

**DISTRICT PLAN
FOR
EDUCATION OF
FOSTER CARE CHILDREN**



2018 - 2019

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PURPOSE OF THE PLAN

Enid Public Schools has developed the Education for Foster Care Children Plan to fulfill the changes brought to the program under the Elementary and Secondary Education Act (ESEA) as amended by Every Student Succeeds Act (ESSA) enacted in December, 2015.

The Education for Foster Care Children plan is intended to eliminate barriers to the enrollment, attendance, and success in school of children and youth in foster care, and provide such children with the opportunity to meet the same challenging state student academic achievement standards to which all students are held including preschool children.

INTRODUCTION TO FOSTER CARE

Studies have shown that children in foster care face a greater risk of adverse educational outcomes compared to their peers not in foster care, including an increased likelihood of grade retention and gaps in academic achievement, high school graduation rates, and postsecondary enrollment. The Enid Public Schools Education for Foster Care Children Plan will include implementation of collaboration with state and local child welfare agencies addressing the new requirements for the education of students in a Foster Care Program.

The intent of the new foster care provisions under Title I of the ESEA (Elementary and Secondary Education Act) is to minimize disruptions for children in foster care through the collaboration of the Local Education Agency (LEA) and the State Education and Child Welfare Agencies to ensure educational stability for children in foster care.

Assurances of educational stability include 1) a child in foster care will remain in the child's school of origin, unless a determination is made that it is not in the child's best interest to remain in that school, and 2) if a determination is made that it is not in the child's best interest to remain in the school of origin, the child will be immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment.

The foster care provisions of Title I, Part A of the ESEA emphasize the importance of collaboration and joint decision-making between child welfare agencies and educational agencies.

LAW REQUIREMENTS

ESSA Law: In 2015, ESSA was reauthorized from the ESEA. The law now requires states to ensure certain protections for students in foster care. The role of state and local education agencies is to support school stability and collaborate with state child welfare agencies.

ED places a condition on SEA's fiscal year 2016 Title I grant that requires each state to ensure that the Title I education stability provision requirements are implemented no later than December 10, 2016.

EDUCATIONAL STABILITY

Identified Children:

The requirements for ensuring educational stability for children in foster care under ESSA will apply to all children in foster care enrolled in schools in the State Educational Agency (SEA).

Under Oklahoma State School Laws of 2002 “all children between the ages of five on or before September 1, and twenty-one years on or before September 1 shall be entitled to attend school free of charge in the district in which they reside. All children who are at least four years of age but not more than five years of age on or before September 1 and who have attended a public school kindergarten shall be entitled to attend half-day early childhood programs at any public school in the state where such programs are offered, provided no child shall be required to attend any early childhood education program”

Consistent with the Fostering Connections Act, “foster-care” means 24 –hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

While IDEA (Individuals with Disabilities Education Act) presumes that the first placement option considered for each child with a disability is the regular classroom with appropriate supplementary aids and services, there is no one size fits all approach. School districts must make available a range of placement options to meet the needs of children with disabilities for special education and related services, including regular classes, special classes, separate schools, home instruction, and instruction in hospitals and institutions.

Under the IDEA, each child's placement decision must be made by a group of knowledgeable persons, including the child's parents. This group may also include staff from a child welfare agency. Parent is defined in the IDEA at *34 C.F.R. § 300.30*. Note that this definition includes a child's foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent.

An IEP developed and implemented in accordance with the IDEA is one means of meeting the Section 504 FAPE (Free Appropriate Public Education) standard. School districts often develop written plans, commonly referred to as Section 504 Plans, for students with disabilities who receive services under Section 504. Even if a student does not require special education services and does not have an IEP, he or she may nevertheless be a student with a disability under Section 504 and be entitled to receive related aids and services under a Section 504 Plan.

EL (English Learning) Students:

Public Schools are required to ensure students identified as having limited English proficiency in speaking, listening, reading, or writing English in foster care can participate meaningfully and equally in educational programs in order to meet their obligations under Title VI and the EEOA, LEAs must:

- Identify and assess all potential EL students as required
- Provide EL with educationally sound and proven language assistance programs
- Avoid segregation of EL students
- Ensure that EL students with disabilities are evaluated and appropriate disability and language needs are considered and met
- Meet the needs of EL students who opt out of language assistance programs
- Monitor and evaluate EL students in language assistance programs to ensure their language progress
- Evaluate the effectiveness of the school district's language assistance program to ensure that EL students in each program acquire English proficiency within a reasonable period of time.
- Ensure meaningful communication with limited English proficient (LEP) parents.

