

# Educational Stability for Children and Youth in Foster Care



Collaboratively Presented by



Virginia Department of Social Services  
Virginia Department of Education

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# Presenters

***Patricia A. Popp, Ph.D.***

State Coordinator, Project HOPE-VA  
Clinical Assoc. Professor, School of Education  
William & Mary School of Education

***Michael Gregory, MSW, LSW***

School Social Work Specialist  
Virginia Department of Education  
804-225-4543

***Aaran Kelley, MSW***

Youth Services Program Specialist  
Virginia Department of Social Services

***Bethany Robinson, MSW***

Child Welfare Stipend Program State Coordinator  
Virginia Department of Social Services



# Importance of Educational Stability


- ▶ When children/youth change foster care placements, they often change schools, negatively impacting their education.
  - ▶ **Unscheduled school change/one year: 75% v. 40% for peers**
- ▶ One fewer placement change/year *almost twice as likely to graduate* from high school before leaving care.
- ▶ Keeping students in the same school:
  - Provides continuity in education
  - Maintains important relationships at school
  - Provides stability during traumatic time
  - Improves educational and life outcomes
- ▶ High mobility impacts non-mobile students, too.

# Fostering Connections Act and Every Student Succeeds Act



# Fostering Connections Act of 2008

## Major Areas of Reform


- ▶ Increasing adoptions
  - ▶ Providing state option of financial assistance for relatives assuming custody of children/youth
  - ▶ Improving services for older youth
  - ▶ Providing oversight and coordinating health services
  - ▶ Ensuring educational stability
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# Every Student Succeeds Act (ESSA) of 2015 Title I, Part A



Rolling Implementation  
December 10, 2016  
2017–18 School Year

# ESSA

- ▶ Education has a parallel mandate
  - ▶ FC in Title I, Part A (Lynn Sodot, PAA director)
  - ▶ MV SC cannot be SEA contact (OK at local level)
  - ▶ Director of Student Services is official contact
    - Patricia Popp & Michael Gregory– VDOE implementation team
  - ▶ FC liaisons IF corresponding child welfare agency notifies the LEA, in writing, that a point of contact for the LEA exists
    - Bethany Robinson and Aaran Kelley – VDSS implementation team
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# ESSA (continued)

## ▶ December 10, 2016

- Local Title I plans must describe collaboration with LDSS to provide transportation
- “Awaiting foster care” removed from McKinney–Vento

## ▶ 2017–18 report achievement data and on-time graduation rate for students in foster care

- VDOE – new foster care flag in student data system for 2016–17
- Immediate enrollment or superintendent notification should trigger



# Educational Requirements Apply to All Foster Care Placements

- ▶ Requirements apply when child/youth is in foster care (i.e., LDSS has responsibility for placement & care of child/youth).
- ▶ Regardless how child/youth enters foster care:
  - Court commitment (e.g., abuse, neglect)
  - Voluntary entrustment agreement when parents request LDSS assume custody of child/youth for a temporary period or permanently.
  - Voluntary noncustodial agreement with parents for child/youth to receive foster care services while they retain legal custody and LDSS assumes placement, care, and case management responsibility.
- ▶ Includes initial and subsequent placements of children/youth


# Who is Covered?

>> [csa2017fostercareedstability\who is covered.docx](#)

# VIRGINIA STATE CODE



# Code of Virginia

- ▶ Previously addressed school enrollment of students in foster care (2005)
  - ▶ Amended effective July 1, 2011 to mirror the federal act in terms of educational stability
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# Code of Virginia

- 63.2–900.3 Enrollment and school placement of children/youth in foster care
  - Requires the LDSS when placing a school-aged child/youth in a foster care placement to determine **in writing, jointly with the LEA whether it is in the student's best interests to remain enrolled at the school** in which he was enrolled prior to the most recent foster care placement.

# Code of Virginia


- 22.1–3.4 Enrollment of certain children placed in foster care (Revised)–
  - B. The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care **across jurisdictional lines** for the purpose of enhancing continuity of instruction. The child *shall be allowed* to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the *joint determination* of the placing social services agency *and the local school division* that such attendance is in the best interest of the child.

