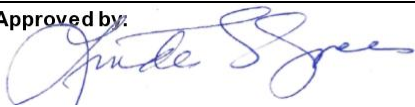


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EDUCATION POLICY

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I. POLICY

The Department of Children and Families (“the Department”) is committed to supporting the educational needs and success of all children we become involved with from early childhood through post-secondary education. Education provides opportunities for improved well-being during critical developmental periods and supports success in adult life. Positive school experiences can also counteract the negative effects of trauma and family separation. Education is a core component of a child’s safety net and contributes to their well-being. When well-being outcomes are met for families serviced by the Department, families can better provide for their children and children receive appropriate services to meet their educational, physical, and mental health needs. The Department supports children and families with school readiness, educational progress, and school stability. The Department works with children and families so that children can graduate high school with a plan for post-secondary education, training, and/or employment. The Department supports normalcy by encouraging and supporting children in extracurricular activities. For children who enter Department care or custody, the Department promotes educational stability as central to improving educational outcomes and fostering positive educational experiences.

The Department’s work to support educational success for children, youth, and their families is guided by the following principles:

- High-quality early childhood education is critical to child well-being and later school and life success;
- Engaging families and their support systems as partners is vital to educational success;
- Educational stability is key to maintaining critical relationships, reducing trauma, and academic success for Department children and youth;
- Children deserve access to the highest quality education, including access to assessments and services delivered by knowledgeable and skilled professionals;
- Understanding and communicating the developmental, cultural, and environmental context of a child and family are necessary to fully support a positive and productive educational experience;
- Children have the right to have their educational needs met taking into consideration any disability resulting in services or accommodations;
- Children benefit from participating in educational programming in the least restrictive environment that meets a range of academic, vocational, and social needs;
- Out-of-school time and summer activities, including camp, arts, sports, drama, internships, apprenticeships, as well as academic supports and employment, are critical opportunities for supporting and sustaining educational success;
- Children benefit from the involvement of a caring adult who is consistently attentive to their educational strengths and needs and provides continuous, supportive guidance at key junctures.
- Children who enter Department care or custody deserve to have the same access to education and support services as children not in Department care or custody; and
- Children in Department care or custody benefit from having full and complete records of their educational experiences maintained, utilized in planning to meet their needs, and provided to them or their caregivers when they leave custody or care.

Meeting these challenges requires the Department to:

- set high educational expectations for all children and youth;
- identify and meet the individual needs of each student; and
- partner effectively with families (including biological, foster/pre-adoptive families), schools, early education providers, and other community-based programs.

Compulsory school attendance is required by Massachusetts law for all children age 6 to 16. Most children are educated in **general education** programs in local public schools. When families are homeless or children are in foster care, federal law requires that children are entitled to access to the same free and appropriate education provided to other students in their school of origin, whenever possible to maintain educational stability.

When the Department believes that any child has a disability that prevents the child from being able to make effective educational progress in regular education, the Department coordinates with the child's parent or caregiver to obtain educational support services as follows:

- For a school-age child, the Department or parent/guardian requests the local school district (i.e., local education agency or "LEA") to conduct a **special education** or "504" evaluation.
- For a child age 3 or 4 (or age 2½ if they are receiving Early Intervention services), the Department or parent/guardian requests a pre-school screening for special education from the local school district.
- For a child under age 3, the Department or parent/guardian completes a referral for Early Intervention services.

If a pre-school or school-age child is found to have a disability as defined by the Department of Elementary and Secondary Education (DESE) special education regulations at 603 CMR 28.02 (7), an Individualized Education Program (IEP) is written and implemented for the provision of the child's special education and services. Federal and state laws require that students receive special education in the least restrictive educational environment, integrated with general education students in public school settings as much as possible. A child may also receive accommodations through a Section 504 plan.

Early Education and Care Services: Early Childhood programs are critically important for all children and families involved with the Department. The early years of a child's life are linked to their overall health, development, and social-emotional well-being. To promote children's well-being, the Department must refer children for Early Intervention services and may refer them to early childhood programs.

Meeting the Educational Needs of Children in Department Care or Custody

Meeting the educational needs of children who enter Department care or custody is one of the Department's highest priorities for maintaining and improving a child's well-being. The Department continues to involve the parent in educational decision-making unless the parent is unable or unavailable or their parental rights have been terminated. The decision about which school the child will attend is made at a **Best Interest Determination** meeting. The Special Education Surrogate Parent (SESP) and/or Area Lead Agency Education Coordinator may be involved when applicable. The decision-making process and decision are documented in the electronic case record.

When children are placed out-of-home, the child's clinical team works with the parent, foster/pre-adoptive parent, placement provider, and school to support the children's educational needs and maintain their educational and placement stability whenever possible. Supporting educational success for children in placement includes:

- Prioritizing school stability by placing children as close to home as possible and maintaining the child at their school of origin unless it is found through a Best Interest Determination not to be in their best interest to do so;
- Maintaining school of origin is critical because this continuity allows for academic success and continuing staff and peer relationships;
- If the child must change schools, ensuring that process occurs quickly and effectively;
- Reviewing and maintaining up-to-date information on the children's educational placement, attendance, and performance;
- If the child is not attending regularly, working with appropriate parties to understand why the child is absent and implementing interventions to improve attendance;
- If the child is struggling academically (as evidenced by grades, test scores, chronic absenteeism, school refusal, repeating a year), engaging with appropriate parties to understand the challenges the child is facing, implementing interventions to improve academic success such as an evaluation for special education services, tutoring, or counseling/therapy.
- If the child is struggling with their behavior or if they are subject to disciplinary actions, engaging with appropriate parties to understand the root causes of the child's behavior, implementing interventions to address these challenges, like a special education evaluation, behavior plan, or accommodation. Disciplinary actions include but are not limited to time outside the classroom, in-school or out-of-school suspensions, or expulsions. The use of time-out rooms should also be considered a key indicator that a child is struggling with their behavior.

- For youth who have dropped out of school or express the desire to do so, engaging the youth, family, providers, and education system to talk to the youth about the ramifications of dropping out and their options including how to re-engage with school; alternative programs, including GED/HiSET, vocational or technical programs.

Prioritizing School Stability for Children in Placement

Federal child welfare and education law and state guidance promote educational stability for children who are in the Department's care or custody and placed in substitute care (i.e., with foster/pre-adoptive families and in residential services programs such as emergency shelters, group homes, and residential facilities). Children in foster care have the right to continue to attend their school of origin (the program the child attended or was enrolled in before removal) and should remain in this school unless it is determined through a Best Interest Determination not to be in the child's best interest to do so.

II. PROCEDURES

A. DEFINITIONS

Best Interest Determination (BID): the collaborative process, based on the individual student's unique best interests and involving input from multiple parties, used for making decisions about whether a student placed in foster care should continue to attend the school of origin.

Child: For the purpose of this policy child or children means a person from birth to age 23, including young adults who receive young adult support payments.

DCF Related Childcare (formerly known as Supportive Childcare): childcare, after-school, or summer camp programs available for any child (birth-age 13) with an open DCF case and for 12 months after the case closes. Funded and overseen by EEC.

Department of Elementary and Secondary Education (DESE): The state education agency responsible for providing oversight and support and direction to local school districts.

Department of Early Education and Care (EEC): The state agency responsible for licensing and providing oversight to early education and care programs.

Early Intervention: Programs and services to families of children under 3 years of age who have or are at risk of a developmental delay due to a disability and/or other birth or environmental risk factors.

Education: For the purpose of this policy, receiving education instruction in a public or private school from kindergarten through 12th grade or receiving vocational education.

Educational Decision-Maker (EDM): A person(s) empowered to make educational decisions on behalf of a child in Department care or custody.

Effective Educational Progress: Making documented growth in obtaining knowledge and skills, including social/emotional development, according to chronological age and individual potential.

Individualized Education Program (IEP): A written statement, developed and approved/signed by the school district representative and parent, foster/pre-adoptive parent, or other designated special education surrogate parent (the Department Social Worker cannot sign), in accordance with federal special education law in a form established by DESE, that identifies a student's special education needs and describes the services a school district will provide to meet those needs and the kind of setting where those services will be delivered.

Local Education Agency (LEA): A Massachusetts municipal school department or regional school district acting through its school committee or superintendent of schools, which has programmatic and/or financial responsibility in accordance with DESE's education regulations.

Local School District: The Massachusetts school district in which the student's parents' home, foster care home, provider, or facility is physically located.

