



Special Education and Students in Foster Care

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SPECIAL EDUCATION AND STUDENTS IN FOSTER CARE

TCASE Interactive
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Thank you *Foster Care Alumni of America* for allowing us to use your postcard art in today's presentation!



POSTCARDS SEEN IN GUIDE

The postcard art included throughout this guidebook is generously donated by Foster Care Alumni of America. The post card art provides insights, shares perspective, and highlights experiences from youth and alumni who have experienced foster care. To see additional post cards and learn more about Foster Care Alumni of America visit www.fostercarealumni.org.

Presentation Goals

- Child Welfare 101
 - Scope of the Problem
 - Stages of Service
 - Role of the Court
- Laws Related to Students in Foster Care
 - School Stability
 - Decision-making
 - Confidentiality
 - School Transitions
 - Postsecondary Education
- Statewide Efforts
- Resources

CHILD WELFARE 101

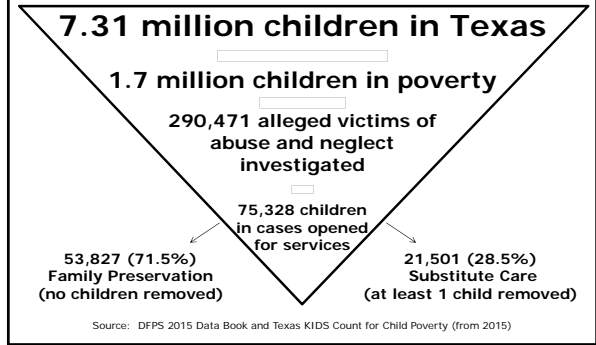


Nationally

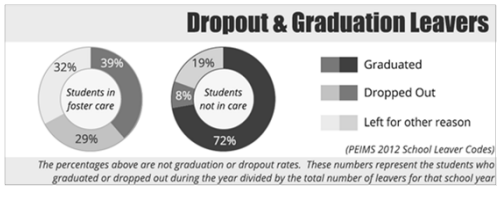
- Approx. **400,000** children in foster care.
- **56-75%** of youth change schools when first entering care.
- **34%** of 17-18 year olds in care experience 5+ school changes
- **7th grade** is the average reading level of 17-18 year olds in foster care.
- **20%** of youth in care who graduated from high school attend college
- **2-9%** of youth formerly in care attain a bachelor's degree
- **84%** of youth in care WANT to go to college.

Source: Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care. Research Highlights on Education and Foster Care, January 2014

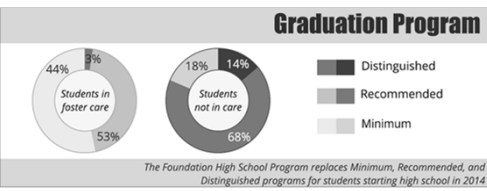
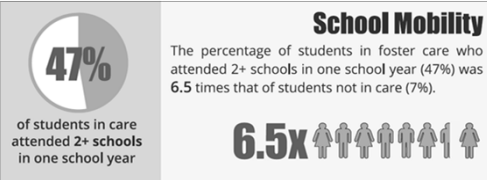
Texas Child Welfare Landscape in 2015



