

Clint ISD Procedures for Ensuring Education Stability for Children in Foster Care

(Revised 2/2/2017)

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110351, was launched to increase the education stability of and improve education outcomes for youths in school. The legislation requires child welfare agencies to collaborate with the educational institutions to keep children in foster care in the same school when living placements change, if remaining in that school is in their best interest. Legislation requires child welfare agencies to ensure that children in foster care who do change schools are promptly enrolled in a new school, with the relevant school records.

In December 2015, the Every Student Succeeds Act (ESSA) was passed through Congress, which authorized the Elementary and Secondary Education Act of 1965 (ESEA), and built on the legislative successes by instituting new protections for children in foster care. On December 10, 2016, the legislative provisions will take effect which will require the Texas Education Agency and Local Education Agencies to work with child welfare agencies to ensure the educational stability of children in foster care are implemented.

The Clint Independent School District has designated the roles and responsibilities of the Foster Care Liaison to *Roberto Flores, Federal Programs Director*. It is the responsibility of the Foster Care Liaison to ensure the enrollment processes are streamlined for students in foster care as well as implementing student data tracking and monitoring mechanisms; provide foster care-related information and training to the district and work collaboratively with the Department of Family and Protective Services to help students maintain their school placement, when appropriate.

Educational Stability

Clint ISD will emphasize the importance of limiting educational disruption by keeping children who move in foster care (due to entering the foster care system or change in placement) in their schools of origin, unless it is determined to be in their best interest to change schools.

Educational stability requirement for children in foster care include the following:

- A child in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;
- If it is not the child's best interest to stay in his or her school of origin, the child is immediately enrolled in the new school even if the child is unable to produce records normally required for enrollment; and
- That the new (enrolling) school immediately contacts the school of origin to obtain relevant academic and other records. (ESEA section 1111(g)(1)(E)(i)-(iii)).

Foster care is defined as a 24-hour placement or substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement or care responsibility.

- Placements include but not limited to:
 - foster family homes
 - foster homes of relatives

- group homes
- emergency shelters
- residential facilities
- child care institutions
- pre-adoptive homes

Child Welfare Agency – Required Enrollment Documents for Submission to Clint ISD Schools

- Form 2085FC Placement Authorization Foster Care/Residential Care
(https://www.dfps.state.tx.us/site_map/forms.asp)

The Child Welfare Agency will be required to have an educational stability plan in a child's case record, which 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 agency will have 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.

Pre-School Age Children in Foster Care

Clint ISD will ensure that a child in foster care remains in his or her preschool of origin, unless a determination is made that it is not in the child's best interest.

Special Education Services and Section 504

Clint ISD will 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 other institutions. An educational placement of a child with a disability must be made by a group of knowledgeable persons. The group may include staff from the child welfare agency and meet annually, and be in accordance with the child's individual needs.

English Language Learners

Clint ISD will ensure English Learners (ELs) children in foster care will participate meaningfully and equally in the Bilingual and ESL programs.

School of Origin

Clint ISD will 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. *Should the child's foster care placement change, the school of origin would be considered the school in which the child is enrolled at the time of the placement change.* A call will be made from the CPS Specialist to the District Foster Care Liaison to inform Clint ISD of the transportation needs for the children in foster care. The focus is to ensure the stability of the child's educational process.

- School of Origin – is defined as the school in which a child is enrolled at the time of placement in foster care.

Example of Child's Placement in School(s)