School-Age Child: A child aged 3 through 21 (inclusive) without a high school or equivalency diploma (see MGL, c. 71B, § 1).

School of Origin: The school that a student was attending at the time of placement into foster or congregate care or the school a student is attending at the time of any subsequent change to any placement.

School District Foster Care Point of Contact: Individuals within each LEA who are designated to help ensure the educational stability of students in foster care. They participate in making best interest determinations in collaboration with Department representatives and ensure school enrollment and attendance of students in foster care and timely transfer of records, as needed.

Section 504 Plan: A plan, developed in accordance with Section 504 of the federal Rehabilitation Act of 1973, which: establishes civil rights for children with disabilities in federally funded programs and activities (including Head Start and Early Head Start). The plan includes reasonable accommodations to enable a child, age 3 through 21 with a qualifying disability to receive an education comparable to children without disabilities. A disability is defined as a physical or mental impairment that substantially limits a major life activity. Section 504 also applies to children who are regarded as having a disability or have a record of having a disability but no longer have it.

Special Education Surrogate Parent (SESP): A volunteer who acts as a decision-maker in special education matters for those students ages 3 through 22, whose parents/guardians/foster parents are unable, unavailable, or decline to fulfill this responsibility. A SESP has the same rights and responsibilities as a parent for purposes of special education decision-making, including the authority to review the child's educational records, consent to special education evaluation, accept or reject an Individualized Education Program (IEP), request an independent evaluation, and request mediation or a hearing to resolve special education disputes.

NOTE: The Department's Social Worker cannot be the special education decision-maker or SESP for a child who has an IEP or is being referred for a special education Team evaluation.

Special Education Surrogate Parent Program (SESP Program): The program administered by DESE responsible for assigning Special Education Surrogate Parents for children in Department care or custody.

Team Evaluation: An initial evaluation or reevaluation completed by a multidisciplinary team to consider a child's need for special education that is arranged by the LEA upon the consent of the parent, foster/pre-adoptive parent, or SESP.

Team Meeting: The multidisciplinary school-based meeting held to review evaluation data, determine eligibility for special education services, and develop an IEP in accordance with state and federal special education laws.

B. ROLES AND RESPONSIBILITIES

1. **Social Worker** is responsible for:
 - Communicating regularly with school staff to verify childcare or school enrollment, attendance, educational progress, and regular participation in the social community;
 - Obtaining and documenting children's educational information;
 - Participating in meetings with the Education Specialist when required or needed; and
 - For children in Department care or custody
 - collaborating with the parent, foster/pre-adoptive parent, the LEA, the EDM, and others to make Best Interest Determinations;
 - informing the LEA when a child enters, leaves, or changes placements;
 - referring children for special education evaluation when needed and ensuring the child is receiving special education services; and
 - providing required educational information to the child or young adult, parent or guardian, adoptive parent when the case closes.
2. **Supervisor and Area Program Manager** is responsible for supporting Social Workers in carrying out this policy by:
 - Discussing the educational needs of children/young adults during regular supervision meetings;
 - Ensuring the Social Worker is in regular contact with key staff at the child's educational setting;

- Participating in the educational best interest and other child-specific decision-making meetings; and
 - Assisting in consultation with the Education Specialist.
3. **Area Director** is responsible for:
- Establishing a working relationship with key school leaders in their catchment area to promote collaboration;
 - Developing office-wide systems to ensure that their staff are in regular contact with key staff at the child's educational setting; and
 - Serving as or designating the Area Office educational "point of contact (POC)" to work with the LEA in support of the educational stability and success of each student in Department care or custody.
4. **Regional Educational Specialist** is responsible for:
- Providing guidance and expertise related to education to promoting the educational success of children and youth involved with the Department;
 - Participating in consultations, with the Social Worker, Supervisor, or Manager when required or needed;
 - Assisting in resolving educational issues with schools; and
 - Documenting case-related consultations in the electronic record.
5. **Education Coordinator** is responsible for:
- providing information about and assisting with educational planning to Department staff in accordance with their Area Office contract; and
 - acting as liaison between the area office and the Education Manager on referrals for legal services for Department involved children with special education or discipline related issues.
6. **Childcare Coordinator** is responsible for
- providing information to Area Office staff about accessing childcare or early childhood education programs; and
 - managing, tracking, and monitoring the Department's childcare referral and placement process.
7. **Education Manager** is responsible for
- Assisting when needed with resolving transportation issues for children in Department care or custody to their school of origin; and
 - Managing the Department's contract for legal services for Department involved children with special education or discipline related issues.

C. PROCEDURE: EARLY CHILDHOOD PROGRAMS FOR ALL DEPARTMENT-INVOLVED CHILDREN

The Department ensures young children are receiving necessary supports and attending early childhood programs whenever possible. Early childhood is a critically important time for a child's growth and development. Early childhood programs ensure children are visible in the community, strengthen family engagement, provide support to caregivers, and support a child's development and promote school readiness.

- Early Intervention** Early Intervention programs are overseen by the Department of Public Health and provide services to families of children under three years of age who have developmental delays or are at risk of a developmental delay due to a medical or social history.
1. The Response Worker makes a referral to Early Intervention services for child(ren) under the age of 3 at the completion of a response when the Department determines that there is reasonable cause to believe that the child was abused or neglected.
 2. If the Social Worker suspects a child under three in the Department's care/custody has a developmental delay, or is at risk of a developmental delay, and was not referred to Early Intervention services during the response, the Social Worker should refer the child for Early Intervention services.
 3. A Social Worker may refer other children if there is a concern about the child's development. When children are not in the Department's custody, Early Intervention Services are voluntary.
- (See [Early Intervention Referral Policy](#))

**DCF Related
Childcare
Programs**

- DCF Related Childcare is a partnership between the Department and the Department of Early Education and Care (EEC) to provide childcare to Department involved children, whether living at home or in a foster/kin/pre-adoptive home. EEC oversees the administration of the program including licensing, contracting, and paying providers.
4. The Social Worker, in consultation with the parent/guardian/foster or pre-adoptive parent, determines if a child or family could benefit from childcare services.
 5. When the Social Worker determines that a child or family would benefit from childcare, the Social Worker and the Area Office Childcare Coordinator follow the process set out in **Appendix D: DCF Related Childcare Programs**.
 6. The Area Childcare Coordinator manages, tracks, and monitors Department childcare referrals.

D. PROCEDURE: GENERAL EDUCATION for CHILDREN IN OPEN CASES and NOT IN DEPARTMENT CARE OR CUSTODY

For all families involved with the Department, the Department confirms that each child aged 6 to 16 is enrolled in and attending a public school, an approved private school, or is being homeschooled in a program that is approved by the school district/LEA. If a child from birth to age 18 is not enrolled in a qualified program or is not regularly attending school, early education, or a childcare program, the Department provides support and guidance to the parent(s)/ guardian(s) in addressing the child's educational needs.

**Obtain and
Document
Child's
Educational
Information**

1. As part of the Family Assessment, the Social Worker assesses whether the child is developing academic and functional skills to meet their potential. The Social Worker does this in collaboration with the school, caregivers, and collaterals.
2. The Social Worker obtains the educational and developmental status and needs for each child through contacts with the parent/guardian and collaterals.
3. The Social Worker seeks a release of information from the child's parent(s)/guardian(s) before seeking information from the child's educational program.
4. The Social Worker requests the following information, if not already known, and records/uploads it in the electronic case record:
 - the name, address, and contact information of the childcare or school;
 - the name, address, and contact information of any emergency contacts parent(s)/guardian(s) have listed on the childcare or school forms;
 - the child's educational status including the grade level or program type, teacher, attendance record, School Assigned Student Identification (SASID) number, and any discipline information/documents;

