



Fostering Success:

Protecting the Education Rights of Youth in Foster Care



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Education Rights Project advocates to ensure that Nashville's children with disabilities get a quality education, graduate from high school, & avoid contact with the juvenile court system.





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Our Team



Agenda

- Foster Care
- School Stability
 - BID Meetings
- Special Education
 - Educational Decision Makers
 - Exclusionary Discipline
 - Manifestation Determination Reviews
- Improving Educational Outcomes for Youth in Foster Care
- Questions

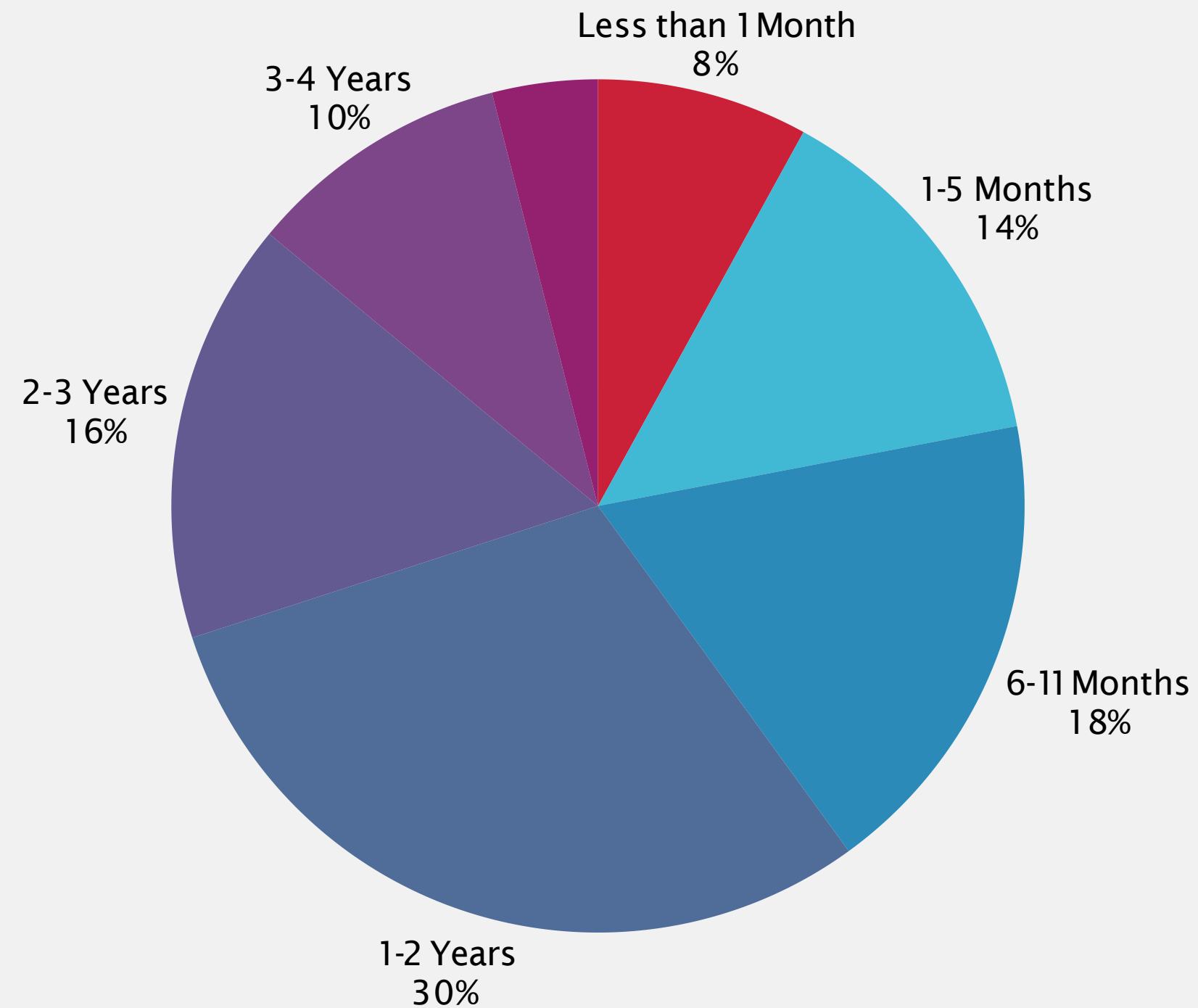




According to the U.S. Department of Health & Human Services: Children's Bureau in 2021, there were an estimated 391,098 children¹ in foster care in the U.S.

