FOSTER CARE & STUDENT SUCCESS:

Texas Systems Working Together to Transform Education Outcomes of Students in Foster Care

PRODUCED BY

TEA™ TEXAS EDUCATION AGENCY

FAMILY & PROTECTIVE SERVICES DFPS

Children's Commission®
SUPREME COURT OF TEXAS PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

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Additional acknowledgements are included on page 133

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.

"MY HOPE IS THAT PROFESSIONALS IN ALL SYSTEMS AND COMMUNITIES REALIZE THAT MY STORY CAN BECOME THE NORM WHEN EVERYONE INVOLVED DOES THEIR PART TO ENSURE THE BEST INTERESTS OF CHILDREN AND YOUTH ARE NOT ONLY TALKED ABOUT, BUT MORE IMPORTANTLY FOLLOWED THROUGH ON. LET US STAND TOGETHER TO IMPROVE OUTCOMES FOR CHILDREN AND YOUTH IN FOSTER CARE."

Growing up in foster care wasn't the best experience for me, but it was definitely more bearable knowing that I had a constant support system from the day I entered at five years old until I aged out at 18. Too many times, children and youth in foster care are stigmatized because they are in the system. Oftentimes, they are discouraged from participating in extracurricular activities and encouraged to graduate on the minimum plan, which leads to several barriers for alumni who want to attend college. However, I consider myself truly blessed because my foster parents, caseworkers, judge, attorney, therapist, community personnel, teachers, counselors, and so many other advocates refused to allow my status as a child in foster care to prevent me from being successful.

I had my share of behavior problems that led to my being sent to in-school suspension (ISS) several times. Yet, my support system quickly guided me back on track. They helped me realize it was okay to be upset, sad, confused, and frustrated because I was in foster care, but it wasn't okay to act out in a negative way on those emotions. Their consistent patience and understanding paid off, and I realized no matter what problems I had, they were in my corner and committed to my success. Behavior problems became unheard of when I entered high school.

Although I moved through approximately eight placements while in foster care, the adults in my life advocated to keep me in the same school for elementary, middle school, and high school. The mere fact that I never changed schools is a phenomenon practically unheard of among children and youth in foster care. Staying in the same school allowed me to have lasting friendships, participate in various extracurricular activities in my school and community, and build a large caring adult support system. Their efforts to embody the idea that "it takes a village to raise a child" helped me transition from high school to college successfully. I was able to graduate with my Bachelors in Sociology and Masters in Social Work. I still have plans of obtaining my Ph.D. My hope is that professionals in all systems and communities realize that my story can become the norm when everyone involved does their part to ensure the best interests of children and youth are not only talked about but more importantly followed through on. **Let us stand together to improve outcomes for children and youth in foster care.**

— An alumna of the Texas foster care system

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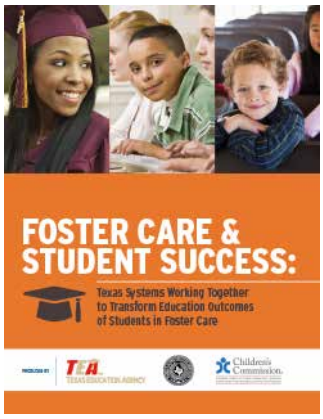
PREFACE

Welcome to the Texas Foster Care & Student Success Resource Guide. The primary purpose of this guide is to empower education professionals with information, resources, and tools to positively impact the educational experience of students in foster care. It is our hope to promote cross-system practices and collaborative strategies that improve educational stability and achievement, while increasing awareness about the complexities and challenges that impact students in foster care. Although this guide is primarily designed for education professionals, it will also be useful to caregivers, child welfare workers, child advocates, and others who work with students to help them achieve success in school and in life. Knowledgeable, caring adults play a significant role in guiding students to a successful educational experience while in the foster care system and beyond.

Thank you for considering this resource guide and for making a difference in the lives of young people who are involved with the child welfare, court, and education systems in Texas.

Defining the term "FOSTER CARE":

For the purposes of this guide, the term foster care will be used to refer to all children and youth who are in the custody of the State of Texas due to abuse and/or neglect, regardless of their living arrangement. Detailed information about the foster care system in Texas, including different types of "substitute care" living arrangements and caregivers, will be explained later in Chapter 4.



WHAT ARE THE GOALS OF THIS GUIDE?

- To provide educators with useful information that will guide them in creating a positive education experience for students in foster care.
- To familiarize education professionals with the complexities of the foster care system and the relevant laws and policies that influence a student in foster care's educational experience.
- To centralize foster care and education information, while increasing awareness and promoting improved cross-system practices and partnerships that benefit students in Texas' foster care system.

Working to achieve these goals, Texas strives to fulfill the education provisions of the federal *Fostering Connections to Success and Increasing Adoptions Act of 2008* that promote school stability and require coordination across child welfare and education systems.

GUIDE BACKGROUND

The Texas Education Agency (TEA) joined with the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families (Children's Commission) and the Texas Department of Family and Protective Services (DFPS) to address improving the education outcomes of students in foster care. Texas was one of ten sites to be awarded a federal Children's Bureau demonstration grant, *Child Welfare — Education System Collaboration to Increase Educational Stability*. The demonstration grant resulted in the *Texas Trio Project: Strengthening Court, Child Welfare, and Education Connections for Youth.* This Resource Guide reflects the collaborative efforts of many caring professionals working together to address the education of students in foster care.

The *Texas Trio Project* provided TEA, the Children's Commission, and DFPS the opportunity to incorporate recommendations from the Children's Commission Education Committee report, "*The Texas Blueprint: Transforming Education Outcomes For Children & Youth in Foster Care*" (*see page 20*).

HOW TO USE THIS GUIDE

- View the *Table of Contents* for specific questions and relevant topics.
- The guide provides practice tips, relevant laws, and resource sections with many links to additional information and guidance to assist you in supporting the educational success of students in foster care.
- The appendices have charts, resources and information, including a Glossary with relevant Child Protective Service (CPS) and legal terms/acronyms, to provide a better understanding of the child welfare system and terms used throughout the guide (*see page 114).*

Helpful tips, laws, and resources featured throughout this resource guide are noted by these icons:

TIP LAW RESOURCE

WHERE CAN I GO FOR MORE INFORMATION ON FOSTER CARE AND EDUCATION AT THE TEXAS EDUCATION AGENCY?

1. Visit TEA's *Foster Care & Student Success* webpage for more information. www.tea.state.tx.us/FosterCareStudentSuccess/
2. Join TEA's *Foster Care Education* Listserv. TEA maintains a listserv to distribute information, resources and tools related to education and students in foster care. To sign up for the listserv visit: ritter.tea.state.tx.us/list/ and select *Foster Care Education*.
3. For additional information, or to share lessons learned, challenges encountered, or provide feedback, please email: fostercareliaison@tea.state.tx.us

TEA looks forward to learning from each school district as they engage in this work. In addition to distributing knowledge, research, best practices, and statutory requirements, TEA plans to share results and feedback with school district officials who are working with students in foster care. TEA will continue coordinating with DFPS, the Children's Commission, and other stakeholders to provide resources to assist schools.

CHAPTER 1

EDUCATION & STUDENTS IN FOSTER CARE: AN OVERVIEW

- TOP THINGS EDUCATORS SHOULD KNOW ABOUT STUDENTS IN FOSTER CARE
- INTRODUCTION
- NATIONAL OVERVIEW
- WHY IS MAINTAINING SCHOOL STABILITY IMPORTANT?
- THE IMPORTANCE OF DATA – NUMBERS HIGHLIGHT CALL TO ACTION

CHAPTER 1

Education & Students in Foster Care: An Overview

TOP THINGS EDUCATORS SHOULD KNOW ABOUT STUDENTS IN FOSTER CARE:

Children and youth come into foster care through no fault of their own and have often experienced chaotic, abusive, and neglectful environments: Common concerns include prenatal exposure to drugs and/or alcohol and witnessing domestic violence or other criminal behavior. Students in care may have challenges related to attachment and bonding.

Children and youth in care want to be treated like other students: The school day can provide a sense of normalcy and be an escape from challenges students are facing in their home life.

Maintaining confidentiality and sensitivity is very important: Children and youth do not want to be stigmatized as "foster children" and often do not want their schools to know. Students communicate that this label has negative connotations and can be embarrassing and shameful. Maintaining confidentiality and sensitivity is highly important.

Youth in foster care have many strengths: Students in care also have friendships, caring family members, and supportive adults. These strengths should be celebrated, nurtured, and supported.

Children and youth often enter foster care with gaps in their education: Some children may not be prepared to enter their age-appropriate grade for a variety of reasons. Additionally, school moves, delays in transferring educational records from school to school, and loss of course credits contribute to gaps in students' education.

Trauma and adverse child and youth experiences may impact a student's learning, behavior, and socialization: As a result of trauma and adverse childhood experiences, students in foster care may show signs of depression or anxiety and may have trouble socializing with their peers and trusting new adults. School staff may benefit from additional training on the impact of trauma and how to implement trauma-informed practices in the classroom.