- if the child has been evaluated for special education and/or has an Individualized Education Program (IEP), a copy of the evaluation, and the IEP if completed;
 - copies of transcripts, progress reports, report cards, results of standardized tests such as the MCAS and any assessments, evaluations, or Section 504 plans; and
 - for youth in high school, the number of credits earned towards graduation.
5. The Social Worker updates information regarding the child's enrollment, attendance, school performance, and school discipline and enters it into the electronic case record.
- Verify School Enrollment, Attendance, and Educational Progress**
6. The Department's responsibility to intervene on behalf of the education of Department-involved children depends upon their age:
- **For each child aged birth to 6**, the Social Worker works with the parent(s)/guardian(s) and school to address the child's educational and developmental needs to promote an educational plan to assist that child in reaching their full educational potential.
 - **For each child aged 6 to 16**, at a minimum, the Social Worker verifies that the child is enrolled in and attending school in conformity with state law and works with the parent(s)/guardian(s) to identify and address educational obstacles when a child:
 - is not enrolled in or is not regularly attending a school/educational program that meets their educational needs.
 - or is enrolled in and attending school daily but failing to progress effectively in general education.
 - **For each child aged 16 and older**, the Social Worker works with the youth, parent(s)/guardian(s), and school to address the youth's educational and developmental needs to promote an educational plan to assist that child in reaching their full educational potential.
- Ongoing Work While the Case is Open**
7. The Social Worker's monthly contacts with children, parents, and collaterals provide insight into how a child is doing in school, which is a core component of a child's well-being. The Social Worker works with and empowers the parent/guardian to play an active role in the child's educational progress. The Social Worker helps the parent/guardian understand how a child is doing in school, what challenges may be impeding the child's progress, and how the parent/guardian can support their child's educational success.
8. Through the action plan, the Social Worker and parent work together to develop a plan to address the child's difficulties including, but not limited to:
- convening meetings with relevant school staff;
 - requesting special education evaluations or Team meetings;
 - exploring school-based and community-based supportive services;
 - referring parents to outside advocates or attorneys when appropriate.
9. The Social Worker may seek a consultation from the Regional Educational Specialist when additional information, support, or guidance is needed to improve the child's educational outcomes.

E. PROCEDURE: CHILDREN IN CARE OR CUSTODY: EDUCATIONAL STABILITY PLANNING

Federal child welfare and education law and state guidance promote educational stability for children in foster care and state that children in foster care must remain in their school of origin unless it is determined to be in

their best interest to change schools. All participants in a Best Interest Determination (BID) must prioritize maintaining a student in their school of origin whenever possible.

Prioritize Educational Stability

1. When a school-age child is initially placed out of their home and/or changes placement, the Social Worker in consultation with Family Resource staff, seek a placement that is in the child's school district, taking into consideration to place with kin if possible. If such a placement is not possible, the child must remain in their same school district even if they are living in another city/town, unless it's determined not to be in the child's best interest to do so.

Best Interest Determination Meeting

2. When a child enters foster care and every time the child changes placements or the placement moves to a location that would require the child to change schools, a Best Interest Determination (BID) must be conducted to make decisions about where the child will attend school. More details on this process can be found in *Appendix B: Determining Educational Best Interest for children in Placement*.
3. Decisions should be made collaboratively by the individuals who are best situated to understand the student's unique needs, including:
 - Social Worker and Supervisor;
 - The Education Coordinator if the case is assigned to the Area Lead Agency;
 - Child, if age appropriate, and their parent/caregiver;
 - Foster parent or staff from placement provider;
 - Education Decision Maker (may be Special Education Surrogate Parent);
 - Staff, including special education staff if relevant, from the district and school of origin;
 - Staff from the local school district if the child may attend school there.
4. The Social Worker or Supervisor or other individual designated by the Area Director reaches out to the school district Foster Care Point of Contact, and other key parties as noted above, to invite them to a BID meeting within five working days of the child entering care or switching placements.
5. The parties at the meeting must consider the student's unique needs and account for the benefits of educational stability. Specific factors to consider when making best interest determinations are listed in **Appendix B**.
6. The goal of the BID meeting is to reach consensus regarding the appropriate school placement. However, if there is disagreement regarding this, the Department is the final decision maker in the best interest determination. When the Department and the school district(s) cannot agree and the Department makes a decision the school district cannot accept, the district can seek review of this decision by utilizing the Foster Care School Selection Dispute Resolution Process at DESE. After a short investigation, DESE will issue a written decision settling the dispute.
7. To promote educational stability, students continue to attend their school of origin while BIDs are made, and any disputes are resolved.
8. The Social Worker or Supervisor documents the outcome of the BID in the electronic case record along with any changes in the educational goals for the child and/or family.

Transportation to School of Origin

9. When a child in Department care/custody needs transportation to remain in the school of origin, the Social Worker and LEA collaborate to determine how transportation will be arranged. Districts and the Department are encouraged to consider a variety of options for providing the necessary transportation in each case. Absent other agreements between districts and the Department, the district of origin is responsible for providing transportation to and from the school of origin.

10. If the Social Worker encounters problems when setting up transportation, they should discuss the issue with their Supervisor, Area Program Manager, Education Coordinator when applicable. If transportation issues continue the APM will contact the Regional Education Specialist. The Regional Education Specialists will include the Education Manager when appropriate.
- Enrollment in a New School District**
11. If the BID decision is to change the child's school district/LEA, the child must be immediately enrolled in the new school.
12. The Social Worker, Supervisor, or other designated individual completes the *Notice to LEA* form and provides it to the new school. They also send a copy to the prior LEA to arrange for the child to be immediately enrolled in the new school district.
- Federal law requires the LEA to immediately enroll a foster child and have them attend class without waiting to receive the typical exchange of student enrollment documentation. The Social Worker will provide emergency contact information for the student at the time of enrollment.
13. Although the Department is not required to present documents such as IEPs or prior transcripts, the Social Worker, in consultation with the Supervisor, may provide documents in the Department's records to the school when they are important to the child's safety and well-being.
14. The new school is required to contact the child's school and district of origin to obtain the relevant records and documentation. The school and district of origin should immediately transfer those records.
- New School Enrollment and Pre-Placement Visits**
15. The Social Worker can work with the educational setting and the placement provider to allow a pre-placement visit to the school/program for the child, if appropriate and permitted to support a smooth transition.
16. During the pre-placement visit or upon enrollment, a meeting should be held to review the child's performance in the educational setting to date and address any academic, social, or behavioral concerns. IEPs and 504 plans should also be shared. Support services can be arranged such as after-school recreation and sports activities, programs and tutoring, and transportation; and communication links should be established.
17. The Social Worker works with the parents, placement provider, and school district, when necessary, to support the completion of transitional activities and support services.

F. PROCEDURE: CHILDREN IN CARE OR CUSTODY: INITIAL EDUCATION PLANNING DURING FIRST SIX WEEKS

All children ages 6-18 in the Department's care or custody must be enrolled in and attending school or have completed secondary education unless they are incapable of attending school due to a medical or psychiatric condition of the child, which incapability is supported by regularly updated information in the case plan of the child. The Department also works with youth to plan for post-secondary education, training, and/or employment.

- Communication with Child's Educational Institution**
1. When any school-aged child enters Department care or custody, the Social Worker, Supervisor, or other designated individual, must send a *Notice to LEA* form to the school district's Foster Care Point of Contact to inform the school and provide them with contact information for key parties. The form may also be sent to the principal to facilitate easier and faster communication with the school.
 2. If the District requests documentation of the Department's custody, the Social Worker will send the point of contact the documentation.

Obtain and Document Children's Educational Information

3. If the child does not remain in their school of origin, the Social Worker, Supervisor, or other designated individual, sends the *Notice to LEA* to both the school of origin and the new school district (See **Procedure G** below).
4. Communicate with any early childhood program providers to update them on the child's custody and placement status, including submitting new childcare referrals as needed.
5. Once documentation is provided to the school that the child is in Department care or custody, the Social Worker is entitled to obtain educational information and documents from the school. The Social Worker obtains the following information regarding the child's educational strengths and needs. Documents should be uploaded to the electronic case record including:
 - the name, address, and contact information of the child's early intervention provider, childcare or school;
 - the child's educational status [grade level or program type, teacher, attendance record, School Assigned Student Identification (SASID) number, and any discipline information/documents];
 - if child has been evaluated for special education and/or has an Individualized Education Program (IEP), a copy of the evaluation and the IEP, if completed; and
 - copies of transcripts, progress reports, report cards, results of standardized tests such as the MCAS and any assessments, evaluations, or Section 504 plans; and
 - for youth in high school, the number of credits earned towards graduation.

Identify the Educational Decision-Maker

6. Every school-age child who is in Department care or custody must have an educational decision-maker. This information is recorded in the electronic case record and communicated to key parties. (See **Appendix A** for information on how to identify the child's educational decision-maker.)

NOTE: Children under age 3 receiving Early Intervention services who are in the Department's custody may have a "surrogate parent" appointed by the court or the Department of Public Health, if there is no other person to act in that role, such as the parent or foster parent.