About 66% of the youth were school-aged.

Length of Time in Foster Care²



School Stability

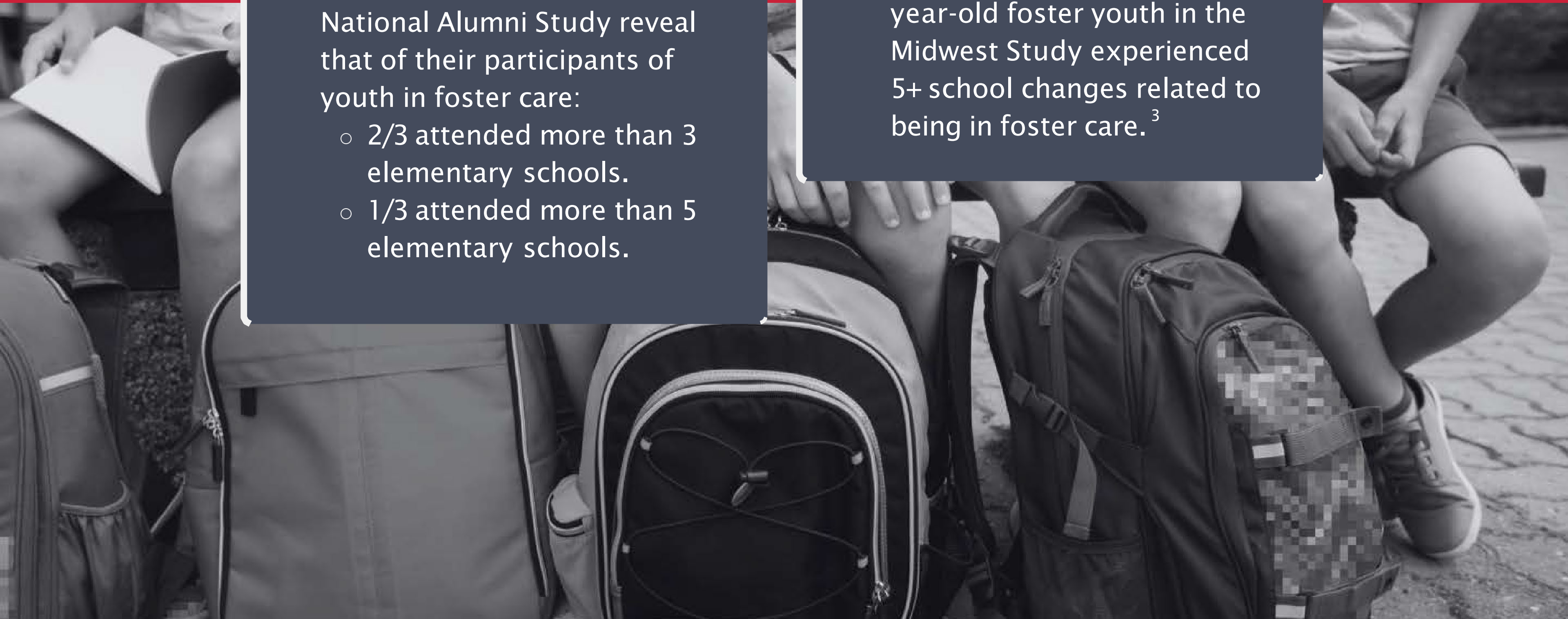


Promoting educational stability for students in foster care is essential to minimizing instructional disruptions, preserving critical peer & adult relationships, & supporting progress toward high school graduation.