Students in foster care may be a mobile population: Due to a variety of external circumstances, students may have to relocate to new homes and communities. Transitions and school moves may happen quickly, meaning children and youth are not able to say "goodbye" to their current school relationships. School withdrawal procedures may not be followed; this contributes to additional challenges with school transitions.

Students in foster care have experienced tremendous loss: Students are often separated from siblings, family members, and personal belongings. Loss of important education, social, cultural, and family connections are common and compound the trauma experienced.

Students in foster care want to be empowered with decision making and engage in goal setting: Students benefit from being included in decision making and discussions related to their school success and long-term goals.

Once a child or youth enters foster care, there are many child welfare professionals working with them: These professionals can include a Child Protective Services (CPS) caseworker, a Court Appointed Special Advocate (CASA) or guardian ad litem, and an attorney ad litem, amongst others. It is likely that these persons will contact the child's school to get education information regarding their client.

Supports and resources are available to help youth transition out of foster care and pay for college: These can include college scholarships, tuition and fee waivers, grants, and supportive campus-based programming. Additionally, CPS programs and services are available to help youth prepare for and transition to adulthood. Educators and counselors must be aware of these opportunities and, when able, connect students to these resources.

Federal and state legislation supports students in foster care: Examples of issue areas supported by law include immediate enrollment, school stability, maintaining school placement, smooth transitions, designated school district foster care liaisons, and coordination between child welfare and education.

Representatives of education, child welfare, and the courts are committed to improving the educational outcomes of students impacted by Texas' foster care system

INTRODUCTION:

On any given day, there are approximately 16,000 school-aged children and youth in Texas schools who are in foster care. Texas children and youth in foster care comprise a small percentage of the total student population yet face unique challenges that greatly impact success in the school environment. Before entering foster care, children and youth may have lived in chaotic home environments, experienced physical or emotional trauma, attended school sporadically, or had parents or family members who were unable to meet their physical and emotional needs.

When CPS, the child protection division of the Department of Family and Protective Services (DFPS), becomes involved with a child or youth due to abuse or neglect allegations, it seeks to ensure a child or youth's safety. If the child or youth cannot safely remain with a parent, a court awards legal custody of the child or youth to DFPS. DFPS seeks a relative or foster home to ensure the child or youth's safety and well-being. A judge oversees the case while a child or youth is in foster care. A child or youth may be in foster care temporarily or for a longer period of time, depending on the court's findings. Once in foster care, children and youth may experience several placement changes until they are placed in a permanent home. Unfortunately, more often than not, placement changes are accompanied by a change of school.

Research shows that frequent school moves have a negative impact on academic achievement for students. In some instances, highly mobile children may lose four to six months of emotional and academic growth for each school move.[1] Students who change schools frequently suffer the loss of important emotional and social connections. Additionally, when students in foster care change schools, they may lose course credits, repeat courses they have already taken, be placed in inappropriate classes or grade levels, or not be allowed to participate in extracurricular activities. Delays in transferring school records may result in serious disruptions in a student's learning and academic progress. Despite these challenges, many former foster youth report that school provided much needed consistency in their lives. Students often recall a caring teacher or school staff member who truly made a difference.

NATIONAL OVERVIEW:

Nationally, there are approximately 400,000 children in the foster care system on any given day, and an estimated 26,000 young people "age out" of our nation's foster care system annually.[2] These students have significantly lower educational achievement than their peers not in foster care.

To ensure successful educational outcomes for children and youth in foster care, twelve organizations joined together to form the *National Working Group on Foster Care and Education* to review studies from around the country on children and youth currently and formerly in foster care.[3] According to these studies, when compared to the general student population, foster youth were more likely to be suspended or expelled, repeat a grade, or drop out; they also scored lower on statewide standardized tests and were less likely to graduate.[4]

Not surprisingly, these challenges have long-term and far-reaching effects. In 2011, the University of Chicago published the largest longitudinal study ever undertaken on the adult functioning of former foster youth. This nationally recognized study, "*Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26,*" reveals:[5]

ALUMNI OF FOSTER CARE VS. NATIONAL SAMPLE (Peers not in foster care)

*estimated percentages are listed

No high school diploma	**20%** vs. **6%**
2-year college degree	**4%** vs. **10%**
4-year college degree	**3%** vs. **24%**
One or more years of graduate school	**1%** vs. **13%**

Lower education achievement has a significant ripple effect leading to other difficult circumstances. Studies show that many foster care alumni experience higher rates of unemployment and homelessness and are more likely to face economic hardships in adulthood.[6]

Research suggests that education is a critical component to positively impacting the life path of young people who experience foster care. Success in school can be a positive counterbalance to the challenges students have experienced.[7] Whether students are in the foster care system for short or long periods of time, their education is important for long-term success.

WHY IS MAINTAINING SCHOOL STABILITY IMPORTANT?

School stability is a necessary component to improving the education outcomes and education experience for students in foster care. Research highlights the link between school stability and improved graduation rates. According to *Casey Family Program's National Alumni Study*, youth who had one fewer placement change per year were almost twice as likely to graduate from high school before leaving care.[8] It is widely recognized that school mobility contributes to negative education outcomes and has adverse effects on students generally.

Why do students in foster care sometimes move frequently?

Students in foster care change placements for many reasons. An appropriate home that is best suited to meet the child or youth's needs may not be available in the student's home school district when removal from the home is required. A student may need to be placed out of the school district in a placement that meets the student's specific needs. The child or youth remains in that placement until it is necessary to move the child or youth to a more permanent home or because moving the student is in the child or youth's best interest. The majority of the time, there is sufficient time to notify the school and prepare the child or youth for transfer; however, sometimes there are circumstances that require a change to take place quickly.

Working collaboratively:

Strengthening partnerships between education, child welfare, and court systems is recognized as essential to improving the education and life outcomes of students impacted by foster care. It is important that children and young people in the foster care system are seen as "our" children and not the sole responsibility of any one system or group. Education is a critical partner in effectively meeting the needs of children and youth in Texas' child welfare system. Through partnership and coordination, we can accomplish the goal of improving the education experience and outcomes of students in foster care.

LAW: Federal Law Supports School Stability and Coordination between Child Welfare and Education Agencies

A TEA To the Administrator Addressed (TAA) Letter, "Importance of Maintaining Educational Stability for Children and Youth in the Foster Care System," August 22, 2012, provides information on *Fostering Connections to Success and Increasing Adoptions Act, 2008:*

"The federal *Fostering Connections to Success and Increasing Adoptions Act of 2008*, Public Law 110-351, requires state child welfare agencies to work with their state and local education systems to support initiatives to improve educational outcomes for children in foster care. On August 25, 2011, the U.S. Departments of Education and of Health and Human Services issued a joint letter to all Chief State School Officers and State Child Welfare Directors informing them of provisions in the federal law that require local education agencies and child welfare agencies to coordinate to ensure that children in foster care maintain education stability."[9] To view the TAA letter in its entirety visit: www.tea.state.tx.us/index4.aspx?id=2147508587

Education provisions in *Fostering Connections to Success and Increasing Adoptions Act of 2008* include:

- Emphasis on the importance of school stability, maintaining the school in which the child was enrolled at the time of placement, and the need for coordination between state and regional child welfare and state and local education agencies.
- Assurance that the placements take into account the appropriateness of the current education setting and proximity to the school in which the child is enrolled at the time of placement in foster care.
- If remaining in the same school is not in the child's best interest, the child welfare and local education agencies will work together to ensure immediate and appropriate enrollment and provide ALL of the child's education records to the new school.

THE IMPORTANCE OF TEXAS DATA – NUMBERS HIGHLIGHT CALL TO ACTION:

- Students in foster care experience educational instability and lag behind the general student population in high school completion.
- Students in foster care are almost three times more likely to receive special education services compared to students in the general population (24.5% compared to 8.8%).[10]
- Students in foster care are much more likely to be disciplined in school than other children; they receive out-of-school suspension at more than three times the rate of their peers (15.3% compared to 5.1%).[11]
- Children from the ages of 14–17 make up the largest percentage of children in the Texas child welfare system, totaling 23.1% of all youth in care.[12]
- 1,410 young people aged out of foster care in 2011 and lived on average in eight different places.[13]
- Only 45% of the children in foster care lived in their home county in May 2010.[14]

What does the education data tell us?

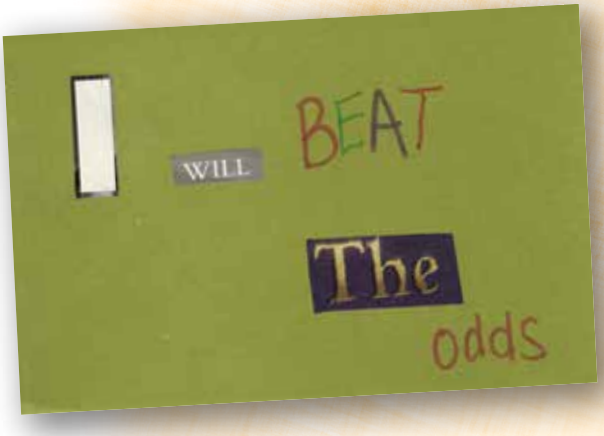
The baseline education data for students in foster care tells a tale of compelling need for targeted intervention and focused coordination to improve education outcomes. Historically, little was known about the education outcomes of students in foster care until the mid 2000's. To this end, TEA and DFPS developed a Memorandum of Understanding (MOU) to share data files in order to analyze how Texas foster students fare in school each year.