Initial Placement Review

7. At the Initial Placement Review, the Social Worker, in conjunction with the placement provider, the child's parent(s), the child's EDM, and others at the Review, assess the child's educational strengths and needs (based on the documents and information gathered) and develops a plan which prioritizes educational stability and supports the child's educational success. Educational information is then incorporated into any Family Assessment and the plan is incorporated in the Action Plan written with the family and/or youth, if needed, and documented in the electronic case record. The assessment and plan should consider:
 - the continued appropriateness of the child's current educational placement, including the child's special education needs, the child's need for additional supportive services (tutoring, counseling, mentoring), and the child's extra-curricular interests;
 - if the placement resource and/or EDM have all necessary educational records;
 - what, if any, additional interventions, supports or services are necessary to promote their educational success;
 - supporting the child's participation in early childhood education or post-secondary educational and vocational programs that are suited to their age and abilities; and

- when post-secondary goals are identified, considers financial, housing, and social support resources available to the youth (see [Permanency Planning Policy](#)).

Home Schooling

Generally, the Department does not permit homeschooling for children in the Department's care or custody. There may be exceptions and situations where it is appropriate for the Department to allow a foster parent to home school a child. If a foster parent approaches DCF with the desire to home school, the following process should be followed:

8. The Social Worker verifies if the child receives special education services and who the child's EDM is. If the child has an IEP, the EDM must sign off on a decision to home school the child. The EDM, if different from the foster parent, must be brought into the discussion by the Social Worker and Supervisor.
9. The Foster parent submits their proposed education plan to the Social Worker which details an outline of the curriculum to be used, hours of instruction, and method of assessment to determine progress.
10. The Social Worker and Supervisor consider the criteria outlined in **Appendix E Home Schooling Considerations**, after meeting with foster parent and EDM. If after a review the Social Worker and Supervisor feel homeschooling is appropriate, they request a review of the case by the Area Director.
11. The Area Director, in consultation with the Regional Counsel, reviews the foster parent's request to home school.
 - If the request to home school is not approved by the Department, the student will remain enrolled in their current school.
 - If the request to home school is approved by the Department, the foster parent will start the approval process with the school district. Homeschooling can only begin once the district approves the foster parent's home-schooling plan.
12. The Social Worker and Supervisor should review the child's progress and continued appropriateness of the education plan periodically at existing standard reviews (foster care review, permanency hearing, updates to the FAAP). The Department's review is in addition to any required reviews by the school district.

G. PROCEDURE: CHILDREN IN CARE OR CUSTODY: ONGOING EDUCATION NEEDS

Communicating with the Education Provider

1. While a child is in care, the Social Worker maintains monthly contact with the child's education providers. The Social Worker contacts the school more as needed if there are school attendance, discipline, or school performance issues regarding the child's educational progress, issues with the child's parent, placement resource, and any other resources that are supporting the child educationally such as a therapist or tutor. Gathering information from these sources informs case planning to meet the child's educational needs and is discussed during supervision and other case-related meetings and reviews.

Contact can occur in person, by phone, or by email. If the Social Worker encounters barriers in reaching or communicating with the child's teacher, they can utilize their Supervisor, Manager, or the Education Specialist to help resolve the barrier.

2. After the *Notice to LEA* is sent, the school district's Foster Care Point of Contact will provide the Social Worker with information on how to access the District's online student information system when this is available to Department staff. The portal provides information to monitor a child's attendance, academic progress, and discipline. The Social Worker sets up an account and uses it to monitor the child's educational information. The Social Worker checks the system monthly

Assess and Intervene to Improve Educational Progress

- unless the Supervisor determines that the child's attendance or other school performance indicators suggest that tracking more often is beneficial.
3. When a child changes placement or their placement address changes, the Social Worker informs the District's Foster Care Point of Contact and the child's educational decision-maker by sending a revised *Notice to LEA* form.
 4. The Social Worker contacts the school, Early Intervention, or early education program on a regular basis to assess and document whether the child is attending daily and how the child is progressing towards educational goals.
 5. The Social Worker works with the parent(s), placement provider, child (based on their age), and early childhood program and/or school district to address any concerns that are identified and to develop a plan to address any educational obstacles.
 6. The Social Worker regularly documents their activities and updates, as needed, education data in the electronic case records, including but not limited to:
 - copies of education information received [e.g., transcripts, IEPs (including the signature page)];
 - assessments and evaluations;
 - progress reports and report cards;
 - MCAS reports or results of any other standardized testing; and
 - correspondence with school district personnel.
 7. As changes occur in a child's life that may affect their educational attendance, participation, and/or performance, the Social Worker addresses these challenges through action planning with the family, placement resource, school, and child as appropriate to age and development. Tasks, resources, and responsibilities for meeting the child's educational objectives are identified and documented in the Action Plan including tasks for the child as appropriate to the child's age and abilities.
 8. Prior to the start of each new school year, the Social Worker, in consultation with the Supervisor, reviews the educational and developmental needs of each child and addresses any concerns that may affect the child's attendance, participation, and success in their educational program. The Social Worker, in consultation with Education Coordinators and school staff, ensures transportation to and from school is properly arranged.

Consider Referring Child for Services or Evaluations

9. When the Social Worker, in consultation with the Supervisor, is concerned that a child in Department care/custody is not succeeding in school, they should consider if the child should be referred for a Section 504 evaluation or a special education evaluation. **See Procedure H on Special Education below.**
10. If a child does not speak English as their primary language, the Social Worker and/or EDM should work with the school to determine whether the child needs a referral to a linguistically appropriate program or other support services provided by the school.

Child is Hospitalized or Homebound

11. When a child is in Department care/custody is hospitalized and will be hospitalized, or homebound due to illness or medical condition for more than 14 days, the Social Worker notifies the principal or school designee and requests that the school arrange tutoring services.
12. When appropriate to meet the educational needs of the child, the Social Worker, in consultation with the Supervisor, invites the LEA to participate in treatment planning and discharge meetings. The Social Worker also works with the hospital, the educational setting, the family, and the placement provider to develop a plan for transitioning the child smoothly back to school following the hospitalization.

Child is Being Disciplined (Suspended or Expelled)

13. State law and regulations require school districts to consider and try other methods before using long-term suspension as a consequence for student misconduct. When exclusion from the classroom or school occurs for any type of disciplinary offense, schools must still make education services available to the student. Schools must have policies that govern school discipline and provide student/parent/guardian with written notification of any suspension or expulsion, which includes an opportunity for a hearing on the matter.
Children with an IEP are afforded extra protections during school disciplinary proceedings. These students cannot be suspended, expelled, or removed from school for more than 10 cumulative days without a manifestation determination hearing. If after this hearing a child is suspended or expelled, they are still entitled to appropriate school services during the period of removal from school.
14. When the Department learns of a disciplinary action, the Social Worker immediately contacts the principal to identify the steps which must be taken to maintain the child's rights and address their needs and request copies of any written notifications provided to the child and designated EDM.
15. The Social Worker consults with the youth, family, supervisor, EDM and school staff to determine what actions and services are necessary to address the underlying concerns which led to the discipline and to decrease the likelihood of further school exclusion.
16. The Social Worker documents the information received, and the actions taken in the electronic case record.
17. If a school is struggling to maintain a child in their classroom, as demonstrated by the child often being sent home early or being removed from class and sent to an alternative setting (e.g. principal or counselor's office or time out room), the Social Worker, in consultation with the caregiver and EDM, should set up a meeting with the school to discuss what changes in services or support are necessary to ensure the child can fully access the curriculum and participate in the school day. If the child doesn't receive special education services, a referral for an evaluation should be considered (*see procedure H*).
18. The Department may provide a private special education attorney to represent the EDM regarding disciplinary actions. The Social Worker should contact their Education Coordinators to facilitate this referral process (*see Appendix E*).

Child Wishes to Drop-Out of School

19. The Department is required to ensure that children in its custody who have reached compulsory school age attend school through at least high school unless they are unable to do so due to a medical or psychiatric condition. Massachusetts law allows a child to drop out of school at age 16, but only with parental permission.
20. When a child indicates that they want to drop out of school the Social Worker will convene a meeting with the child, their EDM, school district personnel, and the student's family to review the circumstances that have led to the withdrawal request. Every effort should be made to keep the child enrolled in their school. If a youth over 16 still wishes to drop out there must be a clear plan in place for the student to enroll in a GED/Hi-Set, or a vocational career development program, or another educational program.

