivered effectively. Starting July 1, 2009, at the court hearing the state agency will be required to describe efforts taken on behalf of the child's education. New Mexico is looking for additional federal guidance on this provision.

New York amended their state regulations to clarify the educational stability provision, requiring counties to have foster children remain in their school of origin where possible and coordinate with the child's local school district to obtain records. Additionally, children must attend school full-time unless they have a medical condition.

The **Ohio** Department of Job and Family Services (ODJFS), which houses the state's Office for Children and Families and Ohio Health Plans (Medicaid), is in preliminary discussions with the Ohio Department of Education and the Ohio Department of Health around the educational stability and health oversight provisions. The Departments will be working in collaboration via the state's Family and Children First Council to ensure children in foster care have a plan for educational stability and improved oversight of health care. Leaders from the various state program

areas and service delivery systems are represented on the Ohio Family and Children First Council. This allows for a coordinated effort to be in place to support the education and health care needs of foster children.

Pennsylvania Concerning the educational stability mandates, Pennsylvania is already coordinating with the state's Department of Education and the Educational Law Center to help ensure children have stability in education. The state issued guidance on McKinney-Vento stating that children waiting for foster care placement are afforded opportunities to remain in the same school district; there is a transportation component to these guidelines as well. These guidelines are being updated to include all children in placement. Simultaneously, a screen is being developed to help workers pay additional attention to educational stability. There is some concern that transportation costs may increase.

South Carolina Educational stability requirements in the state meet the federal guidelines. State level meetings are under way with the Department of Education to ensure that what is in policy and statute is implemented.

Tennessee The Department is currently assessing whether or not this provision in the Federal Law will require a policy change. Currently, DCS has fifteen regional education specialists who work closely with school systems to ensure that each child remains in his/her current school if possible. These specialists advocate for education stability at Child and Family Team meetings in addition to providing training to family service workers on this need.

If remaining in the same school is not in the child's best interest, the child will be immediately enrolled in a new school. Family Service Workers provide, by policy, the Education Passport to the new school. The Education Passport provides the school with student information and school records from the previous school.

Texas DFPS was found to be in substantial conformity on the education outcome in the federal on-site Child and Family Service Review (CFSR) in March 2008. Strong cross system collaborations between DFPS and school districts help improve the educational outcomes of children in care. This collaboration assists the state in operating the educational coordination and planning activities under P.L. 110-351. For example, DFPS has educational specialists in each region and in the state office to assist child protective services staff in addressing the educational needs of children in foster care and in developing and arranging working relationships with local school districts, and regional education centers. The school districts and regional education centers use the DFPS education specialists as subject matter experts in resolving educational issues related to CPS children. These working relationships also help facilitate the transfer of children's school records. Additionally, each school age child in foster care has an educational portfolio that follows the child as he/she changes placements, returns home to his/her parents, or transitions into an adoptive home. Current state statute also requires children to be immediately enrolled in school if their placement changes, and allows this transition

to occur no later than three days prior to enrollment. Policy was recently updated to give more emphasis to having caseworkers consider whether a child can continue to attend the child's current school at removal or when a subsequent placement is needed.

Utah Educational stability provisions required state law changes to ensure compliance with the federal mandate. Utah received approval to delay implementation of the educational requirements that are mandatory provisions of the law. The necessary legislative changes were made during the 2009 legislative session. These are now in the process of being implemented. The state is examining implementation on two fronts: logistically setting up transportation to the home school prior to placement and development of relationships with the school districts.

Vermont DCF has collaborated with the State Department of Education to implement the educational provisions of P.L. 110-351. Under state law, the Education Commissioner designates a child's school of origin for funding purposes. The state legislature passed the Safe Placed Students Act, which provides transportation funding so children can attend their school of origin. These funds are located in a central pool of money, which reduces jurisdictional issues to pay for transportation.

Virginia Educational stability requirements in the state meet the federal guidelines and are implemented in practice.¹¹ Legislation was passed by 2005 General Assembly mandating the LDSS and local school districts to consider if it is in the best interest of the child to continue attending his/her current school when his/her foster care placement changes.

Washington Education stability requirements are in alignment with the Braam law suit (<http://www.braampanel.org/>) and unless there is an unexpected component in the federal rules, Washington will be in compliance with the federal law.