As a result of the MOU between DFPS and TEA, since 2008 the agencies compile and share statewide aggregate data annually. More recently, this information has been used to analyze trends, tell stakeholders of progress, set goals, and inform state level planning. Reviewing, understanding, and analyzing data are important elements to informing policies and developing new practices statewide and locally. Although state-level data and processes have been developed, local school districts have not yet had the opportunity to develop systems specifically to monitor and assess the educational progress and achievement of students in foster care. Infrastructure and mechanisms are necessary to support data-informed decisions and academic interventions locally for students in care to help close the achievement gap for this population.

Data Reveals Achievement Gap

TEA's Public Education Information Management System (PEIMS) data 2010–2011, available through the existing TEA and DFPS MOU data match, reveals that an achievement gap exists between students in foster care and students statewide. This gap is represented by the graduation and dropout school leaver codes. The leaver status of students in foster care who left public schools in grades 7–12 because they graduated from high school was only 40.7%, while 70.7% of students statewide left school because they graduated. The leaver status of students in foster care who left public school in grades 7–12 because they dropped out was significantly higher, with 28.7% of students in foster care leaving school as a dropout, compared to 8.4% of students statewide leaving school as a dropout.[15] Access the full report at: www.yourhonor.com/myprofile/assets/WhatDoesTheDataTellUs.pdf

Note: The graduation and dropout leaver percentages above are NOT rates. These numbers represent school leaver reasons. These are the number of students who graduated or dropped out during the year divided by the total number of students who left during that school year. Currently the agencies do not track longitudinal education data for cohorts of students in foster care, which would be necessary in order to calculate graduation and dropout rates.



"ALTHOUGH I AM A CHILD IN FOSTER CARE AND THE STATE OF TEXAS IS MY LEGAL GUARDIAN, IT DOESN'T MEAN MY DREAMS MUST DIE. A SUCCESSFUL EDUCATION WILL HELP ME TAKE ONE CRUCIAL STEP OF MANY I WILL TAKE IN LIFE TO ACHIEVE MY DREAMS. THE QUESTION IS: WILL I SAY BECAUSE OF YOU OR IN SPITE OF YOU...I REACHED MY DREAMS?"

RECENT UPDATE

TEA was charged by the 83rd Texas Legislature to collect data through TEA's Public Education Information Management Systems (PEIMS) on students in foster care through a PEIMS indicator code.[16] Guidance and information related to how districts will input and track students in foster care in the PEIMS system will be made available in future agency communications.

What are the demographics of Texas' students in foster care?

Students in foster care represent varying racial or ethnic groups and socio-economic demographics, with children of color overrepresented in the child welfare system. *Disproportionality* is a term used to describe the over or underrepresentation of a particular group, in comparison to their percentage in the general population.[17] There is research available to increase understanding of the theories regarding the disproportionate representation of children of color in foster care, including parent and family risk factors, community factors, and organizational and systemic factors.[18]

In Texas' foster care system:[19]

- African American children and youth are the most overrepresented racial group in the foster care system. Of the 17,108 young people removed from their homes in 2011 by CPS, 4,482 were African American, totaling 26.2% of all children removed. This percentage is considered to be disproportionate, considering that African-American children and youth represent only 12.1% of the total child population in Texas.
- 6,983 Hispanic children and youth were removed from their homes, totaling 40.8% of all children removed from their homes. Hispanic students are disproportionally underrepresented, considering they represent 47.8% of the total child population in Texas.
- 5,129 Caucasian children and youth were removed from their homes, totaling 30% of all children removed from their homes. Caucasian students are disproportionally underrepresented, considering they represent 36.3% of the total child population in Texas.
- 34 Native American children and youth were removed from their homes, totaling .2% of all children removed from their homes. Native American children are removed proportionally with their percentage in the overall child population in Texas.
- All other races are categorized as "Other," totaling 2.8% of all children removed from their homes. Children in this category are disproportionally underrepresented, considering they represent 3.6% of the total child population in Texas.

RESOURCES: Foster Care and Education

The Texas Department of Protective and Family Services: www.dfps.state.tx.us

Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families, *Transforming Education Outcomes for Children and Youth in Texas Foster Care*: education.texaschildrenscommission.gov/

Texas Education Agency, *Foster Care & Student Success*: www.tea.state.tx.us/FosterCareStudentSuccess/

Children's Bureau, The Child Welfare Information Gateway, "What is Child Welfare—A Guide for Educators": www.childwelfare.gov/pubs//cw_educators.pdf

Casey Family Programs, "Education is the Lifeline for Students in Foster Care"—*an overview of research and application to practice related to education and students in foster care:* casey.org/Resources/Publications/pdf/EducationalOutcomesFactSheet.pdf

FosterCareMonth.org, "What Teachers and Educators can do to Help Youth in Foster Care"—*an excellent brief that provides information on effective strategies and guidance for how educators can best support the academic needs of students who experience foster care:* www.fostercaremonth.org/GetInvolved/Toolkit/Support/Documents/What Teachers and Educators Can Do.pdf

From the School Psychologist, "Supporting Students In Foster Care": www.nasponline.org/resources/principals/Foster_Children_Sept%202011.pdf

"The Texas Blueprint: Transforming Education Outcomes for Children and Youth in Foster Care"—*a roadmap to improve education outcomes by legislative, policy, and practice changes within the Texas education, child welfare, and court systems, including recommendations regarding judicial practices, data and information sharing, multi-disciplinary training, school readiness, school stability and transitions, school experience, and post-secondary education.* texaschildrenscommission.gov/media/98/thetexasblueprint.pdf

Fostering Connections

Legal Center for Foster Care and Education, "Fostering Connections to Success and Increasing Adoption Act of 2008-Education Provisions"—*a two-page FAQ addressing commonly asked questions*: www.americanbar.org/content/dam/aba/migrated/child/education/publications/qa_fostering_connections_final.authcheckdam.pdf

National implementation website with many tools, resources, and best practices related to *Fostering Connections to Success & Increasing Adoptions Act of 2008*: www.FosteringConnections.Org

- Helpful tools, analyses and research on the education provisions on FosteringConnections.org website: www.fosteringconnections.org/resources/topic_tar?id=0002

The Finance Project, Connected by 25, and Youth Transition Funders Group, "Meeting the Education Requirements of Fostering Connections" — *an informative paper with practical charts and guidance for child welfare professionals, also beneficial for educators*: jimcaseyyouth.org/sites/default/files/documents/FCWG_EducationLessonsLearned.pdf

RESOURCES: Disproportionality and Child Welfare

Texas Health and Human Services Commission, The Center For Elimination of Disproportionality and Disparities: www.hhsc.state.tx.us/hhsc_projects/cedd/

The Texas Health and Human Services Commission, The Center For Elimination of Disproportionality and Disparities, "Achieving Equity for Texas' Most Vulnerable Citizens" — *a resource guide and online training addressing racial bias in child abuse and neglect reporting*: cedd.learnpointlms.com

Casey Family Programs, "Disproportionality and the Child Welfare System — The Disproportionate Representation of Children of Color in Foster Care": www.ncsl.org/print/cyf/fostercarecolor.pdf

National Council of Juvenile and Family Court Judges (NCJFCJ), Technical Assistance Bulletin, May 2012, "Disproportionality Rates for Children of Color in Foster Care," — *provides a comprehensive break-down of each state's child welfare data, as it relates to disproportionality rates for children in foster care.* www.ncjfcj.org/sites/default/files/Disproportionality%20Rates%20for%20Children%20of%20Color%202010.pdf

Child Welfare Information Gateway, January 2011, "Addressing Racial Disproportionality in Child Welfare": www.childwelfare.gov/pubs/issue_briefs/racial_disproportionality/racial_disproportionality.pdf

CHAPTER 2

INCREASING CROSS-SYSTEM AWARENESS

- TEXAS TAKES NEXT STEPS TO IMPROVE EDUCATION OUTCOMES OF STUDENTS IN CARE
- TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES
- COURT SYSTEM
- EDUCATION SYSTEM

CHAPTER 2

Increasing Cross-System Awareness

TEXAS TAKES NEXT STEPS TO IMPROVE EDUCATION OUTCOMES OF STUDENTS IN CARE:

In 2010, the Supreme Court of Texas issued an *Order Establishing the Education Committee of the Permanent Judicial Commission for Children, Youth and Families* (the Children's Commission). The Order charged the Education Committee to study the education challenges of students in foster care and develop recommendations to improve educational outcomes of children and youth in the Texas foster care system. The Order resulted in over 100 court, education, and child welfare stakeholders coming together over an 18-month period to listen and learn from each other, discuss and debate the issues, and ultimately develop their recommendations. The recommendations may be found in the Final Report of the Education Committee, "*The Texas Blueprint: Transforming Education Outcomes For Children & Youth in Foster Care*," which was submitted to the Supreme Court of Texas on May 3, 2012. The core focus areas of the committee included:

- Judicial Practices
- Multi-Disciplinary Training
- School Stability and Transitions
- Post-Secondary Education
- Data and Information Sharing
- School Readiness
- School Experience, Supports, and Advocacy
- Future Collaboration

The Education Committee reached consensus on many recommendations, which included changes to daily practices, modifications to education and child welfare policy, and amendments to Texas' legal framework. The recommendations, as implemented, will impact education, child welfare, and judicial practices. They will spur multi-disciplinary training, cross-agency data exchange, child-specific information sharing, and cross-system collaborations.[20]

In December 2012, the Supreme Court of Texas created by court order the *Texas Blueprint* Implementation Task Force, which includes members from DFPS and TEA, to monitor the implementation of the *Texas Blueprint* recommendations. Please visit the Children's Commission website for more information about the work of the Task Force at: education.texaschildrenscommission.gov/

In February 2013, the Children's Commission, in partnership with the Texas Center for the Judiciary, TEA, DFPS, and other stakeholders, hosted Texas' first Foster Care and Education Summit. Approximately 200 leaders from the child welfare, legal, and education fields from around Texas attended the two-day summit held in Austin, Texas, including:

- 29 judges;
- 42 representatives from 34 school districts;
- 14 representatives from state education organizations, including the Texas Education Agency, the Texas Association of School Boards, and the Texas Association of School Administrators;
- Representatives from all 20 Education Service Centers;
- 44 regional and state level DFPS staff;
- 13 representatives of Texas CASA and local CASA programs; and
- 34 advocates, including representatives from child placing agencies, statewide foster care associations, Casey Family Programs, Texas Appleseed, the Office of Court Administration, the Texas Juvenile Justice Department, Disability Rights Texas, the Texas Foster Youth Justice Project, TexProtects, and Texans Care for Children.

The conference provided a unique opportunity to build relationships across disciplines and develop a shared understanding of complex child welfare and education topics. All conference materials, including audio recordings and power points, will be beneficial to new district efforts addressing the education of students in foster care and are available at: www.yourhonor.com/single-conference/85#schedule

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (DFPS)

In Texas, DFPS,[21] through its Child Protective Service (CPS) and childcare licensing divisions, investigates allegations of child abuse and neglect, provides services to children and families, and monitors our state foster care system. CPS also manages community-based programs that prevent delinquency, abuse, neglect, and exploitation of Texas children.

CPS staff is responsible for:

- 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.

Every day, about 10,000 DFPS employees in more than 300 offices in 11 DFPS regions across the state protect the physical safety and emotional well-being of the most vulnerable citizens of Texas. Within each DFPS region there are a number of services and opportunities to support students in foster care (*see Chapter 4 for more information on the CPS system)*.

COURT SYSTEM

CPS cases are heard by district, county court-at-law, or associate judges in courts with jurisdiction to hear family law matters. Depending on the county, all or some of the judges with jurisdiction in that county may hear the cases or one judge may be designated as the CPS judge. Additionally, there are 17 specialty judges who solely hear CPS cases in approximately 120 Texas counties; these courts are referred to as Child Protection Specialty Courts. The Texas Family Code requires that courts hold periodic hearings during the time a child is in foster care. The following chart shows the timeline of these required hearings.

Day	Timeline of 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
300	Second Permanency Hearing
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 placement review hearings are held at least every 180 days until the child finds a permanent home.

TIP: Reach out to the local judiciary and lawyers who handle CPS cases to enhance collaboration. Introducing the foster care liaison is a good place to start, as well as informing the court stakeholders of other district efforts to help students in foster care.

EDUCATION SYSTEM

Texas has the nation's 2nd largest school system, comprised of more than 1,200 independent school districts and charter schools that educate nearly 5,000,000 students each year. Of those, 2,262,066 students were identified as at-risk for dropping out of school in the 2011–2012 school year, according to definitions adopted by the Texas Legislature.

State Education Agency (SEA):

TEA is the state education agency (SEA) responsible for administering federal and state education laws and policies under the leadership of the commissioner of education and is comprised of the commissioner and agency staff. TEA and the State Board of Education (SBOE) guide and monitor activities and programs related to public education in Texas. The SBOE consists of 15 elected members representing different regions of the state. One member is appointed chair by the governor. The mission of TEA is to provide leadership, guidance, and resources to help schools meet the educational needs of all students. TEA maintains a comprehensive website of resources and information for the public at www.tea.state.tx.us. Through its *Division of Federal and State Education Policy*, located in the Department of Standards and Programs, TEA works to implement statewide policy initiatives, including facilitating collaboration among education stakeholders on both the state and local level.

Local Education Agencies (LEAs):

Texas has more than 1,200 Local Education Agencies (LEAs) operating more than 8,000 public schools, including charter schools. Texas schools provide a free public education to students enrolled in grades Pre-K through 12.

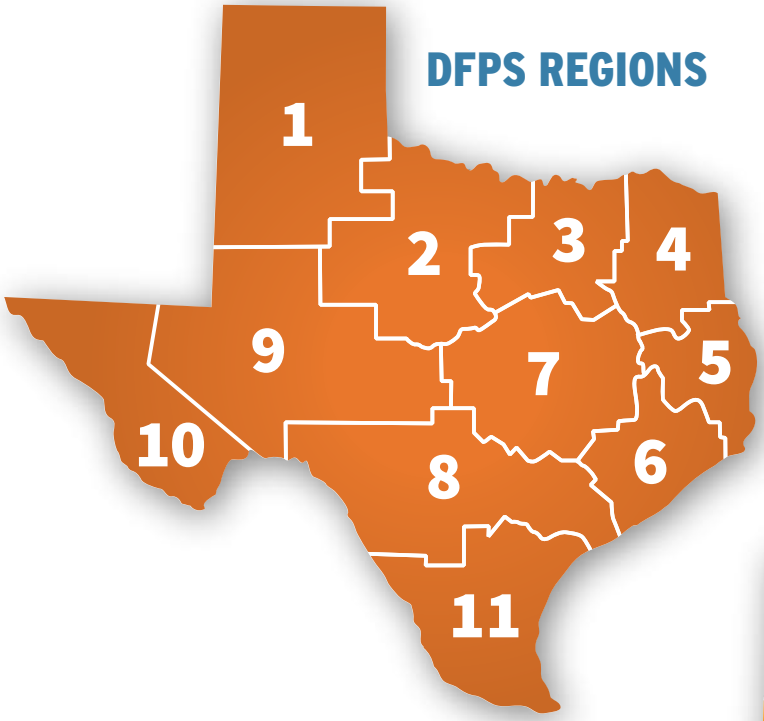
Education Service Centers (ESCs):

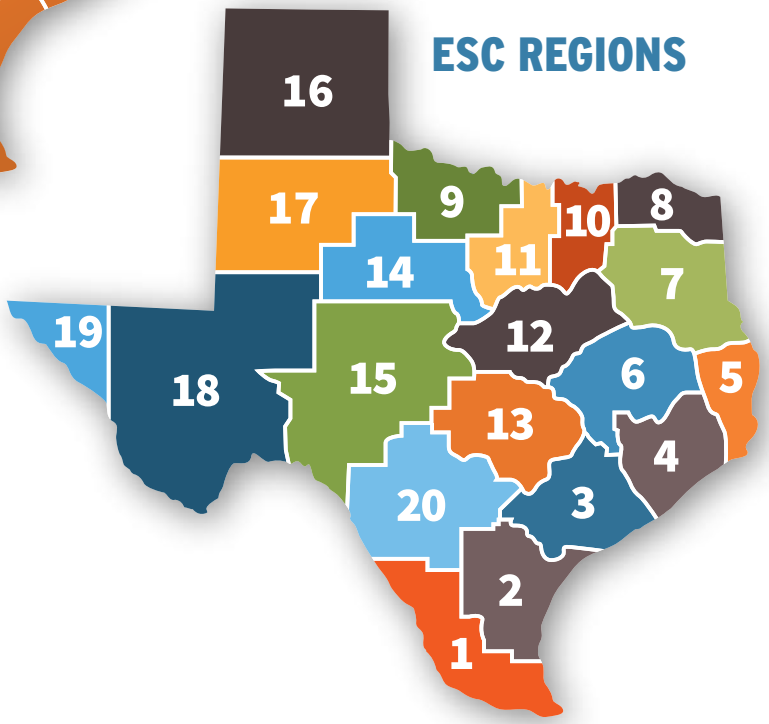
Texas has a regional education support system for schools called Regional Education Service Centers. There are 20 independent Education Service Centers (ESCs) that receive funding from TEA and local school districts to provide support services and technical assistance to school districts.

Education system's role in helping improve education outcomes:

The Texas Legislature recognized that students in foster care are faced with numerous transitions during their formative years,[22] and thus directed TEA to work with schools to assist in the transition of students from one school to another. The Texas Education Code has numerous provisions that relate to students in foster care that will be discussed throughout this Resource Guide.