Review Educational Needs at Foster Care Reviews (FCRs)

21. In preparing the information they will present at the FCR, the Social Worker reviews the child's educational status and performance.
22. The Social Worker or Supervisor may invite the principal/designee, guidance counselor, educational setting Social Worker, or Team chairperson (for children with IEPs) of the child's school, childcare, or early education program; the SESP or other designated educational decision-maker; and the placement provider to the child's FCR meetings. (*See Policy 86-009, Foster Care Review Policy*)

23. If recommendations from the FCR meeting affect the education of the child and educational setting personnel were not present at the meeting, the Social Worker informs the school principal/director/designee of potential changes.

H. PROCEDURE: CHILDREN IN CARE OR CUSTODY: SPECIAL EDUCATION PLANNING

According to DESE regulations, determining eligibility for special education services must be based upon a finding that a child is unable to make effective educational progress in general education and requires special education services to effectively progress in their education due to a developmental delay or an intellectual, sensory, neurological, emotional communication, physical specific learning or health impairment, or a combination of these factors. For further information about special education disabilities, see DESE regulation 603 CMR 28.02(7) and federal regulation 34 CFR §300.541.

Request a Special Education Evaluation

1. The Social Worker should request an initial special education evaluation for any school-age child in Department care/custody where it is suspected or documented the child has special education needs, an evaluation has not recently been requested by someone else and is not yet receiving special education services.
2. If a foster/pre-adoptive parent suspects that a child placed with them has a special education need, they can start the referral process. The foster/pre-adoptive parent must inform the Social Worker when they make the request for an evaluation.
3. To request a special education evaluation, the Social Worker completes the Notice to LEA form and sends it to the current LEA for the child. The Social Worker may request a special education evaluation but may not consent to the evaluation or sign an IEP.
4. The EDM must consent for the evaluation. The LEA arranges to obtain the necessary consent for the evaluation from the EDM for special education.
5. The Administrator of Special Education for the LEA arranges for the child's assessments to be completed within 30 school/working days after the date the school district receives the written consent for the evaluation from the EDM.
6. The Social Worker and/or EDM should attend annual special education reviews to ensure the IEP is appropriate or, if necessary, request that services be changed. Full re-evaluations take place every three years. The EDM can request additional evaluations or IEP Team meetings to support a change in service or placement at any time.

Attend Team Meetings

7. The LEA's Administrator of Special Education or Team Chair schedules the Team meeting and invites the designated SESP or another educational decision-maker and the Social Worker.
8. The Social Worker, when appropriate, encourages parents to attend the Team meeting, and any other educational program meetings and to work with the child's SESP, if assigned.
9. The Team meeting is required to occur no later than 45 school/working days after the date the school district receives consent for the evaluation and/or annually when the child already has an IEP.
10. The Social Worker requests a copy of the special education evaluation from the LEA prior to the meeting. The Social Worker and EDM have a right to receive these assessments two days prior to the Team meeting.
11. The Social Worker attends the Team meeting, during which the child's eligibility for special education and related services is determined and an IEP is developed or revised as needed. The role of the Department's representative at the Team meeting is to share information about the child's circumstances and history relevant to educational planning.
12. When the child's needs are complex and cannot easily be addressed in a general education setting, the Administrator of Special Education may convene a separate placement meeting within 10 school/working days after the Team meeting.

13. Upon acceptance of the IEP, services are to begin immediately.
14. The Social Worker or Department representative documents the date the meeting occurred, who attended, decisions made, and actions completed or planned in the electronic case record.
- Obtain the Individualized Education Program (IEP)**
15. The Social Worker requests that the Special Education Team Leader or principal from the school district send a copy of the completed and signed IEP to keep the Department informed about the child's current educational program.
16. The Social Worker reviews the IEP and consults with the student's EDM to determine that it specifies the kind and level of special education and related services the child is to receive. These services are to be clearly described and listed as goals and objectives with measurable outcomes.
17. The Social Worker uploads a copy of the IEP and any related documents (e.g., evaluations, consent forms) in the child's electronic case record and ensures the child's caregivers have copies.
- Appeal of IEP**
18. The parent, foster/pre-adoptive parent, or SESP has the right to reject the IEP (in whole or in part) or finding of no special needs and can request mediation and/or a hearing within the DESE's Bureau of Special Education Appeals.
19. The Social Worker may not sign the IEP or request an appeal. When the Social Worker, in consultation with their Supervisor, has concerns that a child was determined to be ineligible for special education, or if their IEP does not meet their needs, they can encourage the parent or SESP to request an appeal or mediation.
20. The Department may provide a contracted special education attorney to represent the EDM. Social Workers should contact their Education Coordinator to facilitate this referral process. (See Appendix F)
- Resolve Concerns about Timely Provision of Special Education Programs or Services for a Specific Child**
21. When the Social Worker is concerned about the provision of special education programs or services, the Social Worker contacts the designated educational decision-maker (parent, foster/pre-adoptive parent, and/or SESP) and special education liaison at the LEA.
22. If the concerns cannot be resolved, the Social Worker or Supervisor contacts the Program Resolution System (PRS) Division of DESE to request assistance with non-compliance concerns. All parties (e.g.: Social Worker, the student's EDM, and/or the student's parents) should work collectively to provide all necessary information to (PRS).
- Requesting 504 Evaluations and Plans**
23. A child who has a mental, psychological, or physical disability may be eligible for a 504 plan. A 504 plan provides accommodations that allow an eligible student to have the same level of access to the instruction, school activities, and school building as students without disabilities. Eligibility requires that the student have information establishing a mental, psychological, and/or physical disability that substantially limits one or more major life activities (such as walking, seeing, hearing, speaking, or learning). Unlike a special education student, a student with a 504 plan can make effective progress in school without the need for specialized instruction and/or related services. However, a student with a 504 plan requires accommodations to gain equal access to instruction and/or the school facility.
24. If the Social Worker, in consultation with their Supervisor, parent, foster parent, or other adult involved in the child's life, suspects that the child could be eligible for a 504 plan, they should file a written request with the school district for a 504 evaluation, reasonable accommodations and special services

I. PROCEDURE: CONSULTING WITH REGIONAL EDUCATION SPECIALISTS

- Seek Educational Consultation**
1. When efforts to resolve an education issue are unsuccessful, the Regional Educational Specialist supports the child's clinical team through consultations

focused on problem-solving and addressing barriers. The Educational Specialist may bring in the Education Manager whenever needed.

2. **Social Workers/Supervisors must consult the Regional Educational Specialist in the following situations:**

- During the Best Interest Determination (BID) process for an initial or subsequent placement when:
 - The Social Worker has contacted the school district(s) to schedule a BID meeting and the district(s) does not respond at all or won't agree to schedule a prompt BID meeting.
 - A school has been selected and the district selected will not agree to immediately enroll the student.
 - A school has been selected but transportation is a barrier to the child attending.

Consultations for a BID related issue will be prioritized by the Educational Specialist.

- The Social Worker (or others involved in the case, such as the parent, foster parent) has requested special education testing and the school is not adhering to the required special education timelines.
- The Social Worker believes the school is not properly implementing a child's IEP.
- A child has received two in-school or out-of-school suspensions in a quarterly marking period or has been expelled. The consult will examine if the current educational program is supportive of the child's needs and the school is prepared to meet the child's needs.
- When a child enters DCF care/custody and has previously been out of school (excluding summer break) for more than a month prior to entering placement. The consult will examine addressing educational gaps and any planning needed to make sure the child's school is prepared to meet the child's needs.
- Prior to reunification when there are concerns about the parent(s)/guardian(s) ability to act as the child's Educational Decision Maker.
- After contacting the school district's Foster Care Point of Contact and requesting access to the District's Student Information System, the Social Worker is not provided with login information.

3. **Social Workers/Supervisors may consult the Regional Educational Specialist for other reasons, including but not limited to:**

- Assistance in preparation for an official school meeting (IEP, suspension hearing, etc.).
- Determining the student's Educational Decision Maker (EDM).
- Guidance on Best Interest Determinations (BIDs).
- Assistance filing a complaint with DESE's Problem Resolution System (PRS).
- Assistance with student discipline issues.
- Information on potential academic placements for the child.
- Seeking clarity on Special Education issues.
 - Feedback on services and accommodations in a student's IEP
- Troubleshooting any issues that may arise with the student's school or district.
- Assistance interpreting guidance from DESE.
- Assistance interpreting and implementing Department educational guidance, policies, and protocols.
- Other cases where there are barriers for youth/young adults' education, i.e., educational planning for undocumented youth/young adults or vocational/career planning for youth who have dropped out of school.
- Special concerns regarding a child who is an English Language Learner.

- Transition planning for youth 14 years or older.