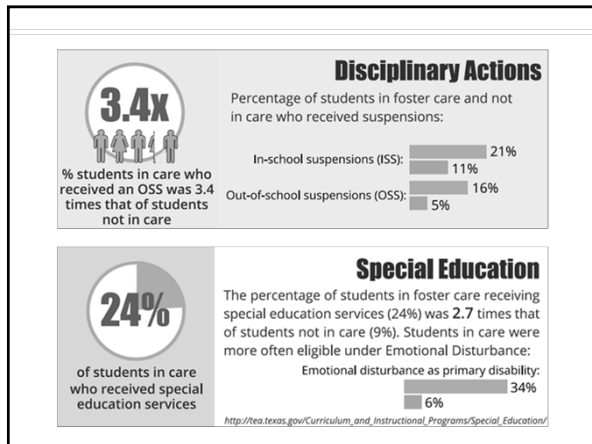
In Texas

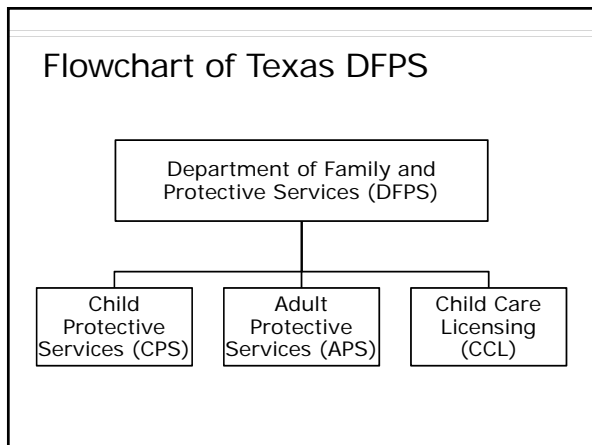


Source: Texas Commits to Transform Education Outcomes of Students in Foster Care: Findings from the Texas Blueprint Implementation Data Workgroup, November 2015



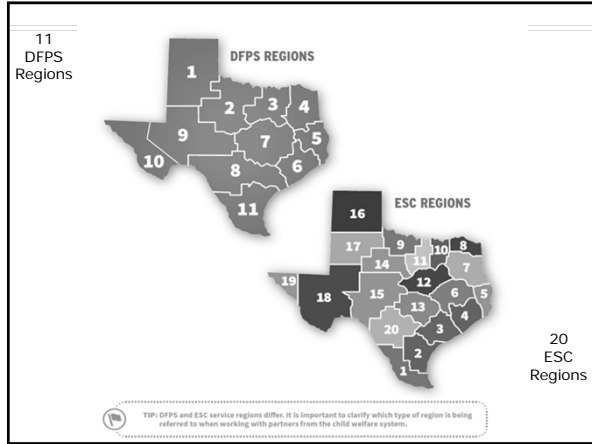
The Foundation High School Program replaces Minimum, Recommended, and Distinguished programs for students starting high school in 2014

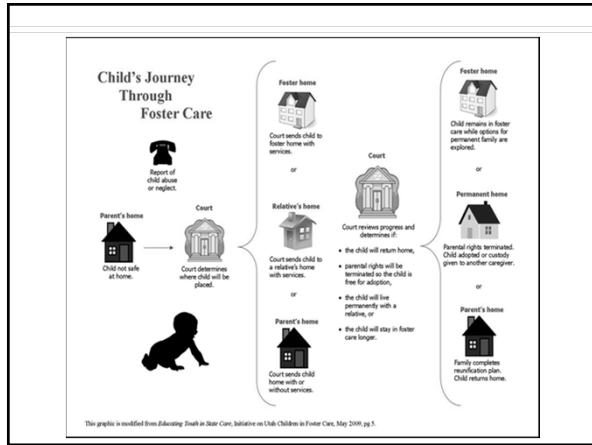




Background

- DFPS mission:
 - Protect children, the elderly, and people with disabilities from abuse, neglect, and exploitation by involving clients, families, and communities.
- CPS responsibilities include:
 - Investigating reports of abuse and neglect of children.
 - Providing services to children and families in their own homes;
 - Placing children in foster care;
 - Providing services to help youth in foster care make the transition to adulthood; and
 - Placing children in adoptive homes.





Types of CPS Child Abuse/Neglect Investigations

Physical Abuse
Sexual Abuse
Emotional Abuse
Abandonment
Medical Neglect
Physical Neglect
Neglectful Supervision
Refusal to Assume Parental Responsibility (RAPR)

Reporting in Texas Schools:

- The most common persons reporting abuse/ neglect (20%) for completed investigations are school staff. (DFPS 2015 Data Book)
- School personnel who report suspected instances of child abuse play a critical role in the early detection of child abuse.
- Because immediate investigation by CPS or law enforcement may save a child from repeated abuse, school personnel should not hesitate to report suspicious injuries or behavior. The duty is to report, not to investigate.

Contact **1-800-252-5400** or visit <https://www.txabusehotline.org>

Services for Families

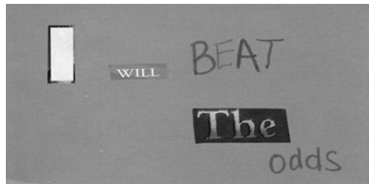
- Types of services provided to families in all case stages include:
 - Parenting education
 - Substance abuse assessment and treatment
 - Crisis intervention
 - Individual/Group/Family therapy
 - Child care
 - Psychological evaluations
 - Referrals to other types of treatment services

Substitute/Foster Care

- When it is not safe for children to live with their parents, CPS petitions the court to remove the children from their home.
- If child is placed out of the home, DFPS becomes the legal parent or takes "custody" or "conservatorship" of the child.
 - Under TFC 152.371 (10), non-parent managing conservatorship includes the right to make decisions regarding the child's education.
- Foster care is meant to be a temporary situation for a child until a permanent living arrangement can be obtained.