Some ESCs have designated staff to address the education of students in foster care within their ESC region. ESCs offer professional development courses and some may host collaborative forums and joint trainings with child welfare partners. One should contact the local ESC to learn of opportunities, training, and supports that may be available or are currently being developed to address the education of students in foster care.





TIP: DFPS and ESC service regions differ. It is important to clarify which type of region is being referred to when working with partners from the child welfare system.

CHAPTER 3

BUILDING CROSS-SYSTEM PARTNERSHIPS: EDUCATION, CHILD WELFARE, AND COURTS

- WHY IS CROSS-SYSTEM COLLABORATION NECESSARY?
- GUIDING PRINCIPLES AND GROUND RULES
- PRACTICAL STEPS FOR ESTABLISHING COLLABORATION AND LOCAL PARTNERSHIPS
- LESSONS LEARNED FROM THE *TEXAS TRIO PROJECT*
- COLLABORATION IN ACTION – INDEPENDENT SCHOOL DISTRICT (ISD) EXAMPLES

CHAPTER 3

Building Cross-System Partnerships: Education, Child Welfare, and Courts

WHY IS CROSS-SYSTEM COLLABORATION NECESSARY?

The federal *Fostering Connections to Success and Increasing Adoptions Act of 2008* directs local and state child welfare systems to coordinate with education providers. Collaboration between the child welfare and education systems is recognized as an important component of improving the education outcomes of students who experience foster care. A challenging task, it may force systems and individuals within those systems to work in new and unfamiliar ways. Fortunately, there is guidance available to assist professionals to work collaboratively and build cross-system partnerships.

The **"Guiding Principles"** and **"Ground Rules"** provided below were important components to the successful collaborative work of the Education Committee and the resulting *Texas Blueprint* report. These principles are based on the "*Blueprint for Change — Education Success for Children in Foster Care*," a guide that was produced by Casey Family Programs and the American Bar Association Legal Center for Foster Care and Education.[23]

GUIDING PRINCIPLES AND GROUND RULES:

Guiding principles such as the ones below may be adapted locally or regionally to establish a shared vision for the work.

Guiding Principle #1: Children and youth in care are entitled to remain in the same school when feasible.

Guiding Principle #2: Children and youth in care experience seamless transitions between schools.

Guiding Principle #3: Young children in care receive services and interventions to be ready to learn.

Guiding Principle #4: Children and youth in care have the opportunity and support to fully participate in all developmentally appropriate activities and all aspects of the education experience.

Guiding Principle #5: Children and youth in care have supports to prevent school dropout, truancy, and disciplinary actions, and to reengage in the education experience.

Guiding Principle #6: Children and youth in care are involved, empowered, and prepared to self-advocate in all aspects of their education.

Guiding Principle #7: Children and youth in care have consistent adult support to advocate for and make education decisions.

Guiding Principle #8: Children and youth in care have support to enter and complete post-secondary education.

With the Guiding Principles in mind, ground rules set the stage for effective collaborative work. Although not officially adopted by the committee, the ground rules shaped the committee discussions and ultimately its final report. The ground rules, below, may also be adapted for one's regional or local collaborative work:

- The children and youth in the Texas foster care system are ***our*** responsibility and blame and finger-pointing will not be permitted;
- Courts, education, and child welfare must all be represented in the discussion if a coordinated approach is to be established;
- Lack of current funding options will not deter creative ideas;
- All members must develop an understanding of the challenges other partners face, such as funding limitations; and
- Communication is key to developing collaboration and continuing it in the future.

PRACTICAL STEPS FOR ESTABLISHING COLLABORATION AND LOCAL PARTNERSHIPS:

- **Establish contacts and build relationships across systems — knowing who to call within partnering agencies is helpful for coordinating cross-system activities.**
- **Create opportunities to learn about one another's systems, agency jargon, decision making processes, job responsibilities, and services provided.**

TIP: Take time to explain definitions and commonly used acronyms, processes, responsibilities, and constraints. All participants will benefit from understanding the organizational structure, as well as the mission, vision, and collective interests, of each partner.

- **Maintain momentum and address complex problems through consistent and sustained communication.**

TIP: Host regular meetings with stakeholders and community partners to identify barriers and create joint solutions.

- **Learn about the wide variety of supports and resources different stakeholders provide.**
- **Identify high-level leadership in school districts and the child welfare system who can help to champion efforts.**

TIP: Bringing people together and creating awareness amongst decision makers is an important component of systemic change and collaborative efforts.

- **Establish a shared vision and goals.**
- **Develop strategies for collaborative work.**

TIP: Identify and host opportunities for cross-system training.

Relevant cross-training topics include:

For school staff: Foster Care/CPS 101, Culture of Foster Care/Sensitivity, Impact of Trauma, DFPS Transition Supports, Foster Youth-specific Post-Secondary Opportunities, Mandatory Child Abuse Reporting, and others.

For child welfare partners: Enrollment/Withdrawal process, Student Data/Progress Tracking, Personal Graduation Planning (PGP), Surrogate Parent Training, Special Education Laws, Credit Recovery, Graduation requirements, Parent Supports, Student Supports, McKinney-Vento homeless student supports, and other services available.

- **Involve youth and alumni from foster care in planning and collaborative efforts.**
- **Include other stakeholders and relevant community partners.**

TIP: Foster parent organizations, CASA and guardians ad litem, PAL and transition planning groups, group homes, emergency shelters, residential treatment centers, juvenile justice representatives, foster care alumni, child placing agencies, faith-based organizations, and non-profit organizations are all potential groups to involve in cross-system partnerships.

- **Identify needs, opportunities and solutions for improving district practices and policies.**
- **Use data to track progress.**
- **Celebrate successes and victories to keep the collaborative momentum going!**

LESSONS LEARNED FROM THE *TEXAS TRIO PROJECT*:

The *Texas Trio Project: Strengthening Court, Child Welfare, and Education Connections for Youth* was a collaborative initiative funded by a national demonstration grant to build capacity for cross-system functioning between TEA, DFPS, and the Children's Commission. The project also conducted a local level pilot with the Houston Independent School District (HISD) and DFPS Region 6. Working at both the state and local levels collaboratively to address the education of students in foster care provided many lessons:

- Developing a common language and shared goal is important.
- There is a large learning curve.
- Taking time early on to learn about collaborative partners and their interests is essential.
- There are numerous opportunities for cross-systems and integrated training.
- Hearing from multiple perspectives provides new insights.
- Work to remove assumptions and blame — building trust is essential.
- Be patient. Understand that each system may operate within constraints and organizational processes that impact the ability and timeliness of coordination.
- Involve a large multi-disciplinary cross-section of stakeholders and ensure that youth's voice and those who've experienced foster care are represented.
- Celebrate victories and successes along the way!

COLLABORATION IN ACTION – INDEPENDENT SCHOOL DISTRICT (ISD) EXAMPLES:

While it can appear overwhelming, below are a few examples of how Texas school districts are coordinating with child welfare partners to address the education of students in foster care.

Austin Independent School District (AISD):

AISD is developing a robust and collaborative initiative to support students in foster care. The AISD school district foster care liaison holds regular and on going meetings with community stakeholders to promote shared understanding, raise awareness, increase communication, and improve district practices that recognize and support students in foster care. The district is working with the Travis County Model Court to implement a pilot project utilizing CASA workers as education advocates. AISD is also working with Austin Community College to increase coordination among central Texas area district liaisons and the higher education community. Lastly, the district is developing support tools and quick guides for principals, counselors, teachers, and caregivers within the district, which specifically target the unique education needs of students in foster care. This initiative is an example of district leadership and community partnership committed to improving the education of students.

Houston Independent School District (HISD):

As part of the *Texas Trio Project*, HISD partnered with DFPS, TEA, and the Children's Commission. This partnership provided a rich learning foundation for local and state stakeholders. The collaboration modeled the importance of building relationships across systems to best support students. Monthly meetings between HISD staff, state and local representatives from DFPS, TEA, and the Children's Commission provided opportunities to improve support systems for children and youth in foster care. Many cross-system training needs and challenges were identified. Likewise, opportunities to strategize and develop cross-system solutions began and continue.

TIP: Please notify TEA at fostercareliaison@tea.state.tx.us of *collaborative efforts* that a district is engaged in to support education of students in foster care.

TEA plans to compile best practices and to share lessons learned from local initiatives to improve the education of students in foster care throughout the state. Visit www.tea.state.tx.us/FosterCareStudentSuccess/ and sign up for the TEA Foster Care Education Listserv to receive information as it becomes available.