Documenting the Consultation

4. The Regional Education Specialist will document the consultation in the electronic case record.

J. PROCEDURE: EDUCATIONAL PLANNING FOR CHILDREN PREPARING TO LEAVE DEPARTMENT CARE OR CUSTODY

When planning for a child to leave Department care or custody through reunification, guardianship, adoption, or reaching young adulthood, the Department reassesses the child's educational achievement, potential, and needs. The Department works with the anticipated caregiver, the child, as appropriate to their age and abilities, and the educational setting to develop a transition plan that addresses the child's educational needs, maintains educational continuity to the greatest extent possible, and promotes their highest level of educational achievement, including participation in post-secondary academic or vocational programs, possibly with financial assistance through the Department when they have been in Department placement and are determined eligible.

Reunification

1. Prior to reunification, the Social Worker, Supervisor, and Manager consider whether the parent/caregiver can make education decisions for the child upon reunification. The clinical team should consider:
 - the child's level of educational and related needs.
 - Department staff should consult, as needed, with the child's current EDM, SESP or school staff to fully understand the child's education and related needs.
 - the capacity and willingness of the parent/caregiver to understand the child's educational needs and appropriately work with the school to advocate for the child.
2. If the clinical team determines that the child's educational needs exceed the ability of the parent/caregiver, the clinical team must consider retaining custody after the child is reunified with the parent(s)/guardian(s). If the Department retains custody in such situations, the Social Worker must ensure the EDM continues in their role or a new EDM is established. This decision should be reviewed at least twice a year (See **Appendix A**).

Continued Special Education Services

(688 Referral)

3. State law, commonly referred to as "Chapter 688", requires that a student receiving special education, who because of the severity of their impairment may require continued disability-related services upon exiting school, must be offered specific, coordinated transition planning. A young adult "exits school" by graduating or turning 22, whichever occurs first. See MGL c. 71B, §§ 12A, 12B, and 12C.
4. The School District should complete a Ch. 688 referral for a youth/young adult receiving special education services at least 2 years prior to graduating from high school or turning 22 (whichever comes first).
5. If the School District has not initiated a Chapter 688 referral for a youth who is likely to be eligible, the Social Worker should initiate a discussion, if the SESP or EDM has not, with the school during the student's first annual IEP meeting after they turn 16 to ensure adequate planning time.

The referral does not guarantee services so advocacy by the Department may be needed to ensure that young adults are offered every opportunity to access the services they need and require.

Inform LEA of custody change

6. When a child leaves Department care or custody, the Social Worker, Supervisor, or other designated individual, files a Notice to LEA form with the school district's foster care point of contact to inform the school that the child is no longer in Department care or custody and to provide them with contact information for the parent/guardian. When this occurs the Social Worker, the EDM, the child's parent/guardian, and the school district(s) involved should work collaboratively to

ensure a smooth transition. If a student is changing schools because of leaving DCF care or custody, a transition meeting should be set up with all the parties mentioned above.

**Child's
Educational
Records -
Reunification**

7. The LEA will terminate Department's access to its SIS parent portal upon receiving this notification.
8. Prior to the reunification of a child with their parent(s), or the finalization of adoption or guardianship, the Social Worker works with the parent(s) or guardian to ensure they have up to date information on the child's educational status and that they have copies of or access to the following educational records from when the child was in placement:
 - a list of the schools/educational programs (with names, addresses, and contact information) the child attended while in Department care or custody;
 - all transcripts documenting credits;
 - the child's grade level/program type upon leaving; and
 - copies of any evaluations, standardized test results, (e.g., MCAS), IEPs, and school district correspondence including any documentation of school discipline.

**Child's
Educational
Records – Young
Adults**

9. Prior to a case closing, the Social Worker arranges for each youth whose case is closing at age 18 and each young adult whose case is closing, to receive the following documents that are not already in the youth/young adult's possession:
 - a list of the schools/educational programs (with names, addresses and contact information) the child attended while in Department care or custody;
 - all transcripts documenting credits; and
 - copies of any evaluations, standardized test results, (e.g., MCAS), IEPs and school district correspondence including any documentation of school discipline.

Appendix A

Determining the Educational Decision-Maker for a Child in Department Care or Custody

When the child is in Department care or custody, the Department determines who will make education decisions for the child based on the following considerations. The Social Worker will note the Education Decision Maker (EDM) in the electronic case record. It is particularly important to determine who will be making any special education decisions for the child because Department staff can refer any child for special education evaluations but does not have the authority to consent to special education evaluation, sign an Individualized Education Program (IEP), make special education decisions for a child who has an IEP, or file a special education appeal.

Parent: For any child in DCF care (through a voluntary placement agreement) or custody (through a C&P or CRA), the Social Worker, in consultation with the Supervisor, should first consider having the parent remain as the child's educational decision-maker if it would be in the child's best interest, including special education services decision-making. In making this decision the Department should consider relevant factors including:

- if the parent has demonstrated in the past the capability to make educational decisions that were in the child's best interests;
- whether the parent regularly participates in the child's educational progress (e.g. parent-teacher conferences, helping with homework, volunteering);
- what the child's participation in school has been thus far;
- what the parent's awareness is of the educational needs and whether they can advocate for the child's educational needs being met;
- the child's anticipated length of stay in placement;
- the child's permanency plan; and
- the parent's willingness;

If it is decided that the parent should not be the EDM, the parent should still be supported in participating in their child's education and encouraged to attend any school meetings along with the EDM.

Young Adult: If the child is 18 years of age or older and no court action has been taken to designate a guardian, the child is presumed competent to make their own educational decisions. Students 18 years of age or older may request the continuation of the Special Education Surrogate Parent (SESP) to act as an advisor for the purpose of educational decision-making but this occurs outside the purview of the SESP Program.

Social Worker: The Social Worker may be the EDM to make general education decisions for a child, under 18, who does not receive special education services. If the child needs a special education evaluation or services, another EDM must be selected.

Foster/pre-adoptive parent: The foster/pre-adoptive parent often serves as the EDM for a child in their home. The foster parent can also be the EDM for special education decisions if they agree and have no conflict of interest. The Social Worker should discuss the role and responsibilities of the education or special education decision-maker with the foster/pre-adoptive parent as applicable and determine whether they are willing to assume the role. The decision is documented in the Child Placement Agreement form and in the electronic case record. It is reviewed annually when the Child Placement Agreement is renewed.

NOTE: Even if the foster/pre-adoptive parent is not the EDM, they support the child's education in important ways. They partner with the child, family and Department to: identify the child's individual learning needs and to set and achieve high educational expectations; make sure the child attends their school or early education program regularly and on time; supervise the completion of homework; is usually the first to learn of upcoming activities and concerns at the educational program; and facilitates participation in all school-related activities that address the child's goals, interests and capabilities.

Congregate Care Program: When a child in Department/care custody is placed in a Congregate Care program, the Department Social Worker is the EDM for general education decisions, including approving a 504 Plan, unless the Department has determined that the parent should remain in that role. If the child has an IEP or is being evaluated for special education services, the parent may act as the SESP. If they do not, the Social Worker must request the appointment of a SESP (See Guidance on Appointment of Special Education Surrogate Parents).

Special Education Surrogate Parent (SESP): If the child has an IEP or is being evaluated for special education services and the parent and foster/pre-adoptive parent will not be the EDM, the social worker must request the appointment of a SESP. Neither a parent’s lack of expertise in special education issues nor lack of fluency in English is a basis to seek the appointment of a SESP for a student. Through the SESP Program, run by agencies contracted by DESE, trained volunteers are appointed to act in special education matters on behalf of children in state custody. SESP can carry out the same rights and responsibilities as a parent. (e.g., consenting to an evaluation, accepting, or rejecting an IEP and placement, requesting an independent evaluation, asking for a hearing, etc.) Social Workers can access referral forms working with the Education Coordinator in their Area office or through <https://www.sespprogram.org/sesp/resources/referralform.pdf>

Court Appointed: At times the Court will appoint an individual to act in education matters on behalf of a child in Department custody who has an IEP or suspected special education needs. The Social Worker and Supervisor, in consultation with Department Attorney If needed, review the court order to determine whether that person has been given educational decision-making rights for special education or has been appointed as an “educational advocate” only. If the appointed person is not the EDM for special education, the Social Worker determines the EDM per this Appendix’ guidance and notifies that person that there is also a court-appointed education advocate.

NOTE: When the Department is developing a plan for a child to leave Department care or custody and reunify with their parents, the Department reassesses who should be the child’s EDM going forward.