Placement

- Types of Placements
 - Relative or kinship
 - Foster family home
 - Foster group home
 - Residential treatment center
 - Emergency shelter
- Placements may change at any point during the time the child is in DFPS custody.



The Whirlwind of Out-of-Home Care

- Removed from home/parents/siblings
 - May not have had chance to say goodbye
 - Parents/siblings: Where are they? Are they ok?
- Living with strangers
 - In strange house/room/bed
 - Different customs/routine
 - Other children in home
- Few or none of your possessions
 - Uncertainty about future
 - Where will I live?
 - Will I return home?
 - Where will I go to school?

Court Timelines

Day	Required Hearings in DFPS Legal Cases
0	Ex parte or Emergency Hearing authorizing DFPS to take possession of child
14	Full Adversary/14-Day Hearing
60	Status Hearing
180	First Permanency Hearing Before Final Order
300	Second Permanency Hearing Before Final Order
300-365	Trial/Final Order, unless dismissal date extended
420	Third Permanency Hearing, if extended or monitored return to parent
365-545	If Extended, Trial/Final Order or Monitored Return to Parent
545+	Post-Final Order Efforts to Achieve Permanency – If the child is placed in the permanent managing conservatorship (PMC) of DFPS, periodic permanency hearings after final order are held at least every 180 days until the child finds a permanent home.

EDUCATION AND FOSTER CARE



The Importance of School Stability

- Fostering Connections Act of 2008, Public Law 110-351
- Texas school stability laws, TEC § 25.001(g)-(g-1)
- Every Student Succeeds Act, Public Law 114-95
 - Allows child to stay in school of origin, unless not in best interest
 - Written transportation plans
 - Immediate enrollment/prompt records transfer
 - State level foster care liaison
 - Student achievement data = school accountability

Who are the Adults Involved with Youth in Substitute Care?



Who Might be in Contact with School?

- DFPS Caseworker
- Designated caregiver
- Child's Attorney ad litem
- Child's Guardian ad litem
- DFPS Attorney
- DFPS Education Specialist
- Court Appointed Special Advocate

Education Decision-Maker (EDM)

- DFPS designates an Education Decision-Maker for students in DFPS Managing Conservatorship.
- This person is responsible for day to day education-related decisions.
- The student's caregiver is often identified as the EDM.
- If a student receives special education services, the Surrogate Parent is responsible for special education decisions. The EDM and Surrogate Parent are encouraged to work together.

See: TEA ,TAA Foster Care & Student Success September 2014: <http://tea.texas.gov/index4.aspx?id=25769817433>

DFPS Form 2085-E

DESIGNATION OF EDUCATION DECISION-MAKER
CHILD PROTECTIVE SERVICES (CPS) - FOSTER CARE

Purpose: DFPS must ensure that this form is provided to the court and the child's school under Texas Family Code §202.021 within ten days of the Advisory hearing. DFPS must inform the court of any change in the Education Decision-Maker or surrogate parent. If applicable, in the next permanency hearing report. DFPS must provide the updated information to the school no later than five days after any change in the Education Decision-Maker or surrogate parent, if applicable.

Directions: To complete this form, fill in all applicable fields. For additional questions, contact your Regional Education Specialist. DFPS staff may not appoint a surrogate parent. DFPS staff may only list the name of the surrogate parent appointed by the court or the school.

SECTION 1: AUTHORITY TO MAKE EDUCATION DECISIONS

The Texas Department of Family and Protective Services (DFPS) is authorized by court order as provided in the Texas Family Code §202.021, to make education decisions on behalf of the following child currently in the conservatorship of DFPS.