School Stability

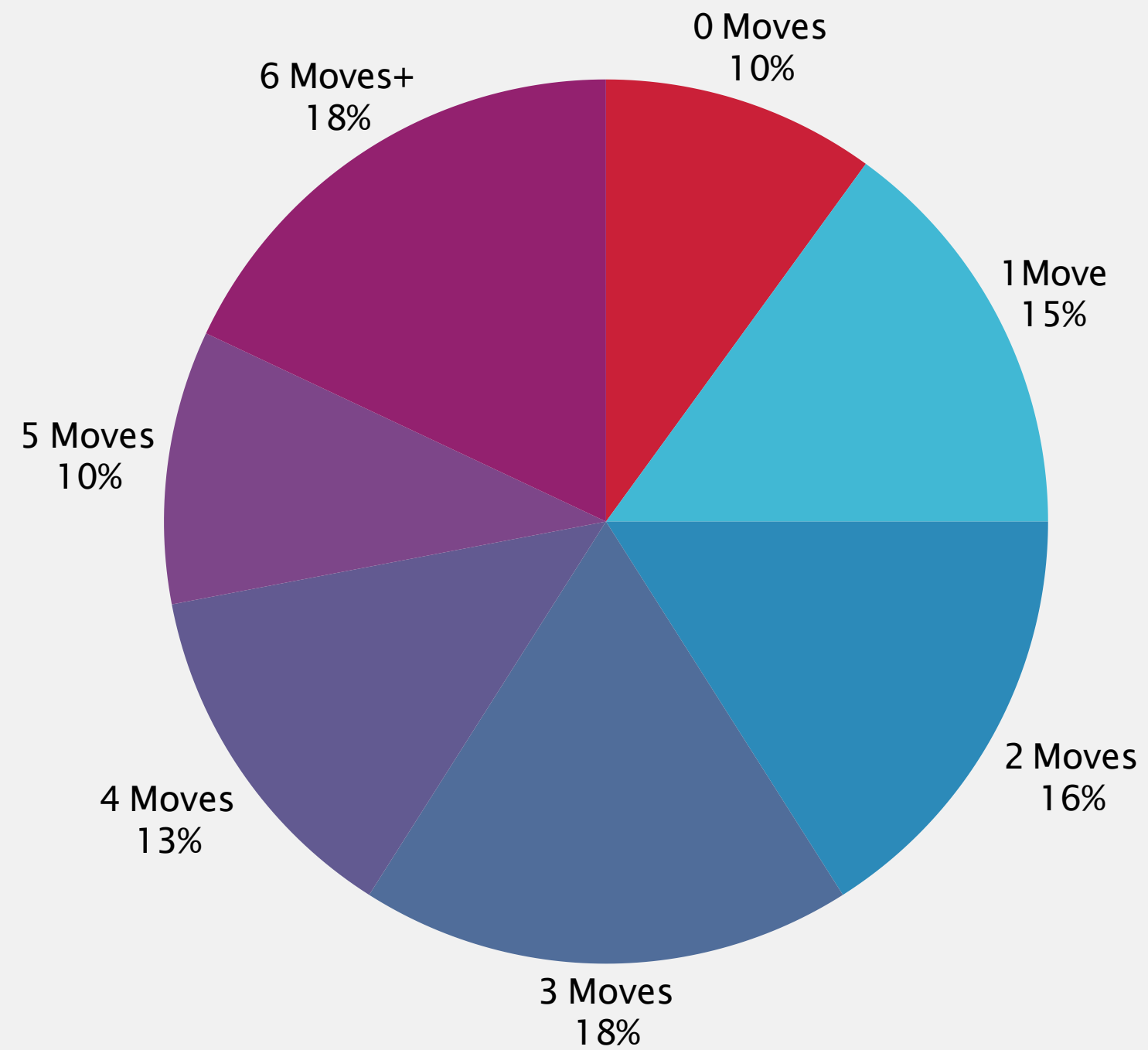
- Findings from the Casey National Alumni Study reveal that of their participants of youth in foster care:
 - 2/3 attended more than 3 elementary schools.
 - 1/3 attended more than 5 elementary schools.