Appendix B

Determining Educational “Best Interest” for Children in Placement

Best interest determinations are conducted to make decisions about the school a student will attend following a foster care placement or change in placement (to a new city/town). These decisions should be made collaboratively by DCF, staff from the district/ school of origin and staff from the local district/school who are best situated to understand the student’s unique needs. Other parties who may attend the BID include: the student, the student’s family, and any EDM. All parties should have the opportunity to participate meaningfully in the decision-making process. Every effort should be made to reach consensus regarding the appropriate school placement of a student in foster care. However, if there is disagreement regarding school placement for a student in foster care, DCF is the final decision maker in making the best interest determination. To promote educational stability, students must continue to attend their schools of origin while best interest determinations are being made.

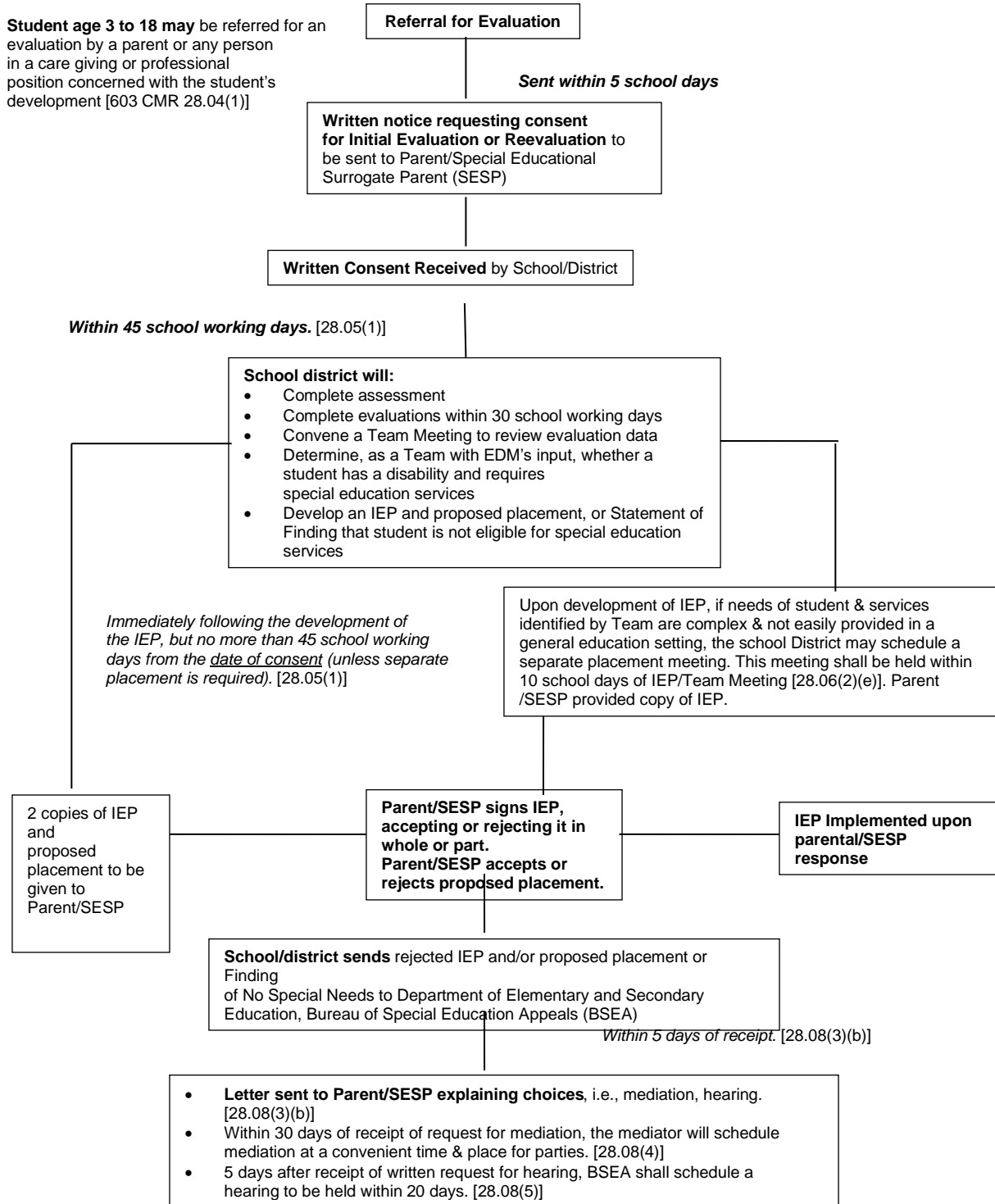
Best interest determinations must involve deliberate consideration of the student’s unique needs and account for the benefits of educational stability. Specific factors to consider when making best interest determinations include, but are not limited to:

- student’s age and grade level;
- student’s preference, when age appropriate;
- preferences of the student’s parent(s)/guardian(s) or EDM(s);
- student’s attachment to the school, including meaningful relationships with staff and peers;
- placement of the student’s sibling(s);
- distance/length of time to travel to/from school;
- time of academic year, academic performance, and skills;
- current educational goals and services;
- individual skills, needs, and social connections;
- anticipated length of time in placement, and whether reunification is the family goal;
- number of placements to date;
- ability to maintain family relationships and engagement (including in extracurricular activities, where appropriate);
- clinical/behavioral issues;
- influence of the school climate on the student, including safety issues;
- availability and quality of the services in the school to meet the student’s educational and social emotional needs;
- whether the student has an Individualized Education Program (IEP) and is receiving special education and related services, or the student is receiving accommodations under Section 504, and, if so, the availability of those required services in a school other than the school of origin; and
- if the school of origin is in the best interest but only for a limited duration of time (e.g., until the end of the school year, the end of a testing or grading period, or the end of a particular grade). Additionally, the parties involved in the decision may wish to determine a time to revisit the question of whether it is in the student’s best interest to remain in the school of origin or enroll locally.

Note that transportation costs may not be a factor in determining the best interest of the student for the purposes of school selection.

Appendix C

Special Education Team Evaluation Flow Chart



Appendix D

DEPARTMENT RELATED CHILDCARE PROGRAMS

Overview

Department Related Childcare is a partnership between the Department and EEC. The Social Worker, in consultation with the Supervisor, and in conjunction with the family and if applicable the foster/kin parent, identify a family's childcare needs and each Area Office Childcare Coordinator manages referrals and placements. EEC oversee the administration of the program including licensing, contracting, and paying providers. The Childcare Resource and Referral Agencies (CCR&R) oversee the voucher distribution and management for EEC.

| | |
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| Childcare Type | <ol style="list-style-type: none"> 1. Contracted: The Department has access to contracted childcare slots (specific childcare providers who are contracted by EEC to accept DCF-involved children). Contracted providers offer enhanced services such as transportation, mental health and service referrals and ongoing communication with Department staff. Contracted providers may be full at any given point in time and the Department may maintain a wait list, however, in most instances a voucher should then be considered. 2. Voucher: The Department also has unrestricted access to childcare vouchers which provide access to a larger network of childcare providers. There is no limit on the number of vouchers the Department may authorize and refer to EEC. EEC may not immediately be able to find a provider who meets the needs of a particular child and family, but the child should be authorized and referred to EEC. 3. Childcare programs provide both early education and care (0-5) and afterschool and summer programs (5-13; up to 16 for children with special needs). Programs can be either family childcare or center-based and are located throughout the Commonwealth. |
| Eligibility | <ol style="list-style-type: none"> 4. All children with open DCF cases are eligible including children living with a parent, kin, in foster care (including IFC), or pre-adoptive homes. Children in cases being managed by a DCF contracted agency are also eligible. Family income is not part of the eligibility process if the child has open DCF case. |
| Authorization Time Period | <ol style="list-style-type: none"> 5. Childcare authorizations are valid for a 12-month period at a time and should be reauthorized as needed for the duration of the open case. 6. Transitional Childcare (TCC) allows for children who enrolled in a childcare program due to their involvement with the Department to remain in childcare for 12 months after case closure. |
| Referral and Authorization Process | <ol style="list-style-type: none"> 7. Social Worker, in consultation with the parent/guardian, and foster, kin or pre-adoptive parent, determines if the child or family could benefit from childcare services. The Social Worker also works with the caregiver to understand their preferences regarding childcare programs, such as location, hours, program type, etc. 8. When a decision is made that a child or family would benefit from childcare, the Social worker <ul style="list-style-type: none"> • obtains a release form from parents if the child is not in DCF custody; and • submits a DCF Childcare Authorization Form to the Area Office Childcare Coordinator (Childcare Coordinator), who follow the process outlined below for Contracted Slot or Voucher. 9. If there are any changes in custody, caregiver, or caregiver's or child's address, the Social Worker completes a new authorization form and sends it to the Childcare Coordinator. 10. The Childcare Coordinator sends an updated authorization form, if needed, to providers or CCR&R. |
| Contracted Slot | <ol style="list-style-type: none"> 11. When referring to a contract slot, the procedure is as follows: |

