CHILD WELFARE MANUAL

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

Effective Date: 11-7-2023

4.2.1 Legislative Basis

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;* the *Child and Family Services Improvement and Innovation Act* (2011); and the *Every Student Succeeds Act* (ESSA, 2015) requires state child welfare agencies and educational agencies to coordinate to improve educational stability for children in foster care.

Child welfare and educational agencies have a 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.

Missouri Revised Statutes Title XI Education and Libraries, **Chapter 167 (https://revisor.mo.gov/main/OneChapter.aspx?chapter=167)** Pupils and Special Services includes, but is not limited to, laws governing compulsory attendance, registration, home school, and special services. Section **167.018 RSMo (https://revisor.mo.gov/main/OneSection.aspx?section=167.018)** establishes the Foster Care Education Bill of Rights which requires districts to designate an educational liaison for children in foster care. The liaison serves in an advisory capacity for issues related to things such as: school enrollment, transfers between school and of credits, and facilitating records requests.

4.2.2 Definitions

School of Origin (SOO)
The specific school building within a district where the child attended preschool or K-12 school prior to being placed in out-of-home care, or the child's current school of enrollment at the time of any subsequent placement change.

Local Education Agency (LEA)
The public school district.

Point of Contact (POC)
The contact person at that school district that schedules and facilitates Best Interest Determination (BID) meetings. This individual also assists with enrollment and transferring of records to new schools. The POC may also be referred to as the school district's Foster Care Liaison or Educational Liaison.

Best Interest Determination Meeting (BID Meeting)
A BID meeting is a meeting to determine the best plan for the student's educational stability when there is potential for a school change. This meeting is set up by the school of origin in collaboration with Children's Division.

Educational Decision Maker
A person who has the rights and responsibilities of a parent, including enrollment, course selection, determining participation in special programs or extracurricular activities, receiving report cards and other school correspondence, etc. The child's case manager may act in this role on a temporary basis, however, a child's current placement provider is the most appropriate individual to serve in this capacity as a child's case manager is not a permanent option to be an Educational Decision Maker.

Educational Surrogate
An educational surrogate is an impartial individual who fills the role of parent for a student with a disability whenever decisions are being made about the student's educational placement and individualized education program (IEP) when there is no natural parent or other adult authorized to make educational decisions on behalf of the student.
IEP teams determine the appropriate educational program for students with disabilities. Parents of students with disabilities are important IEP team members. Sometimes, for various reasons, there is no one to fill the role of a parent at IEP team meetings. An educational surrogate is needed when:

- The student has no identified parent, OR
- The parents cannot be located, AND
- The student is a ward of the state and is living in a facility or group home and not with a person acting as a parent, OR the student is an unaccompanied homeless youth.

For additional information about when an appointed Educational Surrogate is needed refer to DESE's **Educational Surrogate Decision Making Flowchart (https://dese.mo.gov/media/pdf/educational-surrogate-decision-making-flowchart-71417)**.

4.2.3 Best Interest Determination (BID) Process

Schools are required to collaborate with Children's Division, using the Best Interest Determination (BID) process, when a child's initial entry into foster care, or any placement change while in foster care, would result in a transfer outside the child's school of origin.
The Department of Elementary and Secondary Education (DESE) has created a **BID Checklist and Flow Chart (https://dese.mo.gov/media/pdf/foster-care-flowchartpdf)** outlining the responsibilities of school districts and the Children's Division.

Within one school day of the child's entry into foster care, the Children's Division should notify the child's school of origin utilizing the CD-179 Education Letter. Letters should be sent via email to the **LEA Point of Contact (https://dese.mo.gov/media/pdf/school-district-foster-care-liaisons-0)** (POC).

Upon receiving the CD-179, the school of origin POC will take steps to initiate a BID meeting, if applicable. Meetings should be held within 3 – 10 school days following notification. The school of origin POC will complete the **Best Interest Determination Placement Form (https://dese.mo.gov/media/pdf/best-interest-determination-form-foster-care-school-placement)** to document the decision. At minimum, the school of origin and Children's Division personnel must attend

the BID meeting. Other individuals from the Family Support Team should be included when possible, but meetings should not be delayed due to the unavailability of other members of the Family Support Team.

This meeting is to determine which educational setting is in the child's best interests. Factors to consider include, but are not limited to:

- Which school the student prefers and why
- Number of schools the child has attended
- Any safety considerations related to school placement
- Social connections in the current school (friends, sports, clubs)
- Impact on graduation, if applicable
- Any special services required for the child

Effective August 28, 2023, pursuant to Section **167.019.1(2) RSMo (https://revisor.mo.gov/main/OneSection.aspx?section=167.019)**, if the BID process is not completed within ten (10) days of a placement resulting in a change of school, the school associated with the new placement shall be deemed as in the child's best interest. This provision applies only to situations where the distance between the school of origin and the new placement is more than ten (10) miles, or fifteen (15) miles if the child receives services from a special school district.

