

CHILD WELFARE MANUAL

Section 4, Chapter 4 (Working with Children), Subsection 2 - Educational Stability

Effective Date: 7-2-2021

This subsection focuses on educational stability for students in foster care, including collaborations with local school districts, school placement decisions, transportation planning, school transfers, and education record maintenance.

The Family Support Team (FST) shall discuss the child's educational performance including special education needs and services, academic progress, truancy, absenteeism, behavior, and delinquency issues. The Family Support Team shall identify and ensure appropriate interventions are in place to address the child's educational and behavioral needs in effort to improve the child's academic performance and educational stability.

When necessary, the Family Support Team should invite appropriate school personnel to the FST meeting to determine the most appropriate interventions and/or alternative education options available to assist the child in maximizing his/her academic potential. All efforts shall be documented on the Child Assessment and Service Plan (CS-1), and the Adolescent FST Guide (CD-94).

When necessary, the Family Support Team should invite appropriate school personnel to the FST meeting to determine the most appropriate interventions and/or alternative education options available to assist the child in maximizing his/her academic potential. Any new needs identified shall be documented in the Social Service Plan Child Section, along with the plan to address those needs, who will be involved to help meet those needs and next steps. These needs and progress toward meeting those needs shall be continually reassessed through the life of the case. Efforts shall also be documented on the Child Assessment and Service Plan (CS-1), and if 14 or older, the Adolescent FST Guide (CD-94).

Educational stability should be a priority when assessing the child's placement needs and making placement decisions. The Fostering Connections to Success and Increasing Adoptions Act of 2008 and the Child and Family Services Improvement and Innovation Act (2011) require state child welfare agencies to coordinate with schools to improve educational stability for children in foster care. The companion federal education law, the Every Student Succeeds Act (ESSA, 2015), requires educational agencies to collaborate with child welfare agencies to ensure the educational stability of children in foster care. Child welfare and educational agencies now have shared responsibility to work together to ensure children in foster care remain in their school of origin, if remaining in the same educational setting is determined to be in the child's best interest.

NOTE: School of origin is defined as the specific school building within a district the child attended when he/she was placed in out-of-home care, or the child's current school of enrollment at the time of any subsequent placement change.

4.2.1 School Placement

When a child's placement in foster care, or any subsequent move thereafter, would normally result in a transfer outside the child's school of origin, ESSA requires the school to collaborate with Children's Division in a best interest determination (BID) process to determine which school placement is in the child's best interest. The BID process is initiated by the school and includes participants essential to the child's educational and case planning. Because Children's Division must evaluate the child's educational stability, the

BID process is best coordinated with the child's 72-hr FSTM upon initial removal, or Placement Stability FSTMs upon subsequent moves, since the FSTMs and the BID process include many of the same participants. Therefore, it is imperative staff notify the child's school immediately when the child's initial or subsequent foster care placements may impact their current educational setting to ensure educational stability.

DESE uses a BID guidance form to lead participants through a thoughtful discussion about the child's school placement, taking into consideration a number of factors that could influence the school placement decision. Children's Division and DESE have agreed that should the best interest determination process result in a lack of consensus, the child's Family Support Team will make the final decision on school placement.

The educational stability mandates, school of origin definition, and best interest determination process also apply to a child enrolled in a school district's public preschool education program.

4.2.2 Transportation

The Every Student Succeeds Act (ESSA) requires local educational agencies (LEAs) to collaborate with local child welfare agencies to ensure transportation for children in foster care is provided, arranged, and funded for the duration of a child's time in foster care. ESSA further provides that LEAs must ensure:

- Children in foster care needing transportation to their school of origin will promptly receive that transportation in a cost-effective manner; and
- If there are additional costs incurred in providing transportation to the school of origin, the LEA will provide such transportation if (1) the local child welfare agency agrees to reimburse the LEA for the cost of such transportation; (2) the LEA agrees to pay for the cost; or (3) the LEA and local child welfare agency agree to share the cost.

The Department of Elementary and Secondary Education (DESE) provides options for the team to consider. This is not an exhaustive list of options; LEAs and local child welfare agencies should explore all possible options:

- An existing bus route can be used.
- An existing bus route can be modified slightly to accommodate the new address.
- Specialized transportation offered to other students can be accessed, such as:
 - Special Education
 - Alternative education
 - Magnet School
 - McKinney-Vento transportation
- Existing specialized transportation can be modified slightly to accommodate the new address.
- The school district has additional options that could be accessed, such as using a district car.
- The school district may identify alternatives not provided by the school district that the Children's Division could access or that the school district would be willing to assist in accessing. This may include the district facilitating arrangements or providing transportation (e.g. cabs or other contracted transport) and receiving reimbursement.
- Children's Division can explore options outside of those provided by the district, such as reimbursing the resource parent for transportation costs, or including transport in contracts with licensed residential treatment facilities.