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| | <ul style="list-style-type: none"> a. Area Office Childcare Coordinator determines which providers have availability, sends the authorization form to the contracted provider via email and communicates the status of referral to the Social Worker. b. The Social Worker informs the family of the status of the referral and to expect to be contacted by the provider directly to enroll. c. The caregiver, with any required assistance from the Social Worker, works directly with the provider to complete the enrollment, including providing required forms and documents. d. The provider and caregiver will determine a start date. The provider will communicate this start date to the Childcare Coordinator. |
| Voucher | <p>12. When referring to a voucher, the procedure is as follows:</p> <ul style="list-style-type: none"> a. The Area Office Childcare Coordinator will send an authorization form to the CCR&R via email . b. The Department authorizes the voucher but the caregiver, with any required assistance from the Social Worker, must work with the CCR&R to obtain the voucher. c. The CCR&R will provide the caregiver with a list of providers from which to select. The caregiver and/or Social Worker may also ask the CCR&R for an individualized consultation if they need assistance with finding childcare. d. Once the caregiver has found a program which meets their needs (which may include phones calls or visits to the provider), the caregiver must complete the enrollment process with that provider, including providing required forms and documents. e. To complete the process, the caregiver must set up an appointment with the CCR&R to receive the completed voucher. f. Children should not start childcare without completing the voucher process. This can result in the Area Office or caregivers receiving bills. |
| Case Closing | <p>13. At the time the Department is closing its case, the Social Worker informs the caregiver that Transitional Childcare can be authorized for an additional 12 months beyond case closing.</p> <p>14. Transition Childcare should be arranged for when a caregiver requests it in a case that closes to reunification, guardianship, or adoption to provide the child with continuity and provide support to the family.</p> |
| Tracking and Documentation | <p>15. The Area Office Childcare Coordinator manages and monitors the contracted slots and vouchers through tracking utilization, waitlists, enrollments, reauthorization, referral, etc.</p> <p>16. The Social worker includes information on childcare referrals and enrollments in the electronic case record system.</p> |

Appendix E Home Schooling Considerations

Generally, the Department does not permit homeschooling for children in its care or custody. There may be exceptions and situations where it is appropriate for the Department to allow a foster parent to home school a child. Social Workers/Supervisors should reference the considerations below to facilitate a conversation with the foster parent and other key stakeholders about homeschooling. An Area Director must approve the decision to home school a child.

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| Child’s Educational Needs | <ul style="list-style-type: none"> ● What is the age/grade of the child? ● How does the child generally function in school? ● What is the foster parent’s rationale for home-schooling? How will this benefit the child? ● Does the child have an IEP? If so: <ul style="list-style-type: none"> ○ For what disabilities? ○ What services and/or accommodations does the child currently receive in school based on the IEP? ○ How will the home-schooling plan address these needs? |
| Child’s Social-Emotional Needs | <ul style="list-style-type: none"> ● Will this child thrive in this home-school setting versus being part of a class of peers? ● If the child doesn’t attend school, what opportunities will they have to socialize with other children? |
| Foster/ pre-adoptive parent teaching ability | <ul style="list-style-type: none"> ● What is the foster/ pre-adoptive parent’s experience or capacity to deliver a curriculum that meets the child’s academic and social-emotional needs? <ul style="list-style-type: none"> ○ What is the foster parent’s own education and experience? ○ What teaching techniques and instructional strategies will the parent utilize? ○ What assessments methods will the parent implement to measure student progress? ● Is the foster parent home full time? <ul style="list-style-type: none"> ○ Are there other children in the home who will also need attention during school hours? ○ Is there someone who can provide back-up coverage if the foster parent is unable to teach on a given day? ○ Is there adequate space and supplies for home schooling? |
| Stability of the Placement | <ul style="list-style-type: none"> ● How long has the child been with this family? ● What is the permanency plan? <p><i>Example: If the child has a goal of reunification and has been with the foster parent for 2 months, home schooling is less likely to be appropriate than if the child has been with the foster parent for two years and the adoption is going to be finalized next month.</i></p> |

Helpful Links:

<https://www.doe.mass.edu/finance/schoolchoice/choice-guide.html>

APPENDIX F: REQUESTING LEGAL SERVICES FOR DEPARTMENT INVOLVED CHILDREN WITH SPECIAL EDUCATION DISABILITIES OR DISCIPLINE RELATED ISSUES

The Department has procured the services of attorneys to represent biological parents, guardians, foster parents, and Special Education Surrogate Parents appointed through the Department of Elementary and Secondary Education for children with disabilities placed with the Department when there are disputes concerning the child's rights to special education services and/or accommodations. In addition, a child is eligible for the services of the attorney if the child is at risk of expulsion or is prevented from attending school because of discipline issues. These protocols should be followed by area offices in all regions in accessing these services.

1. When a Social Worker or Supervisor identifies a child in their caseload where there is a dispute with a school district regarding the child's education that has not been resolved despite best efforts to do so, the Social Worker or Supervisor, or manager may request legal services for the child or EDM through the Education Coordinator in their area office.¹ Examples of the kinds of issues that might trigger a request for legal assistance are the following:
 - Denied eligibility for special education evaluation or services;
 - Denied right to a day or residential placement to meet their educational needs;
 - Proposed termination of special education programming/services, including disputes about readiness to graduate high school;
 - Threatened or actual exclusion from their special education programming; and
 - The education decision-maker (biological parent, foster parent, guardian, or Special Educational Surrogate Parent appointed through the DESE) would like to have an attorney to assist them in resolving the dispute. A Special Education Surrogate Parent appointed by the court in conjunction or not in conjunction with appointment as a GAL who is a qualified practicing attorney, is not eligible for these services.
2. The Social Worker discusses with the Education Coordinator the educational dispute and the efforts made to resolve the dispute. The Education Coordinator contacts the Education Manager to discuss whether the case is appropriate for a referral for legal services.
3. If the case is accepted for a referral for legal services, the Social Worker and Education Coordinator work collaboratively to complete the referral form and obtain the consent of the EDM and the Area Director. The form includes:
 - a written summary of the education and placement history, with main concerns and issues highlighted; description of the efforts that have been made to resolve the dispute; and
 - a list of key contact people (e.g. Department, school and provider staff, education decision maker) including addresses and telephone numbers.
4. The form along with copies of pertinent information in record: IEPs, all educational and psychological assessments, any other assessments, clinical reports, hospital discharge summaries, residential placement reports or evaluations, school progress reports, important correspondence, any additional information to support the case, are scanned and emailed to the Education Manager, James Morrison james.j.morrison@mass.gov DCF, 600 Washington Street, Boston MA 02111.

¹ As a general rule, we expect that a referral for legal assistance will be made before the education decision maker requests a special education hearing so that the education decision maker will have the benefit of the attorney's advice and counsel before starting the process. There may be extenuating circumstances in which it might be appropriate to request a hearing at an earlier date, such as when there are concerns regarding a child who has been excluded from their education program. This should be discussed at the outset of the referral process (see number 2)

5. After receipt of all the documents, the Education Manager will assign a contracted attorney to the case and send a copy of the documents to the attorney along with the referral request form.
6. After the attorney reviews all the written material, they will contact the education decision maker to verify interest in having the attorney represent the decision maker and to discuss the case. The contracted attorney will not take any action on the case unless the education decision maker consents. When the decision maker calls, the attorney will explain verbally and in writing that the education decision-maker (not the Department) is the client for purposes of the referral and will arrange to receive written permission to provide legal representation and permission to access education records from the school that they may not already have.
7. The attorney will contact the Social Worker to establish a communication link with the office and to provide updated status reports.
8. The attorney will maintain regular contact with the Education Manager and Social Worker to discuss initial strategy and to keep offices informed of activities and progress.
9. If a settlement is reached, the attorney will send a copy of the agreement to the Area Director and to the Education Manager.
10. If the case involves a discipline related matter, the attorney represents the child and will be in contact with the child in the same manner as the EDM.
11. The cost of the legal services is paid through a contract that is overseen by the Education Manager and the Office of the General Counsel.