Washington is in the process of developing agreements with school districts that have foster youth enrolled (there are 295 school districts in Washington) to ensure children can remain in their home school. In addition, Washington has developed agreements between the Children's Administration and the Office of Superintendent of Public Instruction for electronic data exchange to evaluate the progress of foster youth in public schools. The information is de-identified, so individual students' progress cannot be tracked in this way.

Wisconsin The DCF is currently working with the Wisconsin Department of Public Instruction to establish guidelines and change current statute regarding the educational stability provisions of P.L. 110-351.²²

Currently, both agencies work diligently to place foster children in their school of origin when they come into care. If the State is not able to arrange this type of

placement, Wisconsin uses county resources to help place children in the same school district. To help facilitate educational transitions for youth in care, the State has developed a guide for child welfare and educational departments, which offers solutions to improve cross-systems collaboration. In response to P.L. 110-351, DCF will update this guide and introduce a website in collaboration with the Department of Public Instruction.

District of Columbia CFSA is diligently working on implementing the educational stability provisions of P.L. 110-351 and revising their policies to comply with federal statute. First, DC is working to ensure that each school-aged child receiving foster care, guardianship and adoption assistance is enrolled in school. CFSA is anticipating further guidance from ACF on the education stability provisions to help meet these requirements. To help improve their current practices, the city has developed a checklist for social workers to use so they can document a child's school attendance and academic performance as well as social adjustment in school. Additionally, when social workers begin to identify appropriate placements for children, school proximity is often a criterion so children can attend school and remain in their home communities. DC is also working with the public school system to help reduce unnecessary school transfers for all children in foster care. CFSA is collaborating with the Office of the State Superintendent of Education (OSSE) to develop a plan for these requirements. Once the federal government releases guidance on these mandates, CFSA can determine how many children will need to be transported and formally develop a transportation plan for youth in care.



April 3, 2009

FOSTERING CONNECTIONS ACT – IMPLEMENTATION CHECKLISTS FOR EDUCATION PROVISIONS

State and local education and child welfare agencies will need to work separately and together in a structured way to ensure that children in foster care get the benefits of the education provisions of *Fostering Connections to Success and Increasing Adoptions Act of 2008* (Fostering Connections). Courts and, in many states, legislators will also need to be involved. Are your state and local agencies and your state’s courts and legislators taking the right steps? These checklists are designed to guide conversations in your state-- conversations that will ensure thoughtful implementation of these important education provisions and that will involve representatives from these agencies and entities as well as other stakeholders interested in implementing Fostering Connections and improving education outcomes for children in foster care.

Enacted in October 2008, *Fostering Connections* amended parts B and E of Title IV of the Social Security Act. Among its many provisions to address the needs of children and youth in foster care, it seeks to promote education stability for foster children. First, child welfare agencies must include “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. The required elements of the plan are detailed below. To support the education stability of children in care, *Fostering Connections* also expands the definition of “foster care maintenance payments” to include reasonable transportation to a child’s school of origin. *Fostering Connections* further supports the educational well-being of children in out-of-home care by requiring states to provide assurances in their Title IV-E state plans that every school-age child in foster care is a full-time elementary or secondary school student or has completed secondary school. Finally, *Fostering Connections* includes a number of important provisions specific to older youth, each detailed below.¹

Checklist 1: Setting the Stage lays out the foundational questions for implementing *Fostering Connections*: What do child welfare agencies, education agencies, courts, and legislators need to do to prepare for implementing the Act? ***Checklist 2: Education Obligations and Considerations under the Fostering Connections Act*** details the responsibilities of the various agencies under *Fostering Connections*, and suggests the questions and considerations for each.

¹ For a detailed summary of the education provisions of the new law, please download our “Questions and Answers Factsheet: *Fostering Connections Act*” available at www.abanet.org/child/education/publications/fosteringconnections.

CHECKLIST 1: SETTING THE STAGE

What do child welfare agencies, education agencies, courts, and legislators need to do to prepare to appropriately and effectively implement the education provisions of the *Fostering Connections Act*? What laws, policies, and practices need to be changed and what individuals and agencies must be involved in making the needed change?