# Code of Virginia

- ▶ 22.1–289 E Transfer and management of scholastic records; disclosure of information in court notice; penalty
  - Provides for an expedited transfer of the scholastic record upon receiving notice of a foster care placement across jurisdictional lines

# Revised Joint Guidance Document & Forms

## October 2017

- ▶ VDOE/VDSS Joint Guidance for School Stability of Children and Youth In Foster Care
  - ▶ *New:* Notification for BID
    - [FC/ESSA A-17](#)
  - ▶ Best Interest Determination
    - [FC/ESSA Form B-17](#)
  - ▶ Immediate Enrollment
    - [FC/ESSA Form C-17](#)
  - ▶ *New:* Residential Input
    - [FC/ESSA Form D-17](#)
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# Guidance from VDOE

## Superintendent's Memos (examples)

- ▶ [No. 306-10, dated December, 10, 2010](#)
  - Announced Joint guidance and required liaisons be appointed
- ▶ [No. 197-11, July 22, 2011](#)
  - Requirements regarding students with disabilities placed in FC
- ▶ [No. 272-16, dated October 28, 2016](#)
  - Title I, Part A transportation assurance
- ▶ [No. 324-17, dated December 8, 2018](#)
  - Announced revised joint guidance
  
- ▶ See VDOE Web site:
- ▶ [http://www.doe.virginia.gov/support/student\\_family/foster\\_care\\_students/index.shtml](http://www.doe.virginia.gov/support/student_family/foster_care_students/index.shtml)

# Guidance from the Virginia Department of Social Services

- Revised Joint Guidance and updated/additional forms posted on VDSS public site –  
<https://dss.virginia.gov/family/fc/>
- Posted on VDSS internal site, SPARK

# THE COLLABORATIVE PROCESS



# Liaisons

## ▶ Foster Care Liaisons

- ▶ Point person for communication with LDSS
- ▶ Download list from VDOE Web site
- ▶ \*\*Recommended: have designees for time liaison is not available\*\*

School Divisions

## ▶ Educational Stability Liaisons

- ▶ Oversight role
- ▶ Direct work/communication remains with the case worker
- ▶ <http://www.dss.virginia.gov/family/fc/index.cgi>
  - Click educational stability

Local Departments of  
Social Services

# Important First Step to Avoid Enrollment Delays


*Before* Local Department of Social Services (LDSS) makes a placement change\*:

The placement of a child/youth in foster care should take into account:

- The appropriateness of the student's current educational setting
- The proximity to the school in which the student is enrolled at the time of placement

\*When possible, not possible with emergency placements.

# Including School Information in LDSS Decision on Residence

- ▶ LDSS shall notify current school that student needs a new residence (foster care placement).
  - ▶ School shall provide LDSS information on appropriateness of student's current school placement via:
    - Phone, email, sharing school documents
    - Participating in LDSS Family Partnership Meeting on placement decision.
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# LDSS Decides Residence

LDSS determines most appropriate residence based on:

- Safety and permanency plan (paramount)
  - Appropriateness of student's current educational setting
  - Proximity (distance from potential residences) to current school
  - All other critical factors in making placement decisions
- ▶ LDSS shall notify *appropriate school division representative(s)* of the student's new residence and need to jointly determine student's best interest for school placement. [FC/ESSA A-17](#)

# The Best Interest Determination Process

Who is responsible?

- The LDSS case worker is responsible for organizing and facilitating the process.
  - ❖ The “joint” educational placement decision is made between *the responsible school division* and LDSS.
  - ❖ Immediate enrollment form should not be faxed to the school division without completing the BID process.
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# New ESSA Step

- ▶ When foster care liaison receives notice
  - Share current school and new residence address with school of origin transportation designee to identify possible ways school division could assist with transportation to maintain current school placement
  - This information is considered during the Best Interest Determination (BID) process

# Residential Treatment Input for BID

- ▶ Residential placements are NOT schools of origin
- ▶ Residential placement is NOT the decision-maker; school division foster care liaison MUST be involved
- ▶ Staff from residential placements HAVE important information
  - FC/ESSA Form D-17


# No BID Is Required When:

- ▶ The new residency is zoned for the current school
  - ▶ A student enters a Level C licensed residential placement
  - ▶ A student returns from a residential placement or detention to the SAME foster care placement
  - ▶ The distance between the school of origin and the new foster care placement is greater than 100 miles
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# Where is the student while the BID is pending?

» Student Should NOT Be Disenrolled From Current Placement

# Joint Determination of Student's Best Interest

- As quickly as possible (e.g., within 3 work days), LDSS and appropriate school division representative shall jointly determine student's best interest for school placement with key partners. (Done with IEP team member for students with disabilities.)
  - Presumption: Student will remain in same school, unless contrary to student's best interests.
  - Two options for student:
    - Remain in current school student was enrolled when placed in new residence
    - Enroll in school of student's new residence.
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# FAQ

- ▶ What happens if we cannot meet the 72 hour deadline and complete the best interest determination?