Note: If the child's entry into care or placement change does NOT result in a change of school then no BID meeting is needed as their educational stability is not in jeopardy of disruption.

4.2.4 Best Interests Determination (BID)Meeting Outcomes

Outcomes of a BID meeting include the following:

A. The child remains in their school of origin. When the BID decision is that the child is best served by remaining in their school of origin, a joint plan will be developed to provide and fund transportation within five (5) school days of the BID meeting. The LEA and CD will arrange interim transportation until a permanent plan is in place.
OR

B. The child will transfer to a new school. When the BID decision is that the child is best served by transferring to the school in their new community, the placement provider will begin the enrollment process. Children's Division will send the CD-179 to the new school. The school of origin will prepare the educational records for transfer.

4.2.5 Transportation

The *Every Student Succeeds Act (ESSA)* requires local educational agencies (LEA) 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 the LEA 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) Children' Division 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 Children's Division agree to share the cost.

The LEA and Children's Division should explore all possible transportation options, some of which may include:

- Existing bus routes that can be accessed or slightly modified.
- Existing specialized transportation offered to other students that can be accessed or slightly modified.
- The school district has additional options that could be accessed, such as using a district car.
- Use of public transportation, cab/Uber/Lyft services, or other contracted transport.
- Reimbursement to the placement provider 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).

Funding Transportation

When the BID meeting results in the child remaining in their school of origin; the transportation plan creates an additional cost to the school district and the school of origin; and the Children's Division agrees to share the cost, the financial **Memorandum of Understanding (https://dssintranet.mo.gov/dss-childrens-division/wp-content/uploads/sites/4/2019/11/MOU%E2%80%93SchoolTransportationReimbursementM00539.pdf)** and related **Attachment A (https://dssintranet.mo.gov/dss-childrens-division/wp-content/uploads/sites/4/2019/11/IndividualStudentTransportationPlan-Attachment-A-1.docx)** should be executed.

The MOU outlines the responsibilities of the Children's Division and the school district around invoicing and reimbursement processes. The MOU is standardized and approved by the Division of Legal Services (DLS) and the Division of Finance and Administrative Services (DFAS) and therefore, may not be altered. The MOU only applies to transportation of children in foster care.

Executing the MOU

Determine if a MOU is already in effect via the Procurement Unit's Contract Reports site **MOU List by Title (https://srsprodenta.state.mo.us/ReportServer_OAENTERPRISE/Pages/ReportViewer.aspx?%2FDSS%20Contracts%2FContract%20Reports%2FMOU%27s%20and%20MOA%27s%2FMOU%20List%20by%20Title&rc:showbackbutton=true)** . Only one MOU is needed for each school district, regardless of which circuit executed it. Use the drop down menu to select "School Transportation Reimbursement" then click view report.

1.If needed, staff may email the Procurement Unit to obtain a copy of the approved MOU **CD.Fiscal@dss.mo.gov (mailto:CD.Fiscal@dss.mo.gov)**.

2. If an MOU for the school district is not in effect, the **MOU (https://dssintranet.mo.gov/dss-childrens-division/wp-content/uploads/sites/4/2019/11/MOU%E2%80%93SchoolTransportationReimbursementM00539.pdf)** should be presented to the school

district for their signature. The MOU is then sent to **CD.Fiscal@dss.mo.gov (mailto:CD.Fiscal@dss.mo.gov)** where the CD fiscal liaison will sign as the "Authorized Signature for the Children's Division". The fiscal liaison will then work with the DFAS Procurement Unit to obtain the Department of Social Services approval and signature. The MOU does not have to be sent to the Division of Legal Services for review as the template version is already approved and shall not be altered.

3. Upon approval of the MOU or verification of current approved MOU, staff can work directly with the school of origin to develop a transportation plan using the Individual Student Transportation Plan **Attachment A (https://dssintranet.mo.gov/dss-childrens-division/wp-content/uploads/sites/4/2019/11/IndividualStudentTransportationPlan-Attachment-A-1.docx)**. Circuit Managers/FCCM designee may sign the Attachment A as the "Authorized Signature for the Children's Division". Reimbursement to school districts cannot occur without the MOU in effect.

Reimbursement to School Districts

In order for the school districts to be reimbursed for transportation, the following steps must be completed.