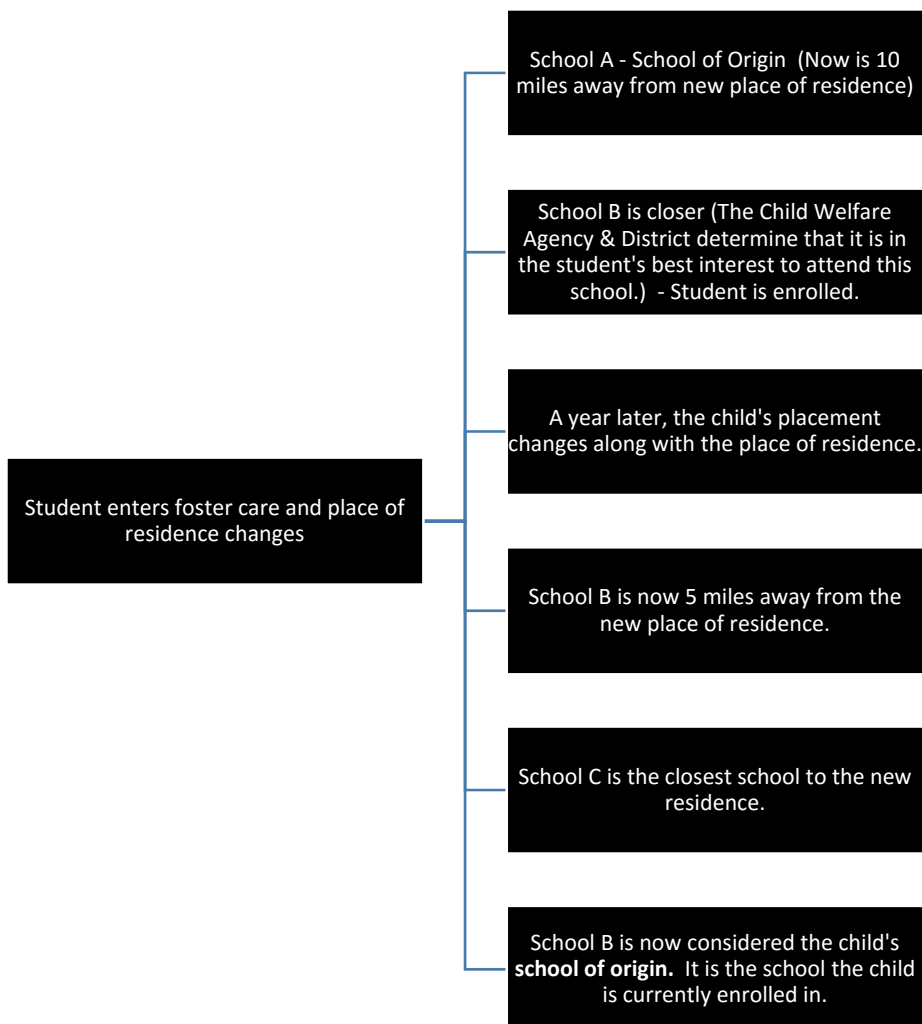


Diagram 0.1a

When a student exits foster care placement

Clint ISD will ensure educational stability to students exiting foster care by ensuring the child continue in the school of origin through at least the end of the academic year, if appropriate. It is important for children to be able to maintain connections with their peers, teachers, and other supportive adults at their school.

Best Interest Determination – FFC Regulation – Exhibit A

Clint ISD along with the child welfare agency will have the flexibility in determining the factors considered in the evaluation of a child's current education setting that pertain to a child's best interest. The factors that will be evaluated and considered are as follows:

- Preferences of the child;
- Preferences of the child's parent(s) or educational decision maker(s)
- Placement of the child's siblings;
- 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 these have impacted the child academically;
- How the length of commute/travel time would impact the child, based on the child's developmental state;
- Whether the child is a student receiving services through IDEA or Section 504, the availability of services in school other than the school of origin;
- Whether the child is an English Language Learner and is receiving services, the availability of those services in a school other than the school of origin.

The Foster Care Liaison, along with district staff, and other key partners will meet to discuss the child's best interest determination as needed. The Foster Care Liaison will work closely with the child welfare agency to reach an agreement regarding the appropriate school placement of children in foster care. The child welfare agency, being the conservatorship of the student, will make the final determination on the child's educational placement. Clint ISD will ensure the child remains in his or her school of origin while a determination is made.

The form will be completed by the administrator, administrator designee and/or school counselor upon request by the Child Welfare Agency (as needed.) The school will submit a copy of the completed form to the District Foster Care Liaison in the Department of Federal Programs as quickly as possible, in order to prevent educational discontinuity for the child.