Child's Full Name: _____ Child's DFPS Direct Person ID: _____ Child's Medically Number: _____

Date of Birth: _____ Gender: _____ Court Number: _____ Cause Number: _____

DFPS delegates to the following individual(s) (hereinafter referred to as the Education Decision-Maker) the education decision-making responsibilities on behalf of the child as described in this form. **Under a representative of DFPS may be named as a primary and/or tiebreaker Education Decision-Maker.**

Designated primary Education Decision-Maker (and spouse, if applicable): _____ Date of designation: _____

Tiebreaker Education Decision-Maker: _____ Date of designation: _____

Surrogate Education Decision-Maker for special education decisions: _____ Designated by: _____
 Court School

Email: _____ Telephone Number(s): _____

Section: _____ Telephone Number(s): _____

SECTION 2: SPECIAL EDUCATION RIGHTS AND RESPONSIBILITIES - IF APPLICABLE

Parents and state may authorize the individual who is acting in the role of the child's parent or who is appointed by the school or the court to be the "surrogate parent" for the child to exercise the rights and responsibilities as outlined by the Individuals with Disabilities Education Act and state law. The individual is usually the foster parent or sibling caregiver, but may be a Court Appointed Special Advocate or other individual with knowledge of the child. In order to exercise special education rights, the child must be in the state special education system.

Texas Education Code § 25.007(b)(9)(A)-(G)

- School districts and open-enrollment charter schools must provide notice to child's EDM and caseworker about significant school events, including:
 - Requests/referrals for § 504 or Special Ed Services
 - Admission, Review, and Dismissal (ARD) meetings
 - Disciplinary actions requiring parental notice
 - Class C citations on school property/at school events
 - Reports of restraints and seclusion
 - Use of corporal punishment

Education Roles and Responsibilities

CPS	Caregiver	EDM
Accesses school records & creates and maintains education portfolio	Helps to maintain Education Portfolio	Accesses school records and education portfolio & helps to maintain Education Portfolio
Selects school	Takes care of the everyday needs of the child	May enroll child in school and/or provide school with 2085E form.
Receives notice of disciplinary action and special education (ARD) meetings	May have more duties if chosen to be the EDM or Surrogate Parent	Receives notice of disciplinary action and special education (ARD) meetings
Ensures opt-out of corporal punishment form is submitted if district allows corporal punishment		"Opts out" in writing of corporal punishment in school; obtains report cards and approves field trips. Determines (with the child if appropriate) course selection, etc.

Foster Parent and Surrogate Parent

- Under TEC § 29.015, a foster care can act as a Surrogate Parent if:
 - DFPS has TMC or PMC
 - The child is placed with the foster parent at least 60 days; and
 - The foster parent has no conflicts, agrees to make decisions on the child's behalf, and completes training program.
- Alternatively, the court can appoint a surrogate parent. Preferential consideration must be given to the foster parent under TFC §263.0025.

Different Decision-making Roles

- | | |
|---|---|
| <p><u>EDM</u></p> <ul style="list-style-type: none"> • For all kids in conservatorship • Noted on Form 2085-E • Will make day-to-day education decisions <ul style="list-style-type: none"> • Enrolls child • Extracurricular activities • Teacher conferences • Approves field trips • Determines course selection • Accesses school records and accesses/maintains education portfolio • Can be CPS staff, but most likely caregiver | <p><u>Surrogate Parent</u></p> <ul style="list-style-type: none"> • Only for students in conservatorship who are eligible for special education services • Noted on Form 2085-E, if known • May be appointed by ISD or the court • Preference to be given to child's caregiver • Can't be CPS or ISD staff • Can't be RTC staff • Participates in SPED meetings/decisions • Can be CASA |
|---|---|

Education Portfolio

- All students in DFPS Managing Conservatorship have an Education Portfolio
- What is it?
 - Green binder
 - Follows students in care from home to home
 - One place for all school records
- Caregivers and caseworker are responsible for updating the binder.
- What might DFPS want from schools to put in it?
 - Transcripts
 - Report cards
 - Test scores
 - IEPs



Confidentiality Concerns

- Children and youth in foster care may be affected by several federal confidentiality provisions including FERPA, HIPAA, IDEA, and CAPTA.
- The Uninterrupted Scholars Act (USA), Public Law 112-278:
 - Amended FERPA by allowing schools to disclose information with a child's caseworker without parental consent; and
 - Permits schools to disclose a student's records pursuant to a court order without additional notice.
 - Applies to IDEA Parts B and C.