- More than 1/3 of the 17 & 18-year-old foster youth in the Midwest Study experienced 5+ school changes related to being in foster care.³

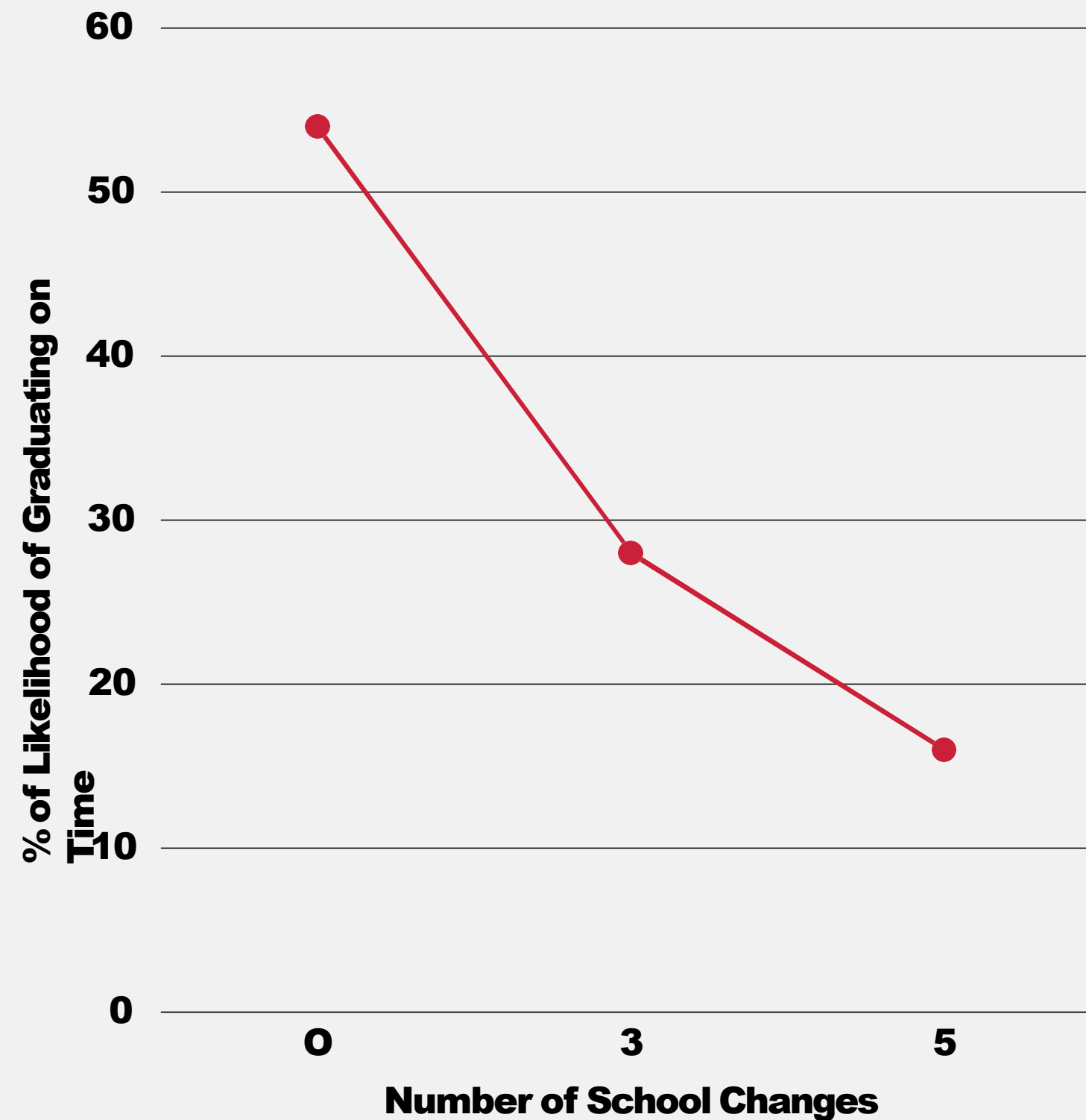


School Stability:

School Changes After Entering 9th Grade ⁴



High School Youth in Foster Care ⁴



As school transfers **increased**, math & reading achievement **decreased**, on-time graduation rate **decreased**, & likelihood for drop out **increased**.