RESOURCES: Building Cross-System Partnership and Collaboration

"Making it Work: Child Welfare and Education Agencies Collaborating to Ensure School Stability for Children in Foster Care" — *a brief with practical tips on how education and child welfare can partner.* www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/issue_brief_collaboration2012.authcheckdam.pdf

"When Working Together Works: Academic Success for Students in Out-of-Home Care" — *an informative brief with practical tips on collaboration and coordination between child welfare and education partners.* center.serve.org/nche/downloads/briefs/wwtw.pdf

"Making the Case: Engaging Education Partners in Addressing the Education Needs of Children in Foster Care" — *an informative brief on the importance of including and engaging education partners.* www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/issue_brief_engaging_education2012.authcheckdam.pdf

"Breakthrough Series Collaborative: Improving Education Continuity and School Stability for Children in Out-of-Home Care" — *a how-to guide for building effective cross-system collaboration and partnerships to support students in foster care.* www.casey.org/Resources/Publications/pdf/BreakthroughSeries_Education_FR.pdf

CHAPTER 4

FOSTER CARE OVERVIEW: UNDERSTANDING THE FOSTER CARE SYSTEM

- WHAT IS FOSTER CARE?
- HOW DOES A CHILD OR YOUTH ENTER THE FOSTER CARE SYSTEM?
- WHERE CAN I GO TO LEARN MORE ABOUT REPORTING CHILD ABUSE AND NEGLECT?
- WHAT TYPES OF ABUSE/NEGLECT DOES CHILD PROTECTIVE SERVICES (CPS) INVESTIGATE?
- WHERE DOES A CHILD OR YOUTH LIVE WHEN PLACED IN FOSTER CARE?
- WHAT IS A STUDENT'S JOURNEY THROUGH FOSTER CARE?
- WHO ARE KEY PEOPLE INVOLVED IN THE LIFE OF A STUDENT IN FOSTER CARE?
- WORKING WITH KEY PEOPLE IN A CPS CASE IN THE SCHOOL SETTING

CHAPTER 4

Foster Care Overview: Understanding the Foster Care System

This chapter provides an overview of the foster care system, including commonly used terms, phrases, and descriptions of people and systems involved in a student's life while in foster care. The chapter also describes different living arrangements and addresses common questions and complexities related to the child welfare system. A hypothetical description of a student's journey through foster care and the CPS "Stages of Service" are also included. A comprehensive list of terms and acronyms used by the child welfare and court systems is included in the glossary *(see page 113)*. Lastly, a child in foster care has many rights. A list and description of these rights are described in Appendix B.

WHAT IS FOSTER CARE?

Foster care — When children can't live safely at home and an appropriate non-custodial parent, relative, or close family friend is currently unable or unwilling to care for them, the court can give temporary legal possession to CPS and that agency temporarily places these children in foster care. Foster care settings include:

- Kinship Caregiver homes;
- Foster family homes;
- Foster family group homes;
- Residential group care facilities; and
- Facilities overseen by another state agency.

Foster care is meant to be temporary until a permanent living arrangement is found and CPS no longer has legal custody of the child. However, for some children, it can become permanent. CPS strives to ensure quality services for children in foster care. However, children in foster care may have to change placements several times while in foster care due to a variety of factors, such as licensing standards violations, court rulings, or changes in the foster home or facility. CPS consistently works towards increasing placement options to better match the needs of each individual child.

In Texas, CPS and the Texas Education Code use the term "substitute care" to refer to all children who are in the legal custody of CPS, including children who are placed either with a relative or in a licensed foster placement. "Conservatorship" is a term also used in the Texas Education Code and by CPS to describe the status of a youth who is placed in DFPS legal custody by a court order. Although not as commonly referenced, "substitute care" is interchangeable with the term "conservatorship."

Conservatorship — There are two terms used to define whether a child is in short or long-term conservatorship:

- *Temporary Managing Conservatorship (TMC): DFPS may be the TMC while the agency works with the family on a reunification plan; or*
- *Permanent Managing Conservatorship (PMC): DFPS may be named the Permanent Managing Conservator for a child until custody is given to another individual or until the youth turns 18.*

Reminder: The term "foster care" is being used throughout this guide to refer to all children and youth in CPS conservatorship/substitute care.

HOW DOES A CHILD OR YOUTH ENTER THE FOSTER CARE SYSTEM?

A child or youth enters the foster care system when there is a "reason to believe" allegation of abuse and/or neglect. CPS must petition the court for approval to remove a child from his or her home because of safety concerns. Before a decision is made to remove a child, CPS must make reasonable efforts to safely maintain children with their families, including sometimes providing necessary supports and services. These services are called Family Based Safety Services (FBSS) and are provided by CPS staff, community agencies, or both. To ensure that reasonable efforts are made to keep

children in their homes, courts must approve all decisions to remove and must offer the parents and their attorneys an opportunity for a contested hearing within two weeks of the child's removal from the home.[24]

WHERE CAN I GO TO LEARN MORE ABOUT REPORTING CHILD ABUSE AND NEGLECT?

Educators are mandated reporters of suspected child abuse and neglect. Schools are required to have policies and training for personnel regarding the reporting of suspected child abuse and neglect, in accordance with the relevant Texas statutes and the commissioner's rules.[25] Child abuse and neglect reports are made by phone, in-person, through postal mail, fax, or online. Most reports come from teachers, doctors, and law enforcement.[26]

REPORTING CHILD ABUSE AND NEGLECT

If you suspect child abuse and/or neglect, you must make a report by calling 1-800-252-5400 or visiting www.txabusehotline.org

Call 911 if it is an emergency

(An emergency is a situation where a child faces an immediate risk of abuse or neglect that could result in death or serious harm.)

RESOURCES: Reporting Child Abuse and Neglect

DFPS, Online Training for Professionals — *a training course on how to report suspected abuse or neglect, including a video tutorial on mandatory reporting in the school setting, is available on the DFPS website*: www.dfps.state.tx.us/Training/Reporting/default.asp

DFPS, Report Abuse, Neglect, or Exploitation: www.dfps.state.tx.us/Contact_Us/report_abuse.asp

DFPS, "Reporting Abuse/Neglect: A Guide for School Professionals": www.dfps.state.tx.us/Training/Reporting/documents/Reporting_Guide_School_Professionals.pdf

DFPS, "A Guide For School Professionals" — *trifold brochure and fact sheet*: www.dfps.state.tx.us/Training/Reporting/documents/Reporting_Guide_Brochure.pdf

DFPS, "Reporting Abuse, Neglect or Exploitation" — *training handout on the law*: www.dfps.state.tx.us/documents/Contact_Us/documents/swiflyer.pdf

DFPS, Prevention and Intervention Resources — Programs Available in Your County: www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_County/default.asp

TEA distributes important information for schools on reporting child abuse and neglect requirements. Please read March 6, 2013, To the Administrator Addressed (TAA) letter, "Child Abuse and Neglect Reporting and Requirements," including the attached list of resources and free training materials for more information: www.tea.state.tx.us/index4.aspx?id=25769803997

Additional resources are also available on the TEA *Child Abuse Prevention Overview* website: www.tea.state.tx.us/childabuse.html

WHAT TYPES OF ABUSE/NEGLECT DOES CHILD PROTECTIVE SERVICES (CPS) INVESTIGATE?

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

Definitions of abuse and neglect as defined by Texas' *Health and Safety Code (Chapter 481)* and *Penal Code (Chapter 21, 22, 43),* which may result in investigation and placement in foster care are provided below:

FORM OF ABUSE/NEGLECT:	DEFINITION:
Emotional Abuse	• Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning; • Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning; or • The current use by a person of a controlled substance as defined by Chapter 481 of the Health and Safety Code, in a manner or to the extent that the use results in mental or emotional injury to a child
Physical Abuse	• Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm; • Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child; • The current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical injury to a child; or • Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

FORM OF ABUSE/NEGLECT:	DEFINITION:
Sexual Abuse	• Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code; • Failure to make a reasonable effort to prevent sexual conduct harmful to a child; • Compelling or encouraging a child to engage in sexual conduct as defined by Section 43.01, Penal Code, including conduct that constitutes an offense of trafficking of persons under Section 20A(a)(7) or (8), Penal Code, prostitution under Section 43.02(a)(2), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code; • Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene (as defined by the Penal Code) or pornographic; • Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by 43.25, Penal Code; or • Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.
Abandonment	• The leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and a demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
Physical Neglect	• The failure to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
Medical Neglect	• The failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
Neglectful Supervision	• Placing the child in or failing to remove the child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child; or • Placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child.
Refusal to Assume Parental Responsibility (RAPR)	• The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

WHERE DOES A CHILD OR YOUTH LIVE WHEN PLACED IN FOSTER CARE?

There are a variety of different placement types for children and youth in foster care. Each placement is selected based on the child's needs and the ability of the caregiver to best meet the child's needs. The goal of each placement is to provide a child or youth with a safe, stable, and nurturing environment.

TIP: These settings may influence a student's time during and after school differently. It is helpful when educators remain sensitive and informed of the variety of settings a student may live in and consider the impact of these environments on the student.