NOTE: If the student has an IEP that includes provisions for specialized transportation, transportation must be provided by the school district responsible for the student's Free Appropriate Public Education (FAPE).

Based on the location of the resource home, some of the options above may not create additional costs to the school district. Other options may and, therefore, LEAs and local child welfare agencies must coordinate to explore all options and develop plans for providing and funding transportation for children to remain in their school of origin, if determined to be in the child's best interest.

If the BID results in the child remaining in the school of origin, and the transportation plan creates an additional cost to the school district **and** the two agencies agree to share the cost, the financial Memorandum of Understanding (MOU) and related Attachment A should be executed. The MOU outlines the responsibilities of CD/FCCM and the school district around invoicing and reimbursement processes for additional transportation costs incurred pursuant to ESSA. The MOU is standardized and approved by the Division of Legal Services and the Division of Financial Administrative Services (DFAS), and therefore, may not be altered. Executing this MOU with a school district involves the following steps:

An MOU should be executed with a school district only once a transportation cost-sharing agreement is negotiated for a child to maintain him/her in the school of origin, pursuant to ESSA. This will limit the number of MOUs to only those with a business need identified.

The MOU and Attachment A can be accessed via:

- Intranet " Programs " FCOOHC
- Intranet " Employee Tools A-Z

Only one MOU is needed for each school district, regardless of which circuit executed it.

When a BID process results in a negotiated cost-sharing agreement between CD/FCCM and the school district, the MOU should be presented to the district and signed by a district designee (Authorized Signature of the School District) and the Circuit Manager or authorized designee (Approval Signature for the Children's Division). The Authorized Signature for the Department will be obtained by the DFAS Procurement Unit. It is important that this signature line is left blank.

NOTE: Contracted staff – once an MOU is signed by the school district – will submit the MOU to the local CD office for the Circuit Manager's signature. Children's Division will then submit the MOU to Central Office as described below.

Prior to entering into an MOU with a school district, please check the Procurement Unit's Contract Reports site to see if an MOU with that school district has already been executed and is in effect:

- Procurement Unit Contract Reports site
- Search for MOU by title – "School Transportation Reimbursement" -utilizing the drop down menu.
- All approved and executed MOUs will be listed by school district.

If an MOU has already been established with the school district, staff may work directly with the schools involved to complete and obtain signatures on the ESSA Individual Student Transportation Plan form (Attachment A). Reimbursement to school districts cannot occur without the MOU in effect.

- The original signed MOU should be sent to Central Office so it can be logged and forwarded to DFAS Procurement Unit for finalization, posting to SharePoint, and record retention.
- The Attachment A – Individual Student Transportation Plan is completed to document the child-specific transportation plan and cost-sharing agreement negotiated between the two agencies. The original is maintained in the child's case record.

Invoices / Reimbursement Process to School Districts:

The school district must be an Unclassified (UN) Vendor.

- The county office will assign the district a DVN locally, if not already completed.

NOTE: Please use the official school district name as listed on the DESE Missouri School Directory Interactive Map – use the Search by County tool to the right of the page.

- Send a UN SS-60 form along with tax documentation to DFAS FACES Payment Unit for approval and entry into FACES.

The school district shall invoice CD/FCCM as outlined in Section 4.4 of the MOU.

The county office will ensure all required elements for invoicing outlined in the MOU are documented on the invoice prior to payment.

The invoice will be paid on a Payment Request (PR) through FACES:

- Program Area: AC
- Vendor Type: UN
- Service Code: TRED (NA)
- Service Dates: Per day, enter round trip mileage
- Unit Rate: Total number of miles (CD's cost per mile, as negotiated)
- Comments: "Payment is made pursuant to ESSA – see attached agreement"

Attach the invoice and a copy of the child's completed and signed Attachment A – Individual Student Transportation Plan and send to the FACES Payment Unit.

Reimbursement to Resource Provider:

If the decision is made for the resource parent to provide the transportation for the child to remain in his/her school of origin, and the school district cannot or will not reimburse, mileage reimbursement will be made to the resource parent. All resource parents may receive reimbursement at the current state mileage rate for each mile traveled to and from the child's school of origin for the day. Level B resource parents also may be fully reimbursed for transporting the child to his/her school of origin, disregarding the mandatory 200-mile deduction. Resource parents, however, are not paid mileage for their commute to or from their place of employment. When transporting youth to or from their school of origin involves a shared route with the resource parent's commute to work, only the additional mileage incurred transporting the child to the school of origin may be claimed and reimbursed. Full mileage will be reimbursed if the resource parent did not report to work the day being claimed.

Mileage will be reimbursed by completing a Payment Request in FACES using the service code TRED. The resource provider will complete the Travel Expense Log (CD-106) and submit it to the local CD staff for approval within thirty (30) days from the end of the month in which the expenses were incurred.