Effects of School Instability

Potential for Lower Academic Achievement



- Gaps in learning due to disrupted instruction
- Higher absenteeism
- Lower scores on standardized tests

Special Education Challenges



- Difficulty identifying students with disabilities
- Poorly written IEPs due to high mobility
- Inconsistent IEP implementation

Adjustment to New Schools



- Missing educational records or lag time in receiving cumulative file
- Missing high school credits
- Forming relationships with new peers/staff

Behavioral Health Needs



- Increased externalizing & internalizing behaviors
- Fewer adaptive behaviors
- Higher rates of school problems

Connection to School



School attachment can be a strong buffer between ACEs & high-risk behaviors.



Connection to teachers improves relationships & decreases discipline incidents.⁵



School connectedness is a critical protective factor against emotional distress.⁶



ESSA

The Every Student Succeeds Act (ESSA) of 2015, follows the lead of the Fostering Connections Act of 2008 by requiring state educational agencies & local educational agencies to work with child welfare agencies to ensure the educational stability of children in foster care.⁷

ESSA requires that students in foster care must be enrolled in their school of origin, **unless** it is not in the child's best interest.

Best Interest Determination (BID)



If a child enters foster care or changes foster care placements, DCS must identify if the child has been placed in a new school of zone.

If they have, DCS must alert the school of origin immediately, & a BID Meeting must occur.



Federal Guidance⁸



Agencies should “complete a BID process as quickly as possible,” such as “within 3 business days” of the student’s placement in foster care or prior to a planned placement change.



The BID process should be student-centered & context-specific.



Parties must presume that remaining in the school of origin is in the student’s best interest, unless the BID suggests that attending another school, is in the student’s best interest.



Transportation costs & the administrative burden should not be considered.





School of Origin vs. New School Considerations

- Permanency Goal
- Length of Anticipated Stay in Placement
- Student's Preference
- Educational Decision Maker's Preference
- Siblings' Placement
- Number of Previous School Changes
- Age & Grade Placement
- Academic & Social-Emotional Needs
- Personal Safety of Student
- IEP or 504 Plan
- Current Services (EL, Pre-K, Sports, Extracurriculars, etc.)
- Discipline History
- Credits toward Graduation
- Student Connection to School, Staff, & Peers
- Impact of Commute on Student



School of Origin⁹



The school of origin is the public school a student is enrolled in when they enter foster care or when they change foster care placements.



A student in foster care must remain in their school of origin for the duration of their time in foster care unless a determination is made that it is not in their best interest to remain in the school of origin.



When a student completes the final grade level serviced by the school of origin, the next school in the feeder school pattern becomes the school of origin.



SEAs & LEAs are encouraged to allow a student exiting foster care during the school year to remain enrolled at their school of origin through at least the end of the school year.

Immediate Enrollment⁹



If it's not in the child's best interest to stay in the school of origin, the student must be immediately enrolled in the new school, even if normally required records for enrollment cannot be produced.



A child cannot be denied enrollment because they do not have proper documentation.



The enrolling school should immediately contact the last school attended to obtain relevant academic & other records.





Transportation



DCS & the school district should collaborate to develop & implement clear, written procedures on how transportation will be provided, arranged, & funded to maintain students in their schools of origin for the duration of their time in foster care.



Students may be placed in foster care placements across state, county, or school district lines, which require coordination among multiple LEAs & child welfare agencies.



Districts are encouraged to provide transportation to school activities like extracurricular activities.



School of origin transportation includes transportation for needed academic supports, such as afterschool tutoring & summer learning/enrichment programs.

TN DCS Policy 21.14: Serving the Educational Needs of the Child/Youth ¹⁰

- ① Student enters or changes foster placement. Student must remain in school of origin until a BID Meeting occurs.
 - ② FSW/JSW provides an updated Education Passport & School Notification Letter to the School of Origin, requesting BID Meeting.
 - ③ Forms provide current placement changes & contact information for invitations to the BID Meeting.
 - ④ School of Origin sets up BID Meeting to discuss school assignment.
 - ⑤ BID Meeting occurs. DCS & school collaborate to determine best interest to remain in school of origin or attend a new school.
 - ⑥ If the BID team decides the best interest is to remain in the school of origin, a transportation plan is developed.