Below is a list of placement types in which a youth in foster care may live:

Placement Types:	Description:
Kinship Caregiver	A relative or fictive kin who provides care for a child. A relative is a member of the child's biological family. A fictive kin is a person who has a longstanding and significant relationship with a child in DFPS conservatorship or with the child's family.
Foster Home	A state-licensed home (usually temporary) for children in foster care. Caregivers known as "foster parents" receive a reimbursement for providing room, board, and transportation for children living in their home.
Emergency Shelter	A shelter facility that houses youth for up to 90 days while awaiting a longer-term foster placement.
Group Home	A licensed facility where multiple youth live. Staff oversee the facility and students live there 24/7.
Residential Treatment Centers (RTC)	Residential Treatment Centers are regulated by DFPS to provide placements and services to youth who require specialized services.

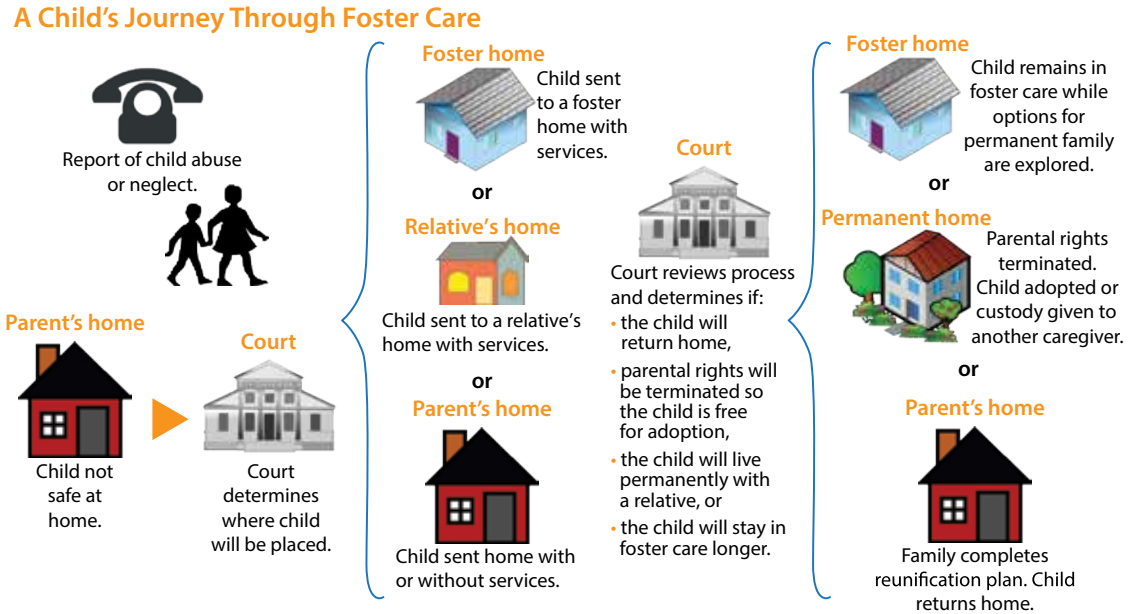
TIP: Schools can help with targeted foster parent recruiting.

In partnership with DFPS, schools can play an active role in recruiting foster parents. Schools can specifically help increase the number of foster homes within school zones, especially in districts and school zones where there are a large number of children entering foster care. Maintaining children in their home school and/or district supports education stability. School personnel who are interested in becoming foster parents or know someone who might be should visit www.dfps.state.tx.us/Adoption_and_Foster_Care/Get_Started/default.asp or contact the regional DFPS office for more information.

WHAT IS A STUDENT'S JOURNEY THROUGH FOSTER CARE?

A student's journey through foster care is more clearly understood through the CPS Stages of Service described below.

CPS Stages of Service:	Description:
Intake	DFPS administers a toll-free 24-hour hotline for reporting suspected abuse and neglect of children, the elderly, or people with disabilities.
Investigation	Intake reports are assigned and CPS workers interview children, parents, and others with knowledge of the family. The interviews help determine if abuse or neglect has occurred and evaluate child safety.
Family Based Safety Services (FBSS)	When it is safe to do so, CPS provides in-home services to help stabilize the family and reduce risk of future abuse or neglect. Most children and youth continue to live in their own homes or with relatives during this time. Parents maintain legal custody of the children.
Foster Care/Substitute Care/Conservatorship	When it is not safe for children or youth to live with their own families, CPS petitions the court to remove the children or youth from their homes. This process formally places a child in what is referred to as foster or substitute care.
Adoption	Once a child is available for adoption because parental rights have been terminated, the court may name other individuals as the child or youth's legal parent. *(A lifetime college tuition and fee waiver is available for qualifying children who remain in foster care until age 18 and some of those who are adopted from DFPS) (see page 104-105 for eligibility requirements).*[27]

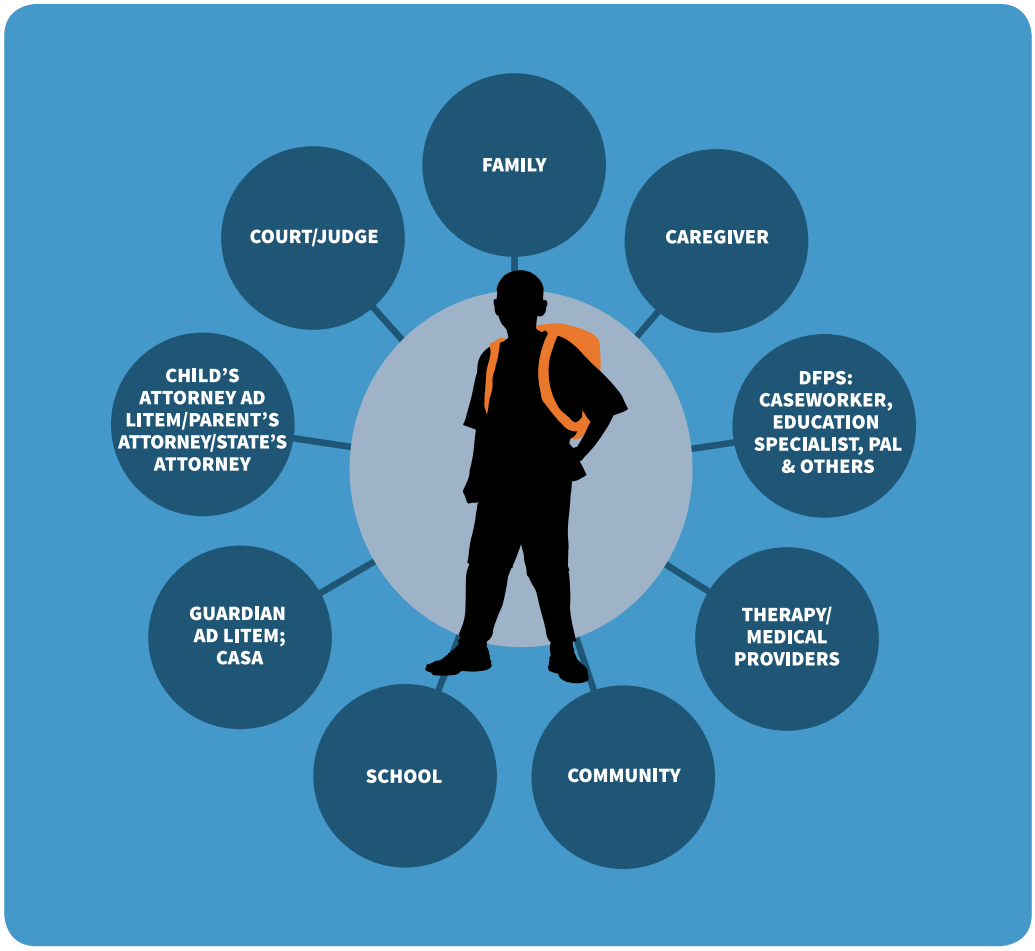


This graphic is modified from *Educating Youth in State Care*, Initiative on Utah Children in Foster Care, May 2009, page 5.

See *Appendix D* for a more detailed flow chart describing the CPS process. Additionally, more information about the foster care system in Texas can be found on the DFPS website: www.dfps.state.tx.us/child_protection/

WHO ARE KEY PEOPLE INVOLVED IN THE LIFE OF A STUDENT IN FOSTER CARE?

When a child or youth is placed in foster care, there are many adults and service providers who play a critical role in meeting their physical and emotional needs. It is helpful for education professionals to have an understanding of the various people and systems that may work with a student in foster care.



Department of Family and Protective Services (DFPS):

School personnel may interact with DFPS staff and others involved in the life of a student (child or youth) in foster care, such as:

Caseworker:

The CPS caseworker is the primary DFPS staff responsible for the oversight of a child or youth's case and has multiple responsibilities. The caseworker is the direct link with the child or youth, caregiver, the court system, and multiple service providers. The caseworker is responsible for ensuring the child or youth's needs are met and that the child or youth receives all necessary and appropriate services while in foster care. The CPS caseworker visits with the child or youth at least once a month and supervises visits with siblings and family members. Caseworkers and caregivers are to be notified by school staff if they have concerns about a child or youth in DFPS conservatorship *(see page 68 for more information on education decision making and who to contact for school-related decisions).*

TIP: DFPS experiences high turnover rates of CPS staff and the caseworker for a particular child or youth may change without notice.