4.2.3 School Transfer/Immediate Enrollment

When remaining in the school of origin is determined not to be in the best interest of the child, the basis for this determination and the individuals involved in making the determination shall be documented in the case record. The resource provider/Children's Division staff should enroll the child in their new school immediately to minimize disruption to their education. Staff should provide the school liaison the Educational Enrollment Letter (CD-179) identifying the child's case manager, placement provider, educational decision maker, educational surrogate, and the domicile district.

- Educational Decision Maker: Rights and responsibilities of a parent including enrollment, course selection, determining participation in special programs or extracurricular activities, receive report cards and other school correspondence, etc. The child's case manager may act in this role on a temporary basis, but the child's current placement provider is the most appropriate individual to serve in this capacity.

- **Educational Surrogate:** Acts in the role of a parent for a student with a disability whenever decisions are being made about the student's educational placement and programs. A resource parent can make these decisions as part of being the child's Educational Decision Maker, but children living in a congregate care setting do not have an identified parent/caretaker and must be appointed an Educational Surrogate. Section 162.999.1, RSMo prohibits the Educational Surrogate from having a conflict of interest with the child represented and prohibits the Children's Division from serving in this role for any child in CD custody. An Educational Surrogate appointment can be requested from DESE who trains and contracts with impartial individuals around the state.
- **Domicile District:** The school district in which the student would have been educated if the student had not been placed in a different school district by the Children's Division. DESE interpretation of the law presumes the school district where the student would have attended is where the student's parent or legal guardian lives. The educating school district is permitted by Section 167.126, RSMo to back bill the domicile district for the cost of educating the child. This cost recovery is allowed as long as at least one parent maintains parental rights to the child.

The Foster Care Education Bill of Rights of 2009 (Sections 167.018, 167.019 RSMo) promotes educational stability for children in foster care by requiring child-placing agencies to consider school of origin when making placement decision. The Bill of Rights also outlines mandates for school districts around enrollment procedures, credit transfer, graduation requirements, and school records access. The Foster Care Education Bill of Rights:

- Requires school districts to designate a staff person as the educational liaison for foster children. The liaison shall do the following in an advisory capacity:
 - Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children
 - Assist foster care pupils when transferring schools by ensuring proper transfer of credits, records, and grades
 - Request school records within two business days of placement of a foster child in a school, and
 - Submit records of a foster child within three business days of receiving a request for school records.
- Requires child-placing agencies to promote educational stability by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes or to return to a previously attended school in an adjacent district.
- Provides that each school district shall accept for full or partial credit course work satisfactorily completed by a pupil attending public school, nonpublic school, or nonsectarian school in accordance with district policies or regulations.
- Ensures if a pupil completes graduation requirements of his or her school of residence while under juvenile court jurisdiction, the district of residence shall issue a diploma to the pupil.
- Prohibits school districts from lowering the grades of a foster child if the child is absent from school due to a change in placement, court appearance, or court-ordered activity. Grades and credits shall be calculated as of the date the pupil left school.
- Authorizes school districts to permit access of a pupil's school records to any child-placing agency for the purpose of fulfilling educational case management responsibilities.

4.2.4 Education Records

Maintaining education records as part of the child's case file promotes educational stability and continuity. Having records readily accessible can ensure prompt enrollment into a new school, proper credit transfer and course scheduling, and uninterrupted special accommodations through an IEP or 504 plan. With access to historical and current education records, staff and other Team members are better positioned to make decisions regarding a child's school placement, need for a special education evaluation, or other interventions and supports. Additionally, education records must be included in the youth's exit packet provided upon release from care.

Education information is assessed and documented in the FACES Education Information screen, as well as the Child Assessment and Service Plan (CS-1). Staff are required to include in a child's case file the following:

- Name and address of current education provider
- Child's current grade level performance (Report Card)
- Child's school record, including:
 - Progress reports
 - Standardized education assessments
 - Personal plan of study/education plan
 - Conduct and disciplinary reports
 - Transcripts
 - Certificates and awards
 - School picture and school work for each school year
 - Special education records, including:
 - Special education assessments/evaluations for an IEP or 504 plan, including other performance-based or cognitive and behavioral functioning tests conducted as part of the evaluation
 - IEP or 504 plan
 - Service provider/special accommodation reports (occupational therapy, speech/language, etc.)
 - Post-secondary transition assessments and plan

4.2.5 Free Nutritional Food Access

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, provides categorical eligibility for free school meals for students in foster care. The Act certifies students in foster care as categorically eligible for free school meals without submission of a free and reduced-price household application. The Children's Division will need to provide the school, or other institution administering a USDA child nutrition program, documentation indicating the child is in foster care and is in the legal custody of Children's Division.

The Educational Enrollment Letter (CD-179) can be used as documentation to certify a foster child categorically eligible for free school meals without submission of a free and reduced-price household application.

Related Practice Alerts and Memos:

8-6-19 – **PP19 CM-02 – Collaboration with Schools to Support Foster Care Students**
 (<https://dssmanuals.mo.gov/wp-content/uploads/2019/08/pp19-cm-02.pdf>)