Identifying Students in Foster Care

- Who needs to know? How much information should be shared?
- Finding the right approach to meet each student's needs
- Avoid labels.
- Encourage normalcy
- Respect privacy
- Decisions to share information should be made on a case by case basis
- PEIMS indicator code

Supporting Students in Transition

- Enrollment within three days, TFC § 264.115(a)
- Records transferred within 10 days, TEC § 25.007(b)(1)
- Credit by exam at any point in the school year, TAC § 74.24
- Proportional credit for one completed semester of a two semester course, TAC § 74.26
- Must accept special education referral from previous school, TEC § 25.007(b)(8)
- Use previous IEP until new one developed, 20 U.S.C. § 1414(d)(2)(C)(i)(I)

DFPS/CPS Education Specialists

- Work with stakeholders to improve educational outcomes for children and youth in conservatorship
- Ensure every child/student has the necessary resources to meet and exceed each child's educational goals and needs through representation and advocacy
- Primary resource and subject matter expert for caseworkers, schools, community stakeholders on foster care and education
- Participate in state and regional committees, workgroups, and local courts

Expanding Networks *Sharing Resources*

- **Department of Family and Protective Services**
 - State Office Education Program Specialist
 - Regional Educational Specialists
 - Developmental and Disability Specialists
- **Texas Education Agency**
 - State Office Foster Care Liaison
 - School District Foster Care Liaisons
- **Higher Education**
 - Texas Higher Education Coordinating Board Liaison
 - College Foster Care Champions

Expanding Networks

Sharing Resources



Building Statewide Consortiums
School District Liaisons
College Champions

Providing training as Surrogate Parents for parents with children receiving special education services

Providing Presentations on trauma-informed care

Educators

- Play a significant role in a student's overall education and school and experience overall, in how students perceive their abilities and aptitudes, and how their future educational opportunities.
- School is a place where a student spends the majority of their day and can be a refuge in the midst of many other unknowns and difficult circumstances.
- Foster alumni report that school is a place where students get to be free of their association with foster care and other negative stigmas. School is a place where students can be treated 'normal' and like all other students.
- Research demonstrates the importance of a trusted, caring adult and the positive impact that a mentor can have on at-risk students.

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Trauma-Informed Education Resources


- Trauma Sensitive Schools: <http://traumasensitiveschools.org/>
- Compassionate Schools: The Heart of Learning and Teaching: <http://www.k12.wa.us/compassionateschools/>
- The National Childhood Traumatic Stress Network:
 - Child Trauma Toolkit For Educators: <http://www.nctsn.org/resources/audiences/school-personnel/trauma-toolkit>
 - Resources for Schools: <http://www.nctsn.org/resources/audiences/school-personnel/resources-for-schools>
 - National Foster Care Awareness Month: <http://www.nctsn.org/resources/public-awareness/national-foster-care-month%20>
- Why Schools Need to Be Trauma Informed: [http://www.traumainformedcareproject.org/resources/WhySchoolsNeedToBeTraumaInformed\(2\).pdf](http://www.traumainformedcareproject.org/resources/WhySchoolsNeedToBeTraumaInformed(2).pdf)
- Schools promoting 'trauma-informed' teaching to reach troubled students: <http://edsources.org/2013/schools-focus-on-trauma-informed-to-reach-troubled-students/51619>

Tips for Working with DFPS

- Let DFPS caseworker know best method and time of communication, i.e. phone calls or email, best time to contact
- Talk to school personnel or gather requested records prior to meeting with DFPS
- DFPS caseworkers do want to know about educational and behavioral challenges a student in care faces, but also want to know the positive things about how the child is doing in school
- Patience is necessary. Unfortunately, DFPS caseworkers have a lot of responsibilities and may not be able to get back to you immediately


Postsecondary Opportunities

- Tuition Fee Waiver – Qualifying students formerly in foster care exempt from payment of tuition and fees, including for dual credit courses, at public PSE institutions, see TFC § 54.366
- Education Training Voucher – Under federal law, eligible youth entitled to up to \$5,000/year to cover education-related expenses, 42 USC § 677
- Transitional Living Services programs available to youth ages 12 to 23
- Preparation for Adult Living and Circles of Support



http://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/

<https://www.dfps.state.tx.us/tyouth/Default.asp>



EDUCATION Reach for TEXANS

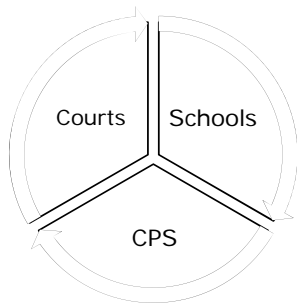
<http://www.educationreachfortexans.org/>