Best Interest Determination Flow Chart

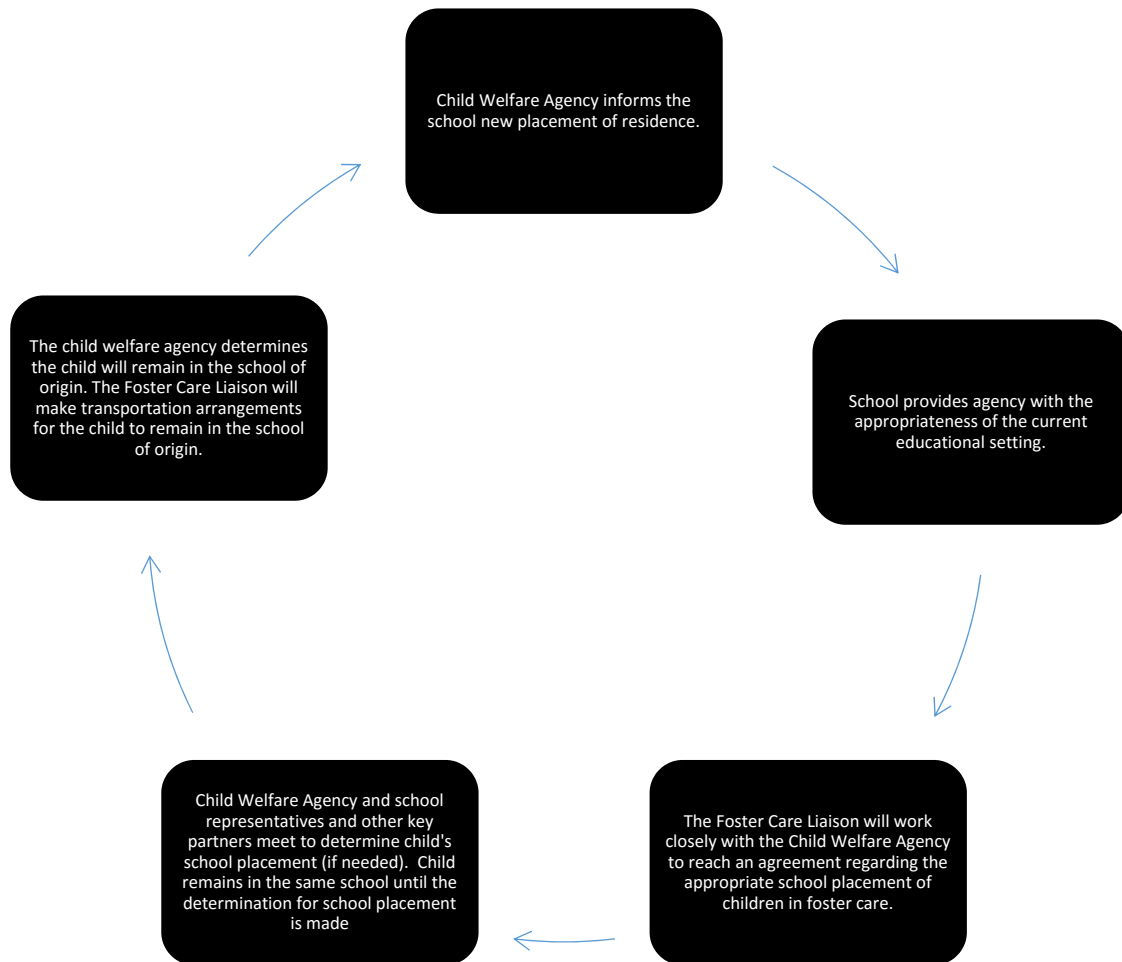


Diagram 0.1b

Dispute Resolution

Clint ISD will ensure the educational stability of children in foster care. The district will work closely with the child welfare agency to reach an agreement regarding the appropriate school placement of children in foster care. If a disagreement on the decision made should arise, the child welfare agency will be considered the final decision maker. The child welfare agency will make the final determination on the child's educational placement.

A dispute resolution process will be fair in nature and will be reached in a prompt manner. The district will provide each stakeholder as appropriate with a written explanation of the best interest determination for the child in foster care. The district will ensure the child remains in his or her school of origin while any disputes are resolved to minimize the academic disruptions while reducing the amount of moves between schools.

Currently, the district will ensure that this process will be updated as situations arise or on a case-by-case basis. The procedures will be updated as appropriate.

Transportation – FFC Regulation – Exhibit B

Clint ISD will collaborate with the local child welfare agency to ensure that transportation for children in foster care is made available in order for children to remain in their school of origin when it is in their best interest to continue attending the school. It is important to keep in mind that transportation costs should not be considered when determining a child's best interest.

Clint ISD has developed a clear written procedure on how transportation arrangements will be met to ensure that children in foster care remain in their schools of origin, when in their best interest, will be provided, arranged and funded for the duration of the child's time in foster care.

The Individual Transportation Plan for Student in Foster Care – FFC (Exhibit B) form will be generated by school representative. The CPS Specialist will contact (email or phone call) the Foster Care Liaison when it is recommended the student in foster care is to remain in their school of origin. The form will be initiated and completed by the Foster Care Liaison and kept internally for processing through the Clint ISD Transportation Department and for audit purposes. Additional key stakeholders will be asked to provide their input and a signature will be obtained, as needed.

Clint ISD and the local child welfare agency will work together to ensure transportation to children in foster care is available in a cost effective manner at all times. The district along with the child welfare agency will address transportation costs through a joint collaboration between both entities to ensure a decision is made to apply one of the following requirements for the additional costs incurred when providing transportation to the school of origin to children in foster care:

- 1) The local child welfare agency agrees to reimburse the district for the cost of transportation;
- 2) The district will agree to pay for the cost;
- 3) The district and the local child welfare agency will share the costs.

Ongoing meetings will be scheduled as needed between both entities to discuss possible cost effective, reliable, and safe transportation options.