ROLE OF CHILD WELFARE AGENCIES

- ✓ Has the state child welfare agency provided clear direction to local child welfare agencies that the education of children in their care is part of their responsibility?
- ✓ Has the state child welfare agency provided local child welfare agencies with clear guidance on the specific requirements of *Fostering Connections*?
- ✓ Has the state child welfare agency provided local child welfare agencies with guidance on implementing these federal provisions?
- ✓ Do the state child welfare agency and state education agency need to meet to discuss implementation of *Fostering Connections*? Will a joint discussion about a memorandum of understanding, interagency agreement, or joint directive be helpful? Do state or local child welfare agencies need to change case planning procedures and case plan forms to incorporate all of the case plan requirements from the education provisions of *Fostering Connections*?
- ✓ Is there a system at the state and local levels that collects and tracks education data on each child at time of placement in foster care and periodically thereafter?
- ✓ Has the state determined how federal Title IV-E dollars (either administrative or maintenance) can be used and the protocol to be followed to support transportation to a child's home school?

ROLE OF EDUCATION AGENCIES

- ✓ Has the state education agency provided local education agencies with clear guidance on the requirements of *Fostering Connections*?
- ✓ Has the state education agency provided guidance to local education agencies on implementing these requirements on their own and through collaboration with local child welfare agencies?
- ✓ Do the state child welfare agency and state education agency need to meet to discuss implementation of *Fostering Connections*? Will a joint discussion about a memorandum of understanding, interagency agreement, or joint directive be helpful?

ROLE OF JUVENILE COURTS

- ✓ Do juvenile court rules or procedures need to be developed so that judges consider the requirements of *Fostering Connections* when a child is placed in foster care, and periodically thereafter?
- ✓ Does the juvenile court have model orders or protocols that would facilitate each of these educational considerations?
- ✓ Is there a process to ensure that the child welfare agency shares educational information with the judge before or during court proceedings?
- ✓ Does the juvenile court need to convene a meeting with the state child welfare and education agencies to discuss effective implementation of *Fostering Connections* and identify obligations and responsibilities?

ROLE OF STATE LEGISLATORS

- ✓ Is state legislation needed to appropriately implement *Fostering Connections*?

CHECKLIST 2: EDUCATION OBLIGATIONS AND CONSIDERATIONS UNDER THE *FOSTERING CONNECTIONS ACT*

The following checklist identifies the obligations imposed under the *Fostering Connections Act*, as well as considerations for implementing each obligation². Some of the obligations apply only to the child welfare agency, but, without the support of the education agencies and the court, appropriate implementation of the obligations will not be possible.

The child’s case plan must contain: “assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement”³

1. Appropriateness of Current Education Setting

- ✓ Has the state or local child welfare agency established criteria so that the appropriateness of an education placement can be assessed (i.e., whether the student needs special education or remedial supports, or whether advanced placement classes are available)?
- ✓ Whose input does the child welfare agency need to assess the appropriateness of the education setting (i.e. youth, parent or guardian, caretaker, teacher or school representative)? How will these individuals be notified and involved? What is the role of the local education agencies?
- ✓ Are the state and local child welfare agencies offering training to caseworkers, legal advocates, and other stakeholders on how to assess appropriateness, use any assessment tools developed, or advocate for proper assessment?
- ✓ Which individual is responsible for making the final determination about appropriateness?
- ✓ Have child welfare and educational agencies created guidelines for the efforts that need to be made to keep students in appropriate educational settings?

2. Proximity of Living Placement to Original School

² The Legal Center for Foster Care and Education has developed a framework to improve the education outcomes of children in out-of-home care which expands beyond the requirements of Fostering Connections. This framework, the *Blueprint for Change: Education Success for Children in Foster Care*, includes 8 Goals for youth, as well as corresponding Benchmarks indicating progress towards each Goal. The *Blueprint for Change* is available for download at www.abanet.org/child/education/blueprint.

³ 42 U.S.C.A. 675(1)(G)(i).

- ✓ Does the local child welfare agency need to recruit and retain more resource families and/or other foster care placements within the school jurisdictions or attendance areas from which children come into foster care? Can the local school districts help recruit families?
- ✓ Have the state or local child welfare agencies developed criteria to provide guidance on taking proximity “into account”? Have child welfare agencies created guidelines regarding the efforts that should be made to keep children’s living placements close to their original schools?
- ✓ Are the local child welfare and education agencies working closely together to eliminate barriers to the child remaining in the same school if in her best interest?