# General Education Students

- ▶ LDSS must contact school division foster care liaison for student's current school to participate in the best interest determination process
- ▶ LDSS and school division foster care liaison for student's current school jointly determine student's best interest for school placement, in consultation with student & other key partners.
- ▶ Student remains in current school, unless contrary to student's best interests.

# Students with Disabilities Served Under IDEA

- ▶ The responsibility for determining school placement and the mechanism for making this determination are driven not only by Fostering Connections, but also by the state and federal regulations under IDEA.
  - ▶ The school division and LDSS must determine which school division is responsible under IDEA for the student's free appropriate public education (FAPE).
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# Students with Disabilities

## New Residence in Current School Division

- ▶ LDSS must contact school division foster care liaison for student's current school to complete the BID process
- ▶ An IEP representative must be included in the BID process
- ▶ Student remains in current school, unless contrary to student's best interests.
  - No IEP meeting needed if no change

# Students with Disabilities

## New Residence in Different School Division

- ▶ LDSS must contact school division foster care liaison for student's current school & for school of student's new residence to participate in the best interest determination process.
- ▶ School division for student's new residence is responsible for FAPE (per state special education regulations) and d-m
- ▶ If IEP team in school division of student's new residence determines that student needs to be placed in private day or residential facility for educational reasons, responsibility for FAPE shifts to the division where LDSS has custody.
  - Division where LDSS has custody is BID decision maker
  - IEP and BID may be concurrent
  - \*No BID needed for Level C residential

# BID Decision:

- » Maintain Current School Placement

# Transportation to Maintain School

Who is responsible?

➤ The LDSS is responsible for transportation (with school division assist, if agreement is reached)  
**UNLESS**


❖ The student has an IEP *with specialized transportation* in the IEP,\* making the school division is responsible

\*IEP for a private placement assumes transportation is included – **Best practice: write transport. in the IEP**

# Regular School Transportation

- LDSS arranges and pays for transportation for:
    - General education students
    - Students with disabilities who use regular school transportation
  - Reasonable costs are legitimate maintenance expenses:
    - Title IV–E for eligible children and youth
    - CSA State Pool Funds for non–Title IV–E eligible children/youth
  - Providers reimbursed state mileage rate with proof of miles driven
    - Foster parents
    - Friends, relatives and neighbors of student or foster parent
    - Employees of child placing agencies and residential programs
  - Other transportation:
    - Local school bus\* (reimburse with signed agreement/contract)
    - Bus fare or similar reasonable public transport at established rate
- \*See division cost per mile spreadsheet

# Specialized Transportation

- For students with an IEPs that require “specialized” transportation to current school, such costs are paid by the school division responsible for FAPE for student to remain in current school.
  - Including individualized provisions, noted in the IEP, that are needed because of the student’s disability and necessary to guarantee access to a free appropriate public education (FAPE).
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# BID Decision:



Current School is NOT in the  
Student's Best Interest – Immediately  
Enroll in Local School

# Immediate Enrollment

- After the “joint” school placement decision is made, the **LDSS case worker** should contact the foster care liaison for the new school to tell liaison who will be bringing the student to school for enrollment.
- Immediate enrollment form (**FC/ESSA Form C-17**) should have the BID attached.

\*These are best practices.






# Present Student for Enrollment

- LDSS, LCPA, or foster parent presents student to enroll in new school of residence.
- Provides Immediate Enrollment of Student in Foster Care ([FC/ESSA Form C-17](#)) on yellow paper– signed by LDSS
  - Documents all minimum legal requirements to immediately enroll the student
  - Provides written statement, to the best of the caseworker's knowledge:
    - Student's name, age, and address of residence
    - Required certifications
    - Student is in good health and free from communicable or contagious disease

# School Immediately Enrolls Student

- ▶ Student shall be immediately & appropriately enrolled.
  - “Immediate” means no later than beginning of next school day after presentment for enrollment.
  - “Presentment” means person enrolling student has appeared at school and presented all required information and certifications.
  - “Enrollment” means student is attending classes and participating fully in school activities.