The following are examples of cost effective transportation options that the district will ensure to utilize when providing transportation to a child in foster care to the school of origin:

- The student may be dropped off at a school bus stop/location near the existing transportation route for the school of origin;
- The foster parents or other family member(s) are able to transport student to the school of origin;

- There are existing bus routes or stops close to the new foster care placement that cross district boundaries, such as bus routes for other coordinated programs and transportation for homeless students as required by the McKinney-Vento Act;
- The student is already eligible to receive transportation by other programs and services to include IDEA (only when the student's IEP determines that transportation is a service that is required for a child with disabilities in foster care to receive FAPE.)

The district will ensure that additional costs incurred in providing transportation to the school of origin should reflect the difference between what the district would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin.

Additional costs are those costs that are visible when:

- The difference between the special transportation costs (private bus/vehicle or transportation company) and the usual transportation costs for transporting a child.
- The costs incurred when the district must reroute busses to transport a child in foster care to one of its schools.

It is highly recommended that the district and the child welfare agency consider and utilize all possible funding sources (including federal funds – Title I funds) to cover the addition transportation costs as deemed necessary.

Clint ISD Local Transportation Procedures of Foster Care Children to the School of Origin (subject to change due to guidance information released by the Texas Education Agency)

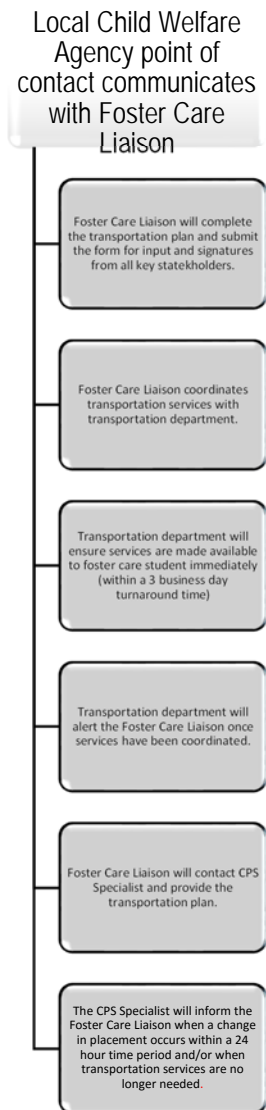


Diagram 0.1c

Immediate Enrollment and Records Transfer

Clint ISD will ensure children in foster care who change schools are not denied enrollment due to lack of required documents. The Registrar of the enrolling school will contact the student's prior school for records.

The district will review and revise policies and practices in order to remove any barriers to immediate enrollment and records transfer for children in foster care.

State and Local Points of Contact

Clint ISD has designated the following points of contact to oversee the provisions for children in foster care and ensure educational stability while attending schools in the district.

Roberto Flores, Director of Federal Programs
District Foster Care Liaison
Phone number: (915) 926-3255
Email Address: robert.flores@clint.net

Angelica Venzor, Parental Involvement Specialist
Phone number: (915) 926-3255
Email Address: angelica.venzor@clint.net

The district points of contact will ensure:

- To work with the child welfare agency on the implementation of the Title I requirements;
- To develop and document processes for making the best interest determination(s);
- To facilitate the data sharing between stakeholders and following the FERPA privacy requirements;
- To develop and implement local transportation procedures and make necessary revisions to them as deemed appropriate;
- To manage the best interest determinations and transportation disputes as needed;
- Children in foster care are enrolled in school and are regularly attending school; and
- Professional development and training is made available to school staff on the Title I requirements and meeting the educational needs of children in foster care are conducted annually.

The local Child Welfare Agency has designated a point of contact for the agency to ensure a successful and sustainable collaboration between the district and the agency is evident.

Texas Department of Family & Protective Services
Rosa Masilang, Education Specialist
Phone number: (915) 521-3862
Email Address: rosa.masilang@dfps.state.tx.us

Texas Department of Family & Protective Services
Lorena Maldonado, CPS Service Program Administrator
Phone number: (915) 521-3969
Email Address: lorena.maldonado@dfps.state.tx.us

Student Data and Privacy

Data sharing between the district and the child welfare agency is important in improving the educational outcomes of children in foster care. The Foster Care Liaison will ensure that student privacy, including FERPA and other privacy requirements under state, federal and local policy are adhered to. The Foster Care Liaison and the Child Welfare Agency will collaboratively work together to monitor and support the education success of the child, assist with the transitions, and make sure that the child is receiving the appropriate services and interventions.

The Child Welfare Agency or other agencies will follow the requirements for requesting student records as defined in local policy (FL) - [http://pol.tasb.org/Policy/Download/436?filename=FL\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/436?filename=FL(LOCAL).pdf).

Collaboration

The Region 19 Education Service Center has formed a Foster Care Education Coalition committee of stakeholders from various entities to collaborate in the shared vision of supporting the educational well-being of children in foster care. The collaboration will be on-going and will meet as need to improve the efforts to meet the academic needs of all children in foster care.