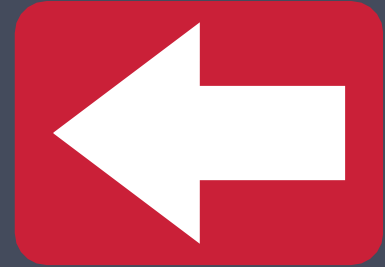
If the BID team decides the student should start at the new school, the student should be enrolled & records should be transferred ASAP.
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EDUCATION PASSPORT

All forms and documentation listed below should be kept with the passport. Information contained on this passport is subject to confidentiality laws. This Education Passport [CS-0657] shall be generated only by DCS and serves as verification of custody upon presentation to the public school system. Court documents and information generated by the courts remain protected under Tenn. Code Ann. § 37-1-153.

PRESENT THIS FORM TO EACH NEW SCHOOL OR CURRENT SCHOOL FOR EACH PLACEMENT



PREPARED FOR PUBLIC SCHOOL (See Additional School Information)

School of Origin: _____ County: _____
Date of BID Meeting: _____

School of Zone: _____ County: _____

STUDENT'S INFORMATION

Child's Name: _____ DOB: _____ Grade: _____
Foster Parent: _____
Address: _____
City/ST/ZIP: _____
Telephone: (____) ____-____ Email: _____
Is This a Change of Address Notification? Yes No

MOTHER'S INFORMATION (For IDEA Purposes)

Name: _____
Address: _____
City/ST/ZIP: _____
Telephone: (____) ____-____ Email: _____
Parental Rights Terminated? Yes No No Contact Order?

FATHER'S INFORMATION (For IDEA Purposes)

Name: _____
Address: _____
City/ST/ZIP: _____
Telephone: (____) ____-____ Email: _____
Parental Rights Terminated? Yes No No Contact Order?

FAMILY SERVICE WORKER'S INFORMATION

Name: _____
Address: _____
City/ST/ZIP: _____
Telephone: (____) ____-____ Email: _____

RECORDS CHECKLIST (REQUIRED)	Enclosed	Requested	Not Applicable
1. Immunization Records	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Most recent grade card with attendance data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Current transcript (for high school students)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Current IEP (if applicable) <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Current 504 Student Services Plan (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. TEIS screening results and Family Services Plan (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADDITIONAL SCHOOL ENROLLMENT INFORMATION		Yes	No
1. Has current School of Origin been notified of student's placement change? (BID meeting required with exception of placement into residential in-house school.)		<input type="checkbox"/>	<input type="checkbox"/>
Has student been officially withdrawn from previous school? <input type="checkbox"/> Yes <input type="checkbox"/> No			
2. Is this student currently suspended or expelled from public school?		<input type="checkbox"/>	<input type="checkbox"/>
Term dates of suspension/expulsion: <u> </u> Date through <u> </u> Date			
3. Are any medications needed during the school day?		<input type="checkbox"/>	<input type="checkbox"/>
If yes, list: _____			

LIST THE CURRENT SCHOOL and PREVIOUSLY ATTENDED SCHOOLS

School System Name	County/State	School Name	Withdrawn Date
1. _____	_____	Current School: _____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

Compiled by: _____ Date: _____

STATE OF TENNESSEE – DEPARTMENT OF CHILDREN'S SERVICES
Education Division –UBS Tower 10th Floor, 315 Deaderick Street - Nashville, TN 37243
(615) 360-4350





BID Meeting Concerns

- Team lacks a clear understanding of the purpose & requirements of the BID Meeting
- BID Meetings scheduled when there has not been a change in foster care placement
- The decision-making process lacks meaningful input from all relevant stakeholders & does not reflect true collaborative discussion
- Student has been enrolled in a new school while the BID is still pending or BID did not occur
- Use of cost, convenience, or resource availability influences the decision
- An updated Educational Passport has not been submitted
- The team is unaware of the student's permanency plan goal or the anticipated duration of current placement
- Presumption that the new school is in the best interest of the student prior to discussion with relevant parties
- Individualized educational factors are not adequately considered
- Failure to invite appropriate members (guardian ad litem, educational surrogate, school of origin, CASA, etc.)

