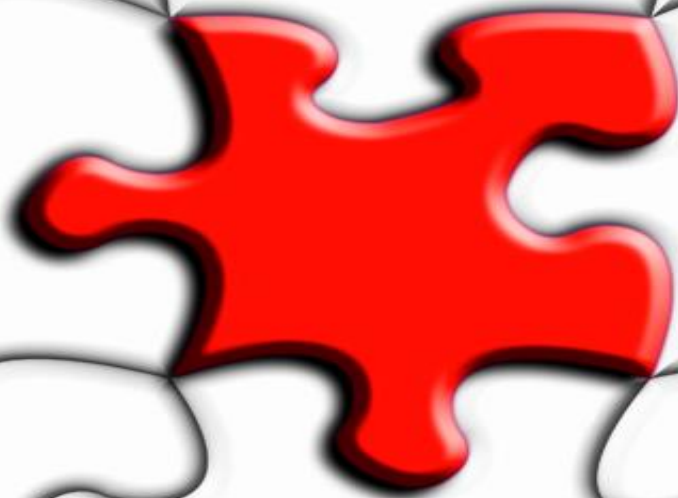
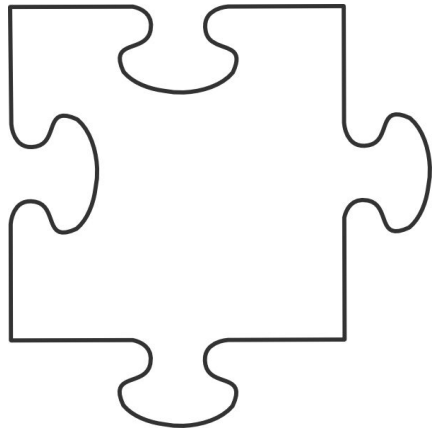


What School Boards and Schools MUST do to...

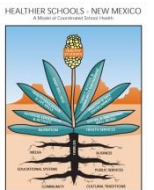


...Ensure Educational Stability for
Children in Foster Care

Why is Foster Care included in the Federal Every Student Succeeds Act -ESSA?



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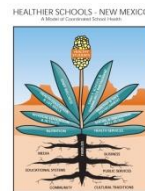


Children and youth in foster care represent one of the most vulnerable student subgroups in this country.

Of the approximately 415,000 children in foster care in 2014, nearly 270,000 were in elementary and secondary schools.

Adoption and Foster Care Analysis and Reporting System (AFCARS) FY 2014 data

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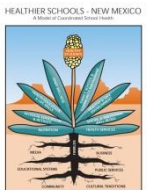


Children in foster care are much more likely than their peers to struggle academically and fall behind in school.

Students in foster care at age 17 are also less likely to graduate from high school, (with only 65 percent graduating by age 21 compared to 86 percent among all youth ages 18 to 24)

National Center for Education Statistics (2014). Digest of education statistics, 2014 - table 104.40. Retrieved from https://nces.ed.gov/programs/digest/d15/tables/dt15_104.40.asp?current=yes.

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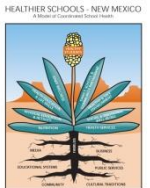


Children in foster care
experience much higher levels
of residential and school
instability than their peers;

one study showed that 75 percent of children
in foster care made an unscheduled school
change in one school year, (compared to less than 40
percent for children not in foster care).

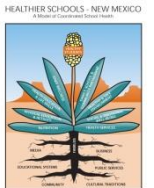
National Center for Education Statistics (2014). Digest of education statistics, 2014 - table 104.40. Retrieved from https://nces.ed.gov/programs/digest/d15/tables/dt15_104.40.asp?current=yes.

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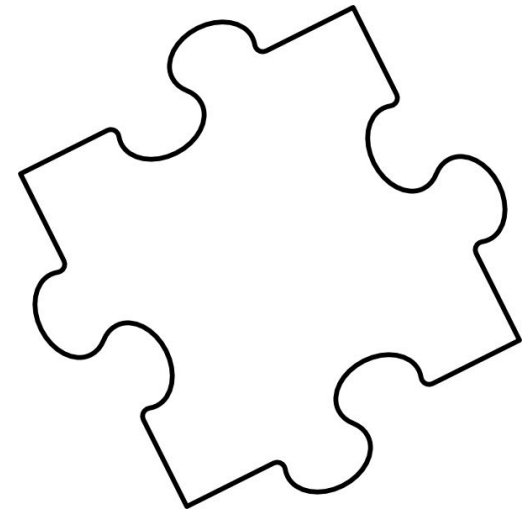


Federal law (ESSA) requires that a foster student remain in the school of origin unless/until a determination is made to move the child.