The child’s case plan must contain:

“(I) an assurance that the State [or local child welfare agency] has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; (II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.”⁴

3. Required Coordination between Local Education and Child Welfare Agencies

- ✓ Are new laws (i.e., legislation or regulation) or collaborative agreements (i.e., memoranda of understanding, interagency agreements or joint directives) needed to hold local education agencies responsible for coordinating with child welfare and for ensuring school stability and prompt enrollment?
- ✓ Are new laws (i.e., legislation or regulation) or collaborative agreements (i.e., memoranda of understanding, interagency agreements or joint directives) needed to hold child welfare agencies responsible for coordinating with the educational system to ensure school stability and prompt enrollment?
- ✓ What are the minimum necessary elements of those laws or agreements to ensure that school stability and prompt enrollment will be achieved?
- ✓ Does a system need to be in place to periodically reevaluate (e.g. each school year) the collaborative process and make any necessary changes or adjustments?
- ✓ Are court rules or policies needed to clarify the role of the court in overseeing the child welfare agency’s coordination with the education agency to ensure school stability?
- ✓ Are key staff with expertise about *Fostering Connections* identified at the state and local education and child welfare agency to help facilitate necessary coordination?

⁴ 42 U.S.C.A. 675(1)(G)(ii).

The child’s case plan must contain:

“(I) an assurance that the State [or local child welfare agency] has coordinated with appropriated local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; (II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.”⁵

4. Child Remains in Same School

- ✓ Best Interest Determinations: How does the local child welfare agency determine when it is not in the child’s best interest to remain in the same school?
 - What criteria should be used in making best interest determinations?
 - Who needs to provide input in the best interest determination?
 - Where will the best interest decision will occur (i.e., local education agency, child welfare agency, court)?
 - Who will ultimately make the best interest decisions?
 - Who will hold education decisionmaking rights for the child (i.e., does the birth parent retain these rights or is someone else designated)?
 - Is there a process to repeat best interest decision making at each change of placement?
- ✓ Is there a clear procedure at the local level for resolving disputes regarding whether a school change is needed? Does the procedure address the following: written decisions, notice to parents, and what happens to the child pending resolution of the dispute?
- ✓ Is there a state or local “awaiting foster care placement” policy that clarifies which children in foster care are eligible for school stability and transportation under the *McKinney-Vento* Act and that clarifies how that law intersects with *Fostering Connections*?

⁵ 42 U.S.C.A. 675(1)(G)(ii).

(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.⁶

5. Immediate and Appropriate Enrollment in New School

- ✓ Are state laws or policies needed to ensure that children in foster care are immediately enrolled in a new school? Is there consensus on the definition of “immediate,” and does this need to be quantified in state law or policy?
- ✓ Is there a process that clarifies the respective roles of the education and child welfare systems to ensure immediate school enrollment?
- ✓ How do the state child welfare and education agencies ensure that state and local enrollment rules (e.g., proof of immunization or residency) are not barriers to implementing the “immediate enrollment” requirement? Examples include expedited efforts to obtain necessary documentation, waiver of normal enrollment requirements or enroll the child pending, and changes in required documentation to allow for prompt enrollment.
- ✓ Do the child welfare and education agencies have clear procedures for resolving enrollment disputes, both at the local and state level, that preserve the right to immediate enrollment pending dispute resolution?
- ✓ Is there a state or local “awaiting foster care placement” policy that clarifies which children in foster care are eligible for immediate enrollment under the McKinney-Vento Act, and that clarifies how that law intersects with *Fostering Connections*?
- ✓ Are laws or policies needed to ensure youth are “appropriately” enrolled in a new school? Is clarification needed on what constitutes “appropriate enrollment” (i.e. proper placement in general, special, advanced, or remedial education classes; right to participate in all academic or extracurricular programs offered by the school; exceptions allowed for normal timelines or programs capacity; accurate transfer of credits and, if necessary, partial credits)?

6. Transfer of Education Records to New School

- ✓ Do state and local education agencies have clear record transfer policies that specify the respective responsibilities of the school and the child welfare agency and set a clear timeline for record transfer?
- ✓ Does each child welfare agency and school district have designated staff contacts (or liaisons) to ensure records transfer smoothly?
- ✓ Is ongoing training provided on the record transfer policies and responsibilities so that confusion and delay are eliminated?
- ✓ Is it necessary to include language in a child-specific juvenile court order that grants access to a child’s education records to a child welfare agency or other necessary stakeholders?⁷

⁶ 42 U.S.C.A. 675(1)(G)(ii).