1. The school district must be an Unclassified (UN) Vendor.
   - The circuit will assign the district a DVN if one does not already exist. Use the official school district name as listed on the ***Missouri Public School Directory (https://mogov.maps.arcgis.com/apps/webappviewer/index.html?id=42394a81012c4737a705d8e943b6fda5)*** .
   - Send a UN SS-60 form along with tax documentation to **DFAS.FacesPaymentUnit@dss.mo.gov (mailto:DFAS.FacesPaymentUnit@dss.mo.gov)** for approval and entry into FACES.
2. The school District shall invoice CD/FCCM as outlined in Section 4.4 of the MOU.
3. The circuit should ensure all required elements outlined in the MOU are documented on the invoice. The reimbursement request is submitted on a Payment Request through FACES:

Program Area	AC
Vendor Type	UN
Service Code	TRED
Service Dates	Per day, enter round trip mileage
Unit Rate	Total # of miles (cost per miles as negotiated)
Comments	"Payment is made pursuant to ESSA. See attached MOU and Agreement"

4. Send the invoice and the signed MOU to: **DFAS.FacesPaymentUnit@dss.mo.gov (mailto:DFAS.FacesPaymentUnit@dss.mo.gov)**

Reimbursement to Resource Providers

If it is decided that the placement provider will provide transportation to the school of origin and the school district cannot or will not reimburse the resource parent's mileage, reimbursement will be made by Children's Division.

Mileage will be reimbursed at the current state mileage rate for each mile traveled to and from the child's school of origin. Level B resource parents may also be fully reimbursed for transporting the child to their school of origin; the 200-mile deduction will not apply.

When transporting youth to or from their school of origin involves a shared route with the placement provider's commute to work, only the additional mileage incurred while transporting the child to the school of origin may be claimed and reimbursed.

The Placement provider should complete the Travel Expense Log (CD-106) and submit it to the local Children's Division staff for approval within thirty (30) days from the end of the month in which the expenses were incurred. The reimbursement request is submitted through a Payment Request in FACES using the service code TRED.

4.2.6 Role of the Family Support Team

The Family Support Team (FST) should discuss the child's educational performance including but not limited to: special education needs and services, academic grades, graduation readiness, attendance, and school based behavioral issues. This conversation should begin at the 72 hour FST meeting and continue during every meeting thereafter.

The Family Support Team shall identify and ensure appropriate interventions are in place to address the child's educational and behavioral needs in an 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 meetings.

When a child has been precluded from returning to public school because of the *Safe Schools Act* pursuant to Section 167.171 RSMo, the Family Support Team shall convene a meeting with the appropriate school personnel to determine if there are alternative educational options available to the child. If the child is placed in an acute hospital setting, Children's Division should collaborate with the hospital and school to ensure educational services are provided to the youth during that time as appropriate.

4.2.7 School Transfer/ Enrollment

The *Foster Care Education Bill of Rights* of 2009 (Sections 167.018, 167.019 RSMo) outlines mandates for school districts around enrollment procedures, credit transfer, graduation requirements, and school records access. Mandates include but are not limited to:

- Requires school districts to designate a staff person as the educational liaison for foster children. The **LEA Point of Contact (https://dese.mo.gov/media/pdf/school-district-foster-care-liaisons-0)** shall assist with the following in an advisory capacity; the case manager may also work directly with school staff to meet the child's needs in a timely manner:
    - Assist students when transferring schools by ensuring proper transfer of credits, records, and grades.
    - Request school records within two business days of the child's placement in a new school.
    - Submit the child's records within three business days of receiving a request for school records.
- Allows the student to remain enrolled in and attend their school of origin pending resolution of school placement disputes or to return to a previously attended school in an adjacent district.
- Requires school districts to accept for full or partial credit for course work satisfactorily completed while attending public school, nonpublic school, or nonsectarian school in accordance with district policies or regulations.
- Ensures if the student completes graduation requirements of their school of residence while under juvenile court jurisdiction, the district of residence shall honor those requirements and issue a diploma to the student.
- Prohibits school districts from lowering the grades of a child in foster care 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 student left school.
- Authorizes school districts to give Children's Division access to the student's records for the purpose of fulfilling educational case management responsibilities.

4.2.8 Documentation Requirements

School and educational information, including the BID meeting and transportation decisions, should be entered in the "Education Information" screen in FACES. Additionally, specific educational needs, services, and plans should be documented in the Social Service Plan Child Section; the Child Assessment and Service Plan (CS-1), and if 14 or older, in the Adolescent FST Guide (CD-94). Educational needs and progress toward meeting those needs should be continually reassessed through the life of the case.

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.

The child's electronic case record should include:

- Name and address of current education provider
- Child's current grade level performance (Report Card)
- Child's school record, including progress reports
- Educational assessments
- Conduct and disciplinary reports
- Special education records, including:
    - Documents related to IEP or 504 plans
    - Occupational therapy, speech/language services, etc.

4.2.9 Free Nutritional Food Access

The *Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296*, certifies students in foster care as categorically eligible for free school meals without submission of a free and reduced-price household application.

Children's Division may provide the school, or other institution administering a USDA child nutrition program, the Educational Enrollment Letter (CD-179) to verify the child's eligibility.

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)**

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