# All Records Provided to New School

- ▶ If documents not immediately available when assuming custody of child/youth or changing placements, LDSS/LCPA shall obtain and produce, or otherwise ensure compliance with these requirements, within 30 days after enrollment of student.
  - ▶ Sending and receiving schools shall expedite transfer of student's record.
  - ▶ For students with disabilities, copies of student's special education records, including most recent IEP, must be provided promptly.
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# RESOLVING SCHOOL PLACEMENT DISPUTES



# Fostering Futures



# What is Fostering Futures?

- A **foster care program** available to youth in foster care after **age 18**
- This **voluntary** program enables the local department of social services to continue to provide foster care maintenance and services to **age 21**

# Authority to Implement Fostering Futures

- Federal – Fostering Connections to Success and Increasing Adoptions Act of 2008
- Virginia – 2016 Appropriations Act (item 346 #3c)

# Basic Requirements

- ▶ On or after July 1, 2016,
  - Must “age out” of foster care, or
  - Must have been in foster care immediately prior to their commitment to DJJ and leave a DJJ facility after age 18 and before turning 21.
  - Must be between 18 and 21



# Basic Requirements

- All participants will sign a **Voluntary** Continuing Services and Support Agreement (VCSSA)
  - Youth are automatically in the program upon turning 18.
  - The agreement isn't just a service agreement, it acts as an entrustment agreement.
  - The agreement must be approved by the Juvenile and Domestic Relations Court.

# Continuing Eligibility Criteria

- Participants must meet at least one of these five criteria to continue to be eligible for the program:
  1. Completing secondary education or in a GED program
  2. Enrolled in college or a vocational program
  3. Attending classes to promote employment or remove barriers to employment
  4. Working at least 80 hours per month, or
  5. Unable to meet one of the four conditions above due to a documented medical reason

# Continuing Eligibility Criteria

- Completing secondary education or in a GED program includes:
  - Public high school
  - Alternative high school
  - Private school
  - Adult education classes
  - Program leading to GED
  - Special education activities described in the IEP

# Living Situations

- In a foster family home – including treatment foster care and LDSS approved
- In a college dormitory
- Job Corps or vocational school dormitory
- On their own
- With their spouse or friends
- With their family of origin
- With extended relatives or fictive kin

# Basic LDSS Case Management Requirements

- Visit (face to face) with the participant at least monthly
- Conduct Independent Living (IL) skills assessments and develop IL Transition Plans
- Develop a foster care plan with participant which addresses permanency and family connections
- Continue requests for funding for services with the local Family Assessment and Planning Team for services

# Services & Funds

- Youth who participate in Fostering Futures are provided with the same monthly maintenance payment as they had been prior to 18
- Youth continue to be eligible for IL funds to support them in activities that promote education or employment
- The LDSS will continue to seek funding for other services, as needed to promote the youth's plan, from FAPT

# Exit from Fostering Futures

- Participation may be terminated at any time by the participant through verbal or written notification to the service worker.
- Participation may be terminated at any time by the LDSS if it is determined that the youth no longer meets the eligibility criteria.

# “Re-entry”

- Participants who have exited the program, may re-enter by signing a new VCSSA at any time prior to their 21<sup>st</sup> birthday, provided they meet one of the eligibility requirements.
- There is no limit to the number of times the young adult can re-enter, nor is there a limit to the time between exit and re-entry.
- If the participant has been out of the program for more than six months, another court hearing to approve the agreement is required.



# Unique Population

- Youth who are in Fostering Futures and still actively completing their high school education will be a relatively small population
- Youth in Fostering Futures are legally adults and their autonomy must be considered and respected
- They have the right to chose where they live and what their plan will be
- Youth have the right to change their mind about their plan and involvement in Fostering Futures

# Case Studies for Practice



How can you use this information to support students in foster care?



# Educational Stability Contacts:

***Patricia A. Popp, Ph.D.***

State Coordinator, Project HOPE-VA  
Clinical Associate Professor  
William & Mary School of Education  
757-221-7776

[pxpopp@wm.edu](mailto:pxpopp@wm.edu)

***Michael Gregory, MSW, LSW***

School Social Work Specialist  
Virginia Department of Education  
804-225-4543

[michael.gregory@doe.virginia.gov](mailto:michael.gregory@doe.virginia.gov)

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Virginia Department of Education  
804-726-7944

[aaran.kelley@dss.virginia.gov](mailto:aaran.kelley@dss.virginia.gov)

***Bethany Robinson, MSW***

Child Welfare Stipend Program State  
Coordinator  
Virginia Department of Education  
804-726-7423

[Bethany.Robinson@dss.virginia.gov](mailto:Bethany.Robinson@dss.virginia.gov)

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