Dispute Resolution



If the BID Team disagrees, then DCS has the authority to make the final decision.

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If there is disagreement over the best interest determination or transportation procedures/cost, an appeal process is in place & a dispute resolution meeting may be scheduled.

Contacts

- Local DCS Region's Education Consultant
- Local School District ESSA Compliance Point of Contact
- DCS Education Consultant: Mary Lyell - Mary.Lyell@tn.gov
- TN Department of Education Foster Care Point of Contact: Jackie Jacobson - Jackie.Jacobson@tn.gov



Key Terms Defined

Foster Care

24-hour substitute care for children placed away from their parents or guardians for whom the child welfare agency has placement & care responsibility

Immediate Enrollment

Attending & fully participating in school & that the children's educational needs, including, special education or English Language Learners (ELL) services if appropriate, are being met.

School of Origin

School in which a child is enrolled at the time of placement in foster care. If the child's foster care placement changes or the child returns home, the school of origin is the school in which the child is enrolled at the time of the placement change.

LEA

Local Educational Agency: School districts & public charter schools (ex. Metro Nashville Public Schools)

BID

Best Interest Determination process through which educational agencies & child welfare agencies partner with important people in a student's life to determine whether it is in a student's best interest to remain at their school of origin or change schools

SEA

State Educational Agency: State board of education or other agency primarily responsible for the State supervision of public elementary schools & secondary schools (ex. TN Department of Education)



Special Education



Robust special education services are critical for foster youth with learning & emotional disabilities that impede educational performance. Effective services can improve students' academic achievement & prepare them for future education & employment.

Educational Decision Makers



DCS serves as the decision maker for all ¹² routine education issues outside of those maintained by legal parents for services under IDEA.



Generally, birth parents retain educational decisionmaking rights for special education decisions under IDEA unless they no longer have the legal authority to do so.



Foster parents collaborate & communicate with school staff on day-to-day basis.

Parent Under IDEA



- ① A biological or adoptive parent; 13
- ② A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (*but not the State [DCS] if the child is a ward of the State*);
- ③ An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;
- ④ A surrogate parent who has been appointed; or
- ⑤ In TN, a foster parent who has an ongoing relationship with the child for more than one year if the parent's rights have been terminated. 14

School District-Appointed Surrogates

The school district should appoint a surrogate parent in three circumstances:

- ① A birth or adoptive parent is unknown or cannot be located.
- ② The child is a ward of the State.
 - Many LEAs require a court order terminating parental rights before appointing under this criteria.
- ③ The child is an unaccompanied homeless youth.



Juvenile Court- Appointed Surrogates¹⁶

Juvenile Court can appoint a surrogate parent for a child who is in the custody of a child welfare agency but does not have an educational decision maker, nor a foster parent who is permitted by state law to act as an IDEA parent.



Role of Surrogate Parent

- ① Providing consent for the initial evaluation of the student & the provision of special education services if eligible
- ② Participating as the role of “Parent” in Individualized Education Program (IEP) Meetings for the student
- ③ Representing the student in the provision of Free Appropriate Public Education (FAPE)
- ④ Pursuing dispute resolution if IEP Team disagreements arise



Special Education



Child Find: All children with disabilities, including those who are ¹⁷ ‘wards of the State’, who are in need of special education & related services, should be identified, located, & evaluated.



Highly mobile children with disabilities must be evaluated in a ¹⁸ timely manner & without undue delay.



When a student with an IEP transfers schools, the new school ¹⁹ must provide comparable services to what is in the current IEP.



Even when students experience changes in school or placement, districts must continue to comply with state & federal special education timeline requirements.