LEA Responsibilities:

Enid Public Schools will appoint a point of contact to correspond with the local child welfare agency.

EPS Point of Contact: Federal Programs Department

DHS Point of Contact: Child Welfare Supervisor

Roles and Responsibilities of the LEA POC may include:

- Coordinating with the corresponding child welfare agency POC on the implementation of the Title I provisions;
- Leading the development of a process for making the best interest determination;
- Documenting the best interest determination;
- Facilitating the transfer of records and immediate enrollment;
- Facilitating data sharing with the child welfare agencies, consistent with FERPA and other privacy protocols;
- Developing and coordinating local transportation procedures;
- Managing best interest determinations and transportation costs disputes;
- Ensuring that children in foster care are enrolled in and regularly attending school; and
- Providing professional development and training to school staff on the Title I provisions and educational needs of children in foster care, as needed.

LEA Educational Stability Plan

Under the requirements of ESSA, the Title I educational stability provisions take effect on December 10, 2016. By such date, each LEA shall have the Title I Educational Stability Plan developed and disseminated to all stakeholders.

Under ESSA, an LEA must collaborate with the State Child Welfare Agency and tribal child welfare agencies to implement the Title I education stability provisions. Both parties must collaborate to:

1. Establish criteria to be used in any decision-making process
2. Determine what documentation or records should be shared
3. Identify a structure, such as regularly scheduled meetings, in which relevant individuals can participate in a particular process.

Child Welfare Agency responsibilities:

If the Child Welfare Agency/DHS established a point of contact for an LEA, the Child Welfare Agency must inform the LEA in writing about the designated person. The LEA will then inform the child welfare agency of their corresponding point of contact.

Examples of the possible roles and responsibilities of that child welfare agency POC include:

- Serving as one of the primary contacts between children in foster care and school staff, district personnel, and other service providers;
- Coordinating with the corresponding LEA POC on implementation of the Title I provisions including immediate enrollment;
- Establishing a process to notify the educational agency when a child has been placed in foster care in the LEA or when there has been a foster care placement change;
- Establishing a process for coordinating on best interest determinations with the LEA;
- Facilitating transfer of records including immunizations, medical records, and copies of IEPs and Section 504 Plans;
- Working with LEAs to ensure that children in foster care are immediately enrolled in school, and to coordinate transportation services;
- Managing best interest determination and transportation costs agreements between the LEA and the child welfare agency;
- Providing training to LEA and child welfare agency staff on educational needs of children in foster care including state and local policies;
- Coordinating with the LEA regarding data sharing for children in foster care, consistent with FERPA and the confidentiality of information provisions in the IDEA;

- Coordinating services so that children in foster care can access early educational services for which they are eligible, including Head Start and Early Head Start, home visiting, and preschool programs administered by the SEA or LEA, and screening and referrals to health, mental health, dental, and other appropriate services; and
- Informing parents or education decision makers of children in foster care of the child's education rights and providing public notice of the educational rights of children in foster care to community stakeholders.

A child welfare agency administering plans under Title IV-E and IV-B of the Social Security Act is required to include a plan for ensuring the educational stability of a child in foster care in the child's case plan (the educational stability plan).

DHS will have a written educational stability plan for each child that the welfare agency has placement and care responsibility, as part of the child's case record.

This plan shall have the following characteristics:

- 1) It is jointly developed with the child's parents no later than 60 days after a child's removal from the home, and every six months thereafter. The child welfare agency has the flexibility to determine which factors will be examined in determining whether remaining in the school of origin is in the child's best interest, but the cost of school transportation should not be a factor in determining the best interest of the child for the purposes of school selection.
- 2) It provides 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;
- 3) It provides an assurance that the child welfare agency has coordinated with the LEA 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.

These assurances relate to the circumstances at the time of the child's initial placement into foster care, as well as each time a child moves to a different foster care placement.

While the Title I educational stability provisions do not create any new requirements for child welfare agencies, they offer an opportunity for child welfare agencies to better coordinate with SEAs and LEAs to create more effective educational stability plans for children in foster care, as required under the Fostering Connections Act.

Title I Educational Stability Provisions:

New requirements under Title I of ESSA provisions emphasize the importance of limiting educational disruption by keeping children who move in foster care in their schools of origin, unless it is determined to be in their best interest to change schools. If it is not in their best interest to remain in their schools of origin, children in foster care are enrolled in their new schools without delay. All agencies, SEA, LEA, and child welfare must ensure compliance with other applicable laws, such as Title VI of the Civil Rights Act of 1964, the IDEA and Section 504 of the Rehabilitation Act of 1973 among others. These provisions promote greater stability for children in foster care ensuring as little interruption in the educational process as possible.