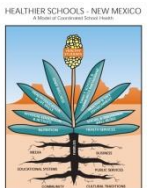
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Important Definitions



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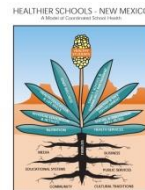


School of Origin

The specific **school** building in a **school** district that the student attended when permanently housed or the **school** in which the student was last enrolled.

(McKinney-Vento Act)

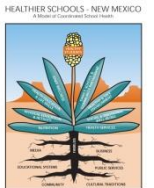
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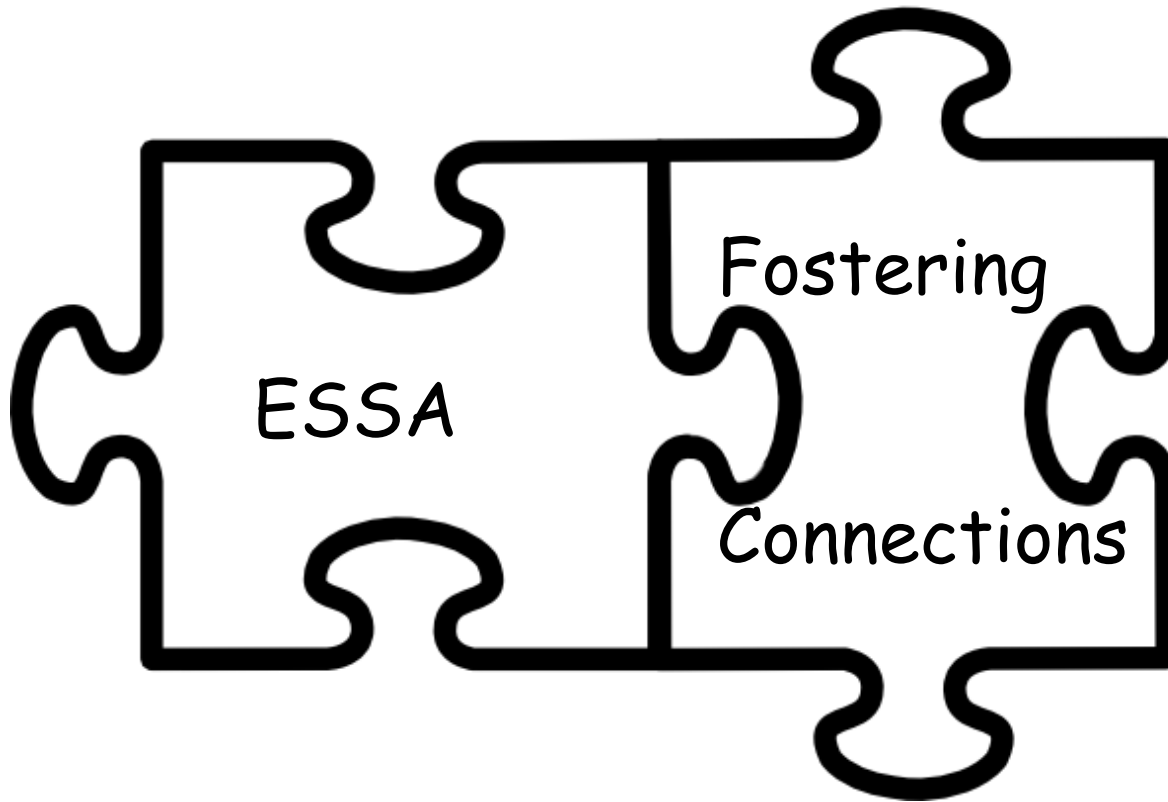
School of Residence

The school within the attendance boundary area in which the parent/guardian resides.

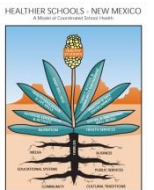
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ESSA Requirements



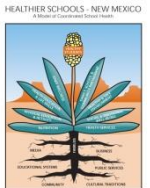
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Collaboration to ensure educational stability

- PED and CYFD
- LEAs and CYFD and Tribal child welfare agencies
- Develop state and local plans

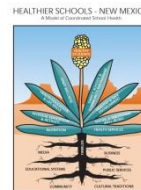
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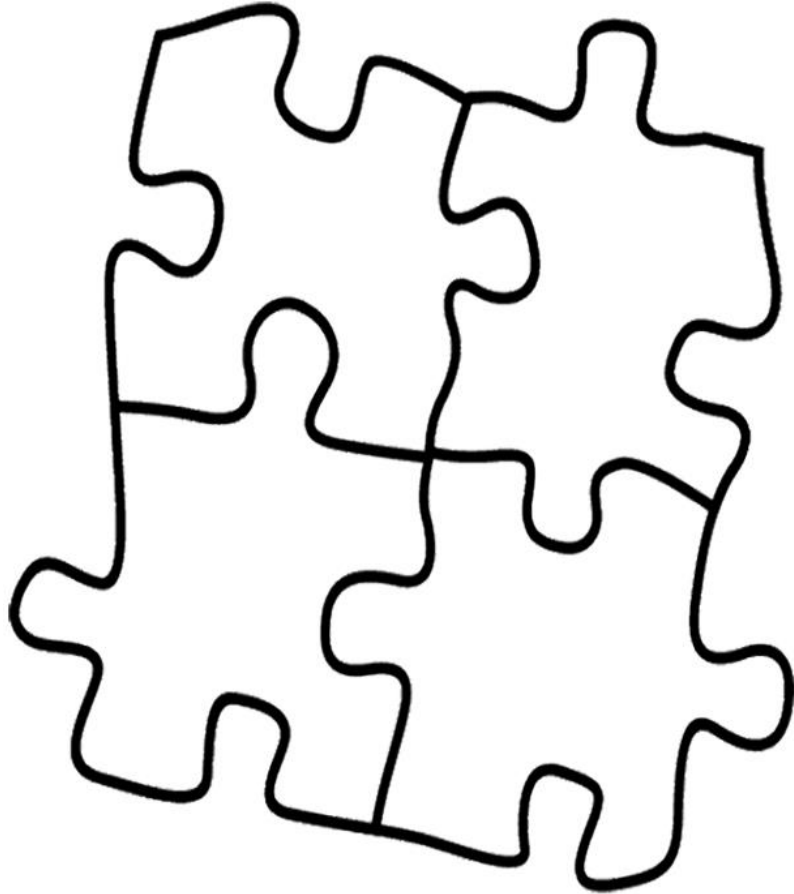
ESSA Plan Must Include:

- 1) **An assurance that each 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 was enrolled at the time of placement; and**
- 2) **An assurance that the child welfare agency has coordinated with the LEA(s) to ensure the child can remain in that school, or if remaining in that school is not in the child's best interest, an assurance that the child will be enrolled immediately in a new school and that the new school obtains relevant academic and other records.**

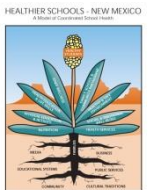
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Best Interest Determination



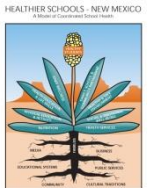
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Best Interest Determination

A State Education Agency (SEA) and its Local Education Agencies (LEAs or school districts/charter schools) must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child's best interest.

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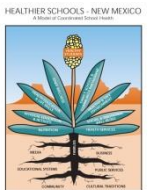


Best Interest Determination

The joint determination for school placement should not delay the child's placement in the new residence (relative placements are often priority).

- If the joint determination process cannot be completed prior to the placement in the new residence (e.g., an emergency placement to ensure the child's safety), **the department (CYFD) will convene a best interest determination meeting as soon as possible and will make reasonable efforts to maintain the school of origin pending this meeting unless not in the child's best interest.**

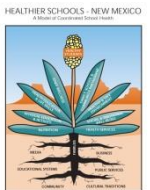
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Best Interest Determination Process

CYFD works the LEA's Point of Contact (POC), and the child's team to convene a best interest determination meeting to jointly review and discuss the appropriateness of the child's current educational setting, and factors that may impact the child's best interest and well-being.

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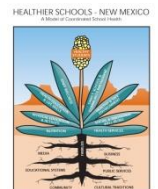


Discussion

What are some of the reasons for a determination meeting?



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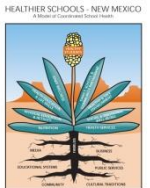


Best Interest Determination Process

2. Documentation gathered by LEA:

- Report cards
- Progress reports
- Achievement data (test scores)
- Attendance data
- Individual Educational Plan (IEP)
- 504 Plan
- Behavioral Intervention Plan (BIP)
- E-mails or correspondence from individuals consulted
- Disciplinary referrals
- Health reports/records
- Other Special needs such as English Language Learner, etc.

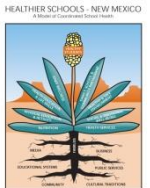
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Best Interest Determination Process

3. Meeting is set up by CYFD POC - potential members at the meeting include:
- child;
 - child's birth parent(s) or prior custodian;
 - child's Education Decision Maker (if one has been designated for the student);
 - foster parents/relatives
 - individuals the child would like to participate;
 - Guardian ad litem and/or youth attorney;
 - CYFD worker;
 - CYFD Point of Contact;
 - District/charter school Point of Contact;
 - Representatives from school of origin and potential receiving school(s)

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Best Interest Determination Process

3. Determination made:

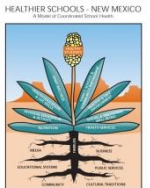
A. Keep student in school of origin, if it is in their best interest

- Discuss transportation
- Cost of transportation should not be considered when determining best interests

B. Move student to a new school, if it is in their best interest of the student

- Ensure student's educational needs can be met at new school
- Discuss transportation
- Dis-enroll from school of origin
- Enroll immediately in new school
- Transfer records

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Dispute Resolution

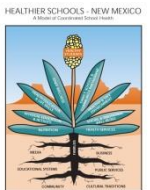
A process for dispute resolution is still in progress.

Tentative process): (policy or statute may need to solidify)

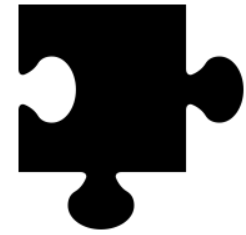
If LEA and CYFD do not agree on the best interest determination; the secretaries of CYFD, PED and superintendent/charter school director will meet to make final determination

Note: ESSA requires student to remain in school of origin until final determination is made.

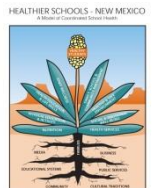
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Elephant(s) in the Room



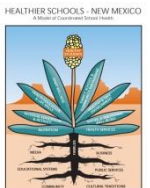
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Elephant(s) in the room

- Lack of CYFD-LEA Approved Plans
- Lack of Training/Information for POCs
- **Transportation**
- Dispute resolution - not in rule/law
- The belief that mental health trumps educational stability (TFC)
- Unsupportive rules/regulations at the state and district levels
- Uninformed Guardian ad litem and/or youth attorney
- Foster Parents and others focused on convenience
- Others

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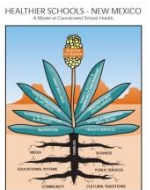


APS Transportation Plan

If transportation is identified as a barrier:

1. CYFD and APS jointly determine transportation
2. A meeting will be held to discuss potential transportation options

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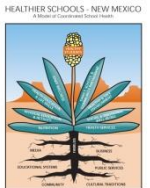
APS Transportation Plan

If transportation is identified as a barrier:

Transportation must be provided “cost-effectively” Examples include the following:

- Foster parents provide transportation.
- Pre-existing bus stops or public transportation.
- Child is eligible for transportation by other programs (e.g. IDEA).

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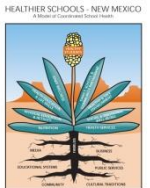


APS Transportation Plan

Transportation options:

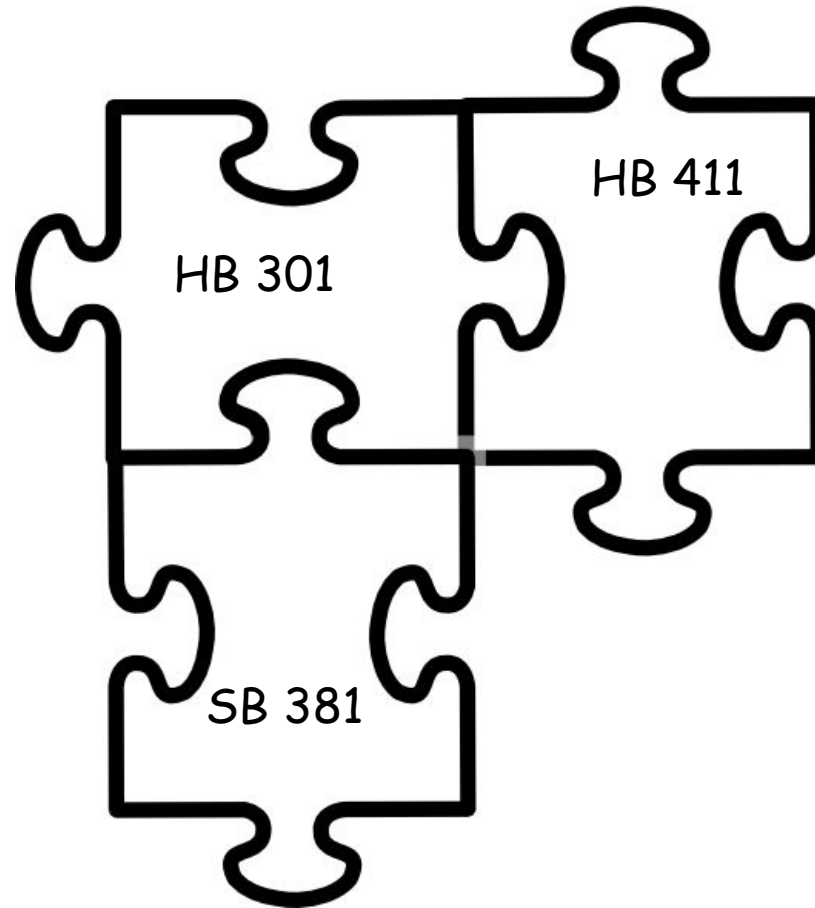
- The foster parents or other family member(s) transport the child to school
- CYFD will utilize the prudent parenting guidelines and work with the foster family to provide the transportation of the student
- CYFD will explore if birth family or support systems to the student can provide transportation
- APS will identify potential school bus transportation. The child may be dropped off at a school bus stop for the school of origin
- The use of "Specialized" transportation will be identified if indicated in the Child's IEP
- CYFD and APS will explore public transportation options, if the child is of an appropriate age and is able to acquire the skills to utilize such options
- The child is already eligible for transportation covered by other programs
- The use of an Alternative Driver (APS Title I can reimburse mileage)

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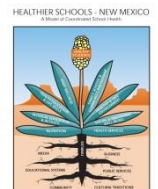


State Laws

2017 Legislative Session



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State Laws

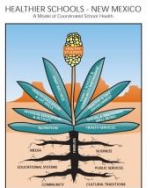
SB 213/HB 301: Support for Transferring Students

(Representative Doreen Y. Gallegos)

Amends the Public School Code to require:

- A timely transition for an enrolling high school student
- Record transfer within 2 days
- Priority placement in courses
- Equal access to participation in extracurricular activities, sports, career and technical programs, and other special programs for which the student qualifies
- Assistance and advisement for students on college and career readiness in a timely manner
- Provide the student all special education services to which the student is entitled

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State Laws

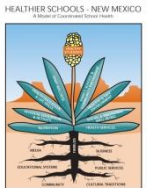
SB 381: Alternative School Transportation

(Senator Pat Woods)

Amends the Public School Transportation Statute to:

- Allow school districts to transport with a district- owned sport utility vehicle instead of a school bus
- Requires that district-owned sport utility vehicles must be operated by certified drivers
- Requires PED to adopt rules

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State Laws

HB 411: Points of Contact for Certain Students

(Representative Doreen Y. Gallegos)

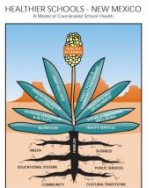
Enact a new section of the Public School Code to:

- Require each school district to appoint a point of contact (POC) for students in foster care or involved with the juvenile justice system

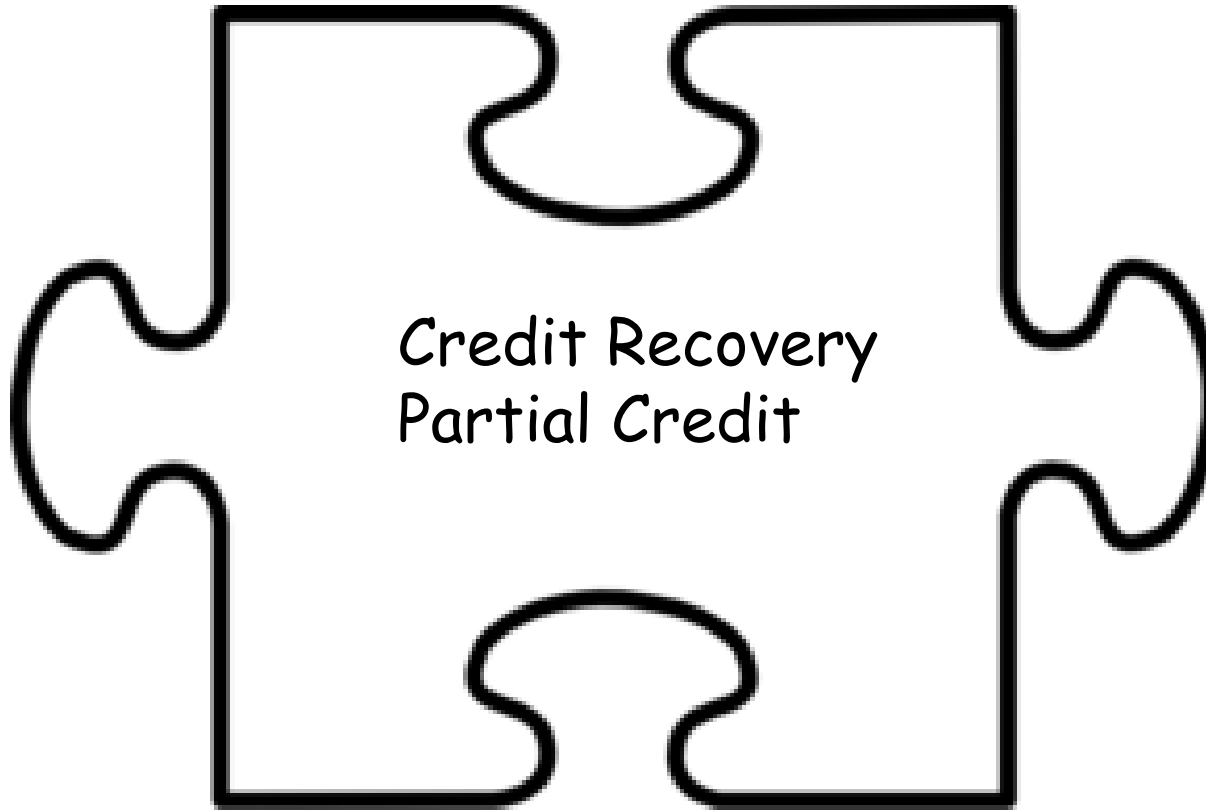
Enact a new section of the Abuse and Neglect Act to require:

- the Children's Court to appoint an "educational decision maker" for all cases involving children alleged to have been abused or neglected
- details the duties of the contact person and defines the terms "foster care," "involved with the juvenile justice system," and "educational decision maker"

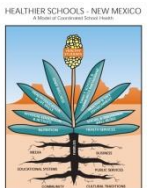
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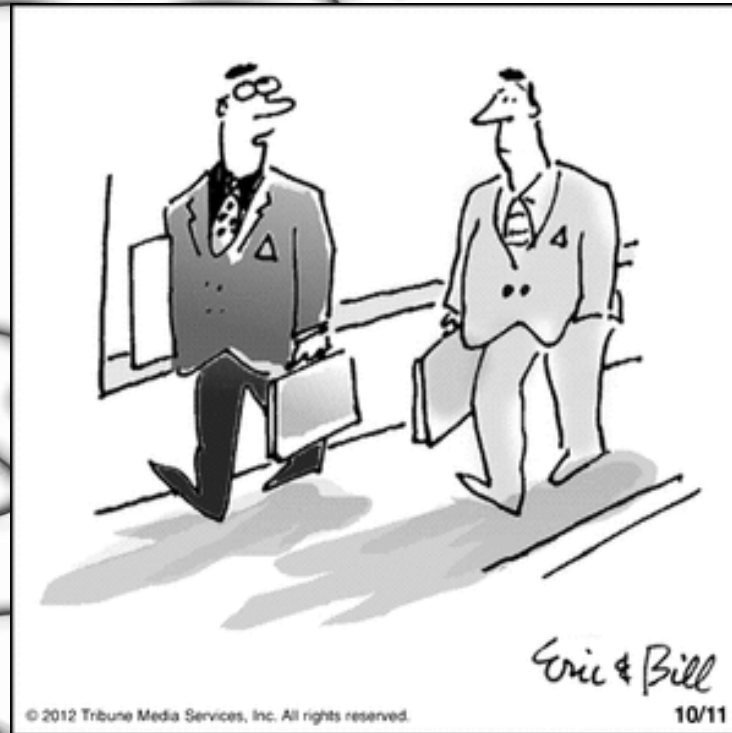
Missing Piece



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Questions?



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10/11

"This presentation should go well if you dodge the questions and I avoid the answers."

Non-Regulatory Guidance: Ensuring Ed. Stability for Children in Foster Care
<https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