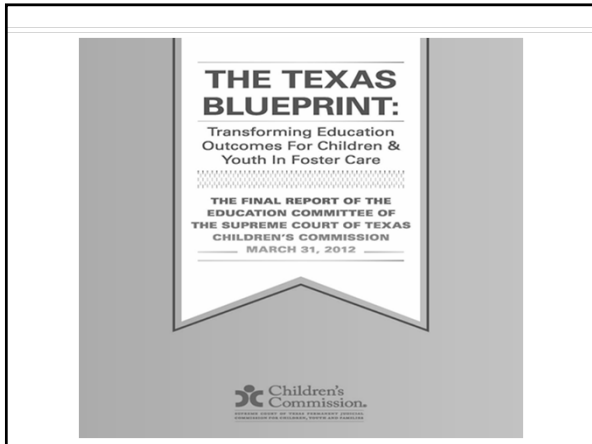
STATEWIDE EFFORTS

Children's Commission Education Committee

- Created in 2010 to address education outcomes for students in foster care.
- Over 100 state, regional, and local stakeholders were organized into 4 sub-committees and met over an 18-month period.
- Included: Judges, Attorneys, TEA, DFPS, TASB, TASA, Local CASA programs, foster parents, school staff (teachers, principals, counselors, front desks, registrars, school boards, foster care liaisons!), higher education institutions, foster parents, and youth formerly in care.

The State as Parent = These Children are "Our" Responsibility





FOSTER CARE & STUDENT SUCCESS:
Texas Systems Working Together to Transform Education Outcomes of Students in Foster Care

PRODUCED BY TEA TEXAS EDUCATION AGENCY

Children's Commission

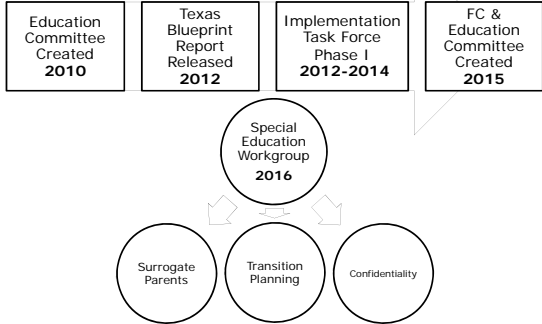
- Comprehensive resource and training guide, released in October 2013; Co-written with TEA, DFPS, and Children's Commission.
- Research based: Codifies foster care education practice, policy, laws and resources in one central location.
- Foundational resource for education community, foster care liaisons, and all who support the education of students in foster care.
- Guidebook provides foundation for district training and development on foster care and education.

PIERCE ADVOCATE SERIES

Texas CASA Educational Advocacy Toolkit:
<http://texascasa.org/learning-center/resources/educational-advocacy-toolkit/>

EDUCATIONAL ADVOCACY TOOLKIT

Next Steps



Foster Care | USDE Guidance

- USDE and Health and Human Services (HHS) Letter to Chief State School Officers and Child Welfare Directors on Implementing the Fostering Connections Act, May 30, 2014 - <http://www2.ed.gov/about/inits/ed/foster-care/fostering-connections-letter.doc>
- Letter to Chief State School Officers on Guidance on the Amendments to FERPA by the USA 2013, May 27, 2014 - <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/uninterrupted-scholars-act-guidance.pdf>
- USDE New Foster Care and Education website - <http://www2.ed.gov/about/inits/ed/foster-care/index.html>
- National Resource Center for Permanency and Family Connections website - <http://www.nrcpfc.org/is/education-and-child-welfare.html>
- USDE Education Blog - "Foster Care Alum: Educators Make a Difference for Foster Youth" - <http://www.ed.gov/blog/2014/06/foster-care-alum-educators-make-a-difference-for-foster-youth/>
- USDE guidance on Uninterrupted Scholars Act: <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html>
- Joint Letter from the U.S. Department of Education and the Department of Health and Human Services addressing the Uninterrupted Scholars Act: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/uninterrupted-scholars-act-guidance.pdf>



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*Committed to Transforming the Education
Outcomes of Students in Foster Care!*

**THANK YOU FOR JOINING
TODAY'S PRESENTATION!**