If you are unable to contact the child or youth's CPS caseworker, it is best to contact the CPS caseworker's supervisor. Contact information for both the caseworker and supervisor are listed on the Placement Authorization Form 2085 (*see page 50* and *Appendix F*).

Caregiver:

The caregiver may be a relative, fictive kin, or a representative, such as a foster parent, affiliated with a child placing agency or CPS. Caregivers have responsibilities related to the student's education.

Regional Education Specialist:

Regional Education Specialists work for DFPS, specializing in education and school-related matters. They act as liaisons between DFPS and local schools and districts within their region. They advocate for educational and ancillary services that best meet the needs of children and youth in the school environment. Regional Education Specialists also serve as a primary resource for school staff on education matters involving students in foster care. Education Specialists also offer presentations on *Improving Educational Outcomes for Children and Youth in Foster Care*, *Trauma-Informed Care*, and *Intervention Strategies* to CPS staff and community stakeholders.

TIP: The DFPS Regional Education Specialist is an excellent contact to begin building partnerships with the local child welfare system.

The local DFPS Regional Education Specialist may help provide cross-system trainings and other information on services provided. For a list of DFPS Regional Education Specialists, visit www.tea.state.tx.us/index4.aspx?id=2147512296&menu_id=2147483761

Preparation for Adult Living Coordinator (PAL):

Preparation for Adult Living (PAL), in collaboration with public and private organizations, is a DFPS program that assists youth ages 16 and older in developing independent living skills. School personnel can support students by making sure they are informed about and enrolled in PAL services and further coordinating with the PAL provider to help students acquire job skills, academic records, and important life skills in preparation for exiting foster care and transitioning into college and career opportunities.

Visit DFPS's website for more information on PAL and the contact information for PAL in each region at: www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Preparation_For_Adult_Living/default.asp (*see Chapter 13 for more information on DFPS supports and resources available to assist students in transitioning to adulthood*).

Family:

Alumni of foster care report concern and loss associated with being separated from family, which often influences students' learning processes and school experience. Each case is unique and students may or may not see their biological parents, siblings, or other family members. Sensitivity to visitation, court dates, and other circumstances, such as school assignments related to family, are important.

Community:

Students may be involved with community organizations such as after-school clubs, churches, mentoring organizations, and other community-based supports and services. Partnering with community-based organizations, sharing information about available resources, and involving these groups in supporting students is beneficial.

Therapy/Medical Providers:

Students may receive counseling, therapy, or other medical or mental health services. Schools are encouraged to coordinate with caregivers when possible to ensure that students' individual service needs are met and that regular school attendance is maintained.

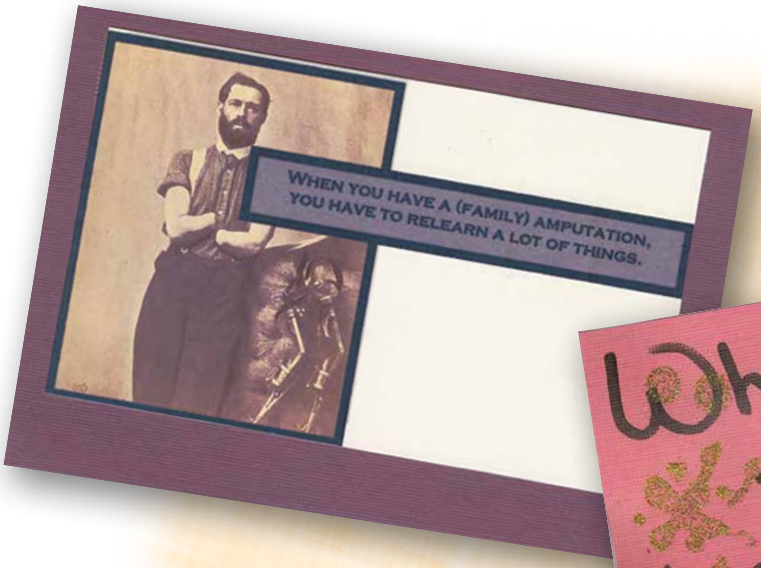
Court/Judge:

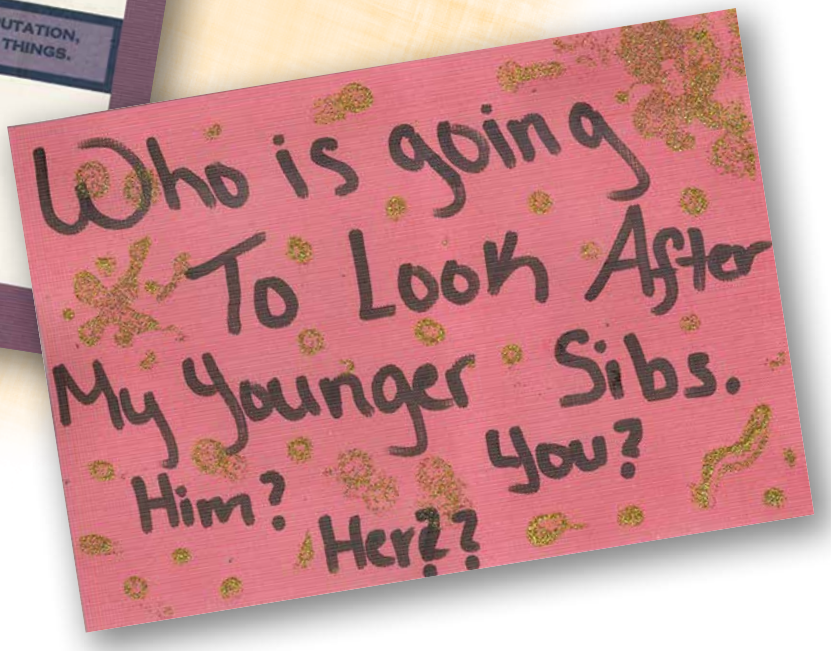
Courts play a critical role in child welfare cases. No child enters or leaves foster care without a court order. Every day, judges decide whether children return home, live with relatives, or become legally available for adoption. Understandably, court dates may cause a range of emotions for students. Caregivers may communicate with school staff about upcoming court dates and absences related to foster care hearings and other activities. Pursuant to state law, a school absence due to a court date is considered an *excused* absence.

TIP: Sometimes a student may have the option of participating in a court hearing via phone, which allows students to remain in school and not miss the entire school day due to traveling for a court date. Schools may assist by providing a phone and quiet, *private* space for students to use.

Once CPS determines that a child needs to live outside of his home due to abuse or neglect, CPS must file a lawsuit and ask a court to approve the child's living situation. Judges will continue to monitor the child's circumstances until the child resides in a safe, permanent home (*see page 21 for a timeline of required hearings)*. At any court hearing required under Texas Family Code Chapters 262 and 263, the judge may ask, among other school-related questions, if:

- The child is attending school;
- The child is enrolled in a new school;
- The child's records have been transferred to the new school;
- The child's educational needs have been identified and addressed;
- An education decision-maker has been identified; or
- The child is appropriately placed in educational services.[28]





Child's Attorney ad litem:

The Texas Family Code requires that an attorney ad litem (AAL) be appointed to represent the *legal interests* of a child when DFPS asks to be made the child's legal conservator or seeks to have the parents' rights to the child terminated.[29] Once a final order is entered, which could include granting Permanent Managing Conservatorship (PMC) to DFPS, the court may dismiss the attorney ad litem.

TIP: The attorney ad litem may contact the school for information regarding the child's education status and needs.

In an order appointing the attorney to represent the child, there should be language allowing the attorney to have immediate access to the child and any information relating to the child.[30] The attorney ad litem for the child is also entitled to records related to the child, including school records, without requiring a further order or release.[31]

Attorney for Parents and DFPS:

The attorney for a child's parents and the attorney for DFPS are other court-related representatives involved in a child's case. An attorney will represent DFPS in its legal proceedings. In some counties, DFPS will be represented by the local prosecutor's office — either the county or district attorney — or by a regional attorney who is an employee of DFPS. Parents' attorneys may be hired or appointed by the court, depending on the financial situation of the parents.[32] The attorneys for parents may be lawyers in private practice or part of an office that specializes in representing parents in CPS cases, or the local public defender's office.

Guardian ad litem (GAL):

The Texas Family Code also requires that a guardian ad litem be appointed to represent a child's *best interests* when DFPS asks to be made the child's legal parent or seeks to have the parents' rights to the child terminated.[33] A guardian ad litem may be:

- A volunteer advocate, such as a Court Appointed Special Advocate (CASA);
- A professional, other than an attorney, who holds a relevant professional license and whose training relates to the determination of a child's best interests;
- An adult having the competence, training, and expertise determined by the court to be sufficient to represent the best interests of the child; or
- An attorney appointed to serve in the dual role of an attorney ad litem and guardian ad litem.[34]

Similar to an attorney ad litem, a guardian ad litem is responsible for interviewing the child and each person who has knowledge of the case. Guardians ad litem take part in the court proceedings, including providing reports to the court.[35] Also, like attorneys ad litem, guardians ad litem are allowed access to the child and information regarding the child, including education information.[36]

Court Appointed Special Advocates (CASA):