⁷ 20 U.S.C. § 1232(g)(b)(1)(J).

The term “foster care maintenance payments” means payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.⁸

7. Permissible Use of IV-E Maintenance Dollars for School Transportation

- ✓ Has the state or county child welfare agency ever used Title IV-E administrative dollars to support school transportation (in accordance with the December, 2007 Guidance from the Department of Health and Human Services)⁹?
- ✓ Is the state considering using Title IV-E maintenance dollars to support school transportation?
 - What type of reimbursement plan is being considered (e.g., direct payment to care providers, payment to separate transportation providers, reimbursement of school provided transportation)?
- ✓ Does the state or the county child welfare agency need to develop policies and protocols for the use of Title IV-E dollars – administrative or maintenance?
- ✓ Is there a state or local “awaiting foster care placement” policy that clarifies which children in foster care are eligible for school stability and transportation under the *McKinney-Vento* Act, and that clarifies how that law intersects with *Fostering Connections*?
- ✓ Has the child welfare agency considered how to fund school transportation for those children in care not eligible for IV-E?

⁸ 42 U.S.C.A. 675(4)(A).

⁹ *Child Welfare Policy Manual*, 8.3B.1 TITLE IV-E, Foster Care Maintenance Payments Program, Payments, Allowable costs, Question 4. 12/31/07.

http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=46.

(a) Requisite features of State plan

In order for a State to be eligible for payments under this part [Title IV-E], it shall have a plan approved by the Secretary which—...

(30) provides assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term ‘elementary or secondary school student’ means, with respect to a child, that the child is—

(A) enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;

(B) instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;

(C) in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or

(D) incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.¹⁰

8. State Plan Assurances of School Enrollment and Attendance

- ✓ How will assurances of school enrollment and attendance be provided?
- ✓ Has the state child welfare agency included the process to ensure school enrollment and attendance in its Title IV-E State Plan?
- ✓ Has the state considered using the process for tracking enrollment and attendance of Title IV-E eligible children in care for children who are not Title IV-E eligible?
- ✓ Does the state child welfare agency or state education agency already track school enrollment and attendance through a data system?
- ✓ Does the state need to make changes to its child welfare or education data collection system to be able to track enrollment and attendance?
- ✓ How will the requirement for tracking enrollment and attendance be implemented for children receiving guardianship and adoption assistance?
- ✓ Is training for child welfare and education leadership and staff as well as court and legal advocates provided on school enrollment and attendance requirements? Does the training include the limitations of the exceptions to enrollment and attendance? Are there processes to assure that these exceptions do not interfere with a child’s right to a free and appropriate education?

¹⁰ 42 U.S.C.A. § 671.

- ✓ Is there additional educational information that could or should be tracked (at the state and local level) as part of a system for tracking enrollment and attendance (i.e., other provisions of *Fostering Connections* such as school changes, data on whether children in care are getting the services they need, whether children are meeting academic expectations, and whether youth are receiving high school diplomas)?

Fostering Connections includes a number of education provisions directed to older youth. First, it extends eligibility for Independent Living Services and Education Training Vouchers under the John H. Chafee Foster Care Independence Program to youth who enter kinship guardianship at the age of 16 or beyond.¹¹ *Fostering Connections* also includes a new requirement for a “transition plan” to be developed 90 days prior to a youth’s exit from care.¹² One of the included elements of this transition plan is a plan for education. Finally, *Fostering Connections* gives states the option to extend foster care until the age of 19, 20, or 21 as long as a youth is involved in an educational program, is employed, or meets other requirements.¹³

9. Older Youth Provisions

- ✓ Is the state working on implementation of the *Fostering Connections* provisions that affect older youth (i.e., new requirement for 90 day transition plan, eligibility for Chafee Independent Living services and Education Training Vouchers (ETVs), and the state option to extend care until age 21)?
- ✓ Is the state making the link between these provisions for older youth and the impact on youth’s education success and outcomes?

¹¹ 42 U.S.C.A. § 677; 42 U.S.C.A. § 677(i)(2).

¹² 42 U.S.C. § 675(H).

¹³ 42 U.S.C.A. §675(8)(A).

Appendix E: Legal Center for Foster Care & Education
Education Stability Checklist