The ESSA amended section 725 of the McKinney-Vento Homeless Assistance Act, removing children “awaiting foster care placement” from the definition of “homeless children and youths”. This change takes effect on December 10, 2016. The SEA and LEA must meet the Title I requirements for children in foster care, including those awaiting foster care placement.

TRANSPORTATION

School of Origin

School of Origin Definition

The school of origin is the school in which a child is enrolled at the time of placement in foster care. Enid Public 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.

If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change.

Example: A student enters foster care and changes residences, meaning that she now lives ten miles away from her school of origin (school A) and the closest school is school B. The child welfare agency and Enid Public Schools determine that it is in this student's best interest to attend school B. One year later, this same student changes foster care placement (and therefore changes residences). She now lives five miles away from the school she is currently enrolled in (school B) and the closest school is school C. For the purposes of determining which school is in this child's best interest, the child welfare agency and Enid Public Schools should now consider school B (the school she is currently enrolled in) as the school of origin.

School of Origin Duration

Enid Public Schools shall collaborate with state and local child welfare agencies to ensure that each child in foster care remains in his or her school of origin if it is determined to be in their best interest for the duration of the child's time in foster, consistent with the educational stability requirements under the Fostering Connections

Act. While these requirements no longer apply once a student has exited foster care, both SEAs and LEAs will prioritize educational stability for these children. In addition to benefitting academically from school continuity, during times of transition out of foster care, it is important for youth to be able to maintain connections with their peers, teachers, and other supportive adults at school.

Best Interest Determination:

In determining whether it is in a child's best interest to remain in his or her school of origin, Enid Public Schools shall take into consideration all factors relating to a child's best interest. These factors include the appropriateness of the current educational setting and proximity of placement.

Though the specific factors may vary depending on context, in order to make a holistic and well informed determination, a variety of student-centered factors should be considered. These factors may include:

- Preferences of the child's;
- Preferences of the child's parent(s) or education decision makers(s);
- The child's attachment to the school, including meaningful relationships with staff and peers;
- Placement of the child's sibling(s);
- Influence of the school climate on the child, including safety;
- The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- History of school transfers and how they have impacted the child;
- How the length of the commute would impact the child, based on the child's developmental stage;
- Whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
- Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the EEOA.

Transportation costs should not be considered when determining a child's best interest, which is consistent with the program instruction released by HHS subsequent to the passage of the Fostering Connections Act.

Dispute Resolution:

1) Points of Contact:

EPS: Federal Programs Department

DHS: Child Welfare Supervisor

Funding sources for additional transportation costs

If there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if---

- I. The local child welfare agency agrees to reimburse the local education agency for the cost of such transportation;
- II. The local educational agency agrees to pay for the cost of such transportation; or
- III. The local education agency and the local child welfare agency agree to share the cost of such transportation

USDE Guidelines:

1. Even if an LEA doesn't transport other students, it must ensure that transportation is provided to children in foster care
2. Transportation must be provided in a "cost-effective" manner so low-cost/no-cost options should be explored:
 - Pre-existing bus stops or public transportation
 - Foster parents provide transportation
 - Child is eligible for transportation by other programs (e.g. IDEA)
3. "Additional costs" represent the difference between what an LEA would normally spend on transportation to the child's assigned school and the cost of transportation to the school of origin
4. Title IV-E is an allowable funding source for children in foster care
 - Not all children in foster care are eligible
 - Tribal foster children may be eligible
 - State child welfare agencies are responsible for non-federal portion
5. Title I is an allowable funding source, although funds reserved for comparable services for homeless children and youth may not be used for transportation of foster care children.
6. All federal funding sources should be maximized to ensure costs are not unduly burdensome on one agent.

STUDENT DATA PRIVACY

In January 2013, Congress passed the Uninterrupted Scholars Act (USA), which amended the Family Educational Rights and Privacy Act (FERPA) to permit educational agencies and institutions to disclose, without parental consent or the consent of an eligible student, education records of students in foster care to state and tribal child welfare agencies. The statute also amended the requirement that educational agencies and institutions notify parents before complying with judicial orders and subpoenas in certain situations. This legislation helps to ensure privacy protections for children and families and to facilitate more efficient data-sharing pertaining to children in foster care between child welfare and educational agencies, a critical component to ensuring school stability for these youth. ED issued guidance on the USA amendments to FERPA in May 2014. The ED guidance clarifies that the USA amendments to FERPA also affect the confidentiality of information provisions in the Individuals with Disabilities Education Act (IDEA) by permitting the nonconsensual disclosure of the education records of children with disabilities under the circumstances set forth in the USA.