Exclusionary Discipline



Students in foster care & students with disabilities are more likely to experience suspensions & expulsions than their peers.

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Exclusionary discipline can disrupt a foster youth's placement, & school instability increases risk for exclusionary discipline.²¹

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Manifestation Determination Reviews can be an opportunity to advocate for school stability & appropriate school services.



Manifestation Determination Reviews



Purpose: To ensure that students with disabilities are not unfairly disciplined for behaviors that are a direct result of their disabilities



Required for students with IEPs or 504 Plans when: ^{22,23}

- Expulsion – Removal for more than 10 consecutive days
- 10-Day Rule – Pattern of removals for similar behavior for more than 10 days in a school year
- Juvenile Petition – Before school files a juvenile ²⁴ (truancy) petition against a student has an IEP in TN

Manifestation Questions

- ① Was the conduct caused by, or did it have a direct and substantial relationship, to the child's disability?
- ② Was the conduct the direct result of the school's failure to implement the IEP?

If YES to *either* question:

- Suspension or expulsion must end.
 - Unless parent & school agree to a change of placement.
- Conduct or revise a Functional Behavior Assessment & implement a Behavior Intervention Plan.

If NO to *both* questions:

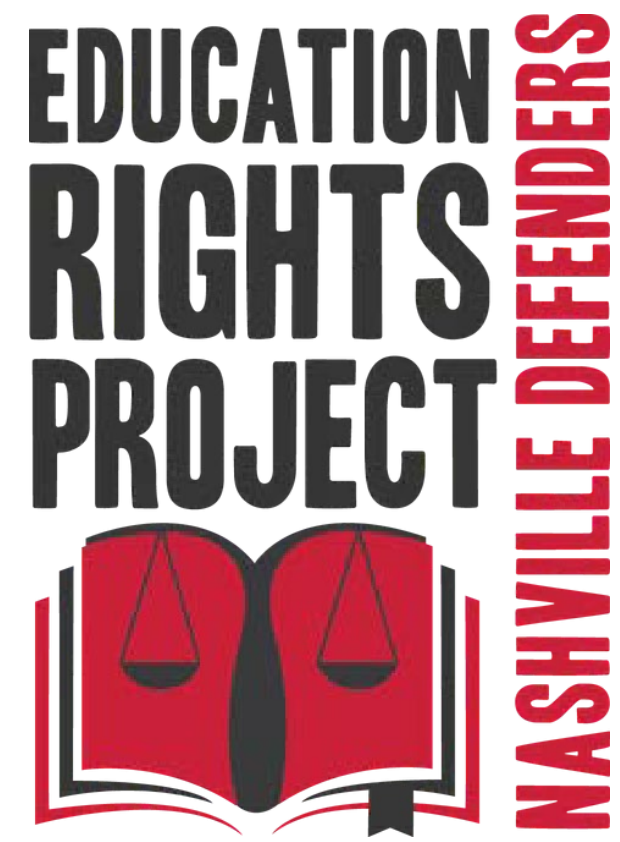
- Student may be disciplined.
- Student must receive special education services.
- Student may receive a Functional Behavior Assessment & behavior intervention services, as appropriate.

- ① Engage Youth in Their Education
- ② Ensure Supporting Adult Advocates
- ③ Support the Foundation for a Strong Start for Young Children in Care
- ④ Ensure School Stability & Timely Enrollment
- ⑤ Promote Regular School Attendance
- ⑥ Support Children by Addressing Trauma to Improve Education Outcomes
- ⑦ Meet Children's Special Education Needs
- ⑧ Support Appropriate Educational Placements for Students in Congregate Care Settings
- ⑨ Support Students to Succeed In & Graduate High School
- ⑩ Support Transition, Persistence & Successful Completion of Postsecondary Education

Improving Educational Outcomes for Youth In Foster Care

According to 170 Research Studies²⁵

CONTACT



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A black and white photograph showing the silhouettes of several graduates in caps and gowns. They are standing against a light, overcast sky. Some graduates are holding their caps high in the air. The scene is captured from behind the graduates, showing their backs and the tops of their heads.

Thank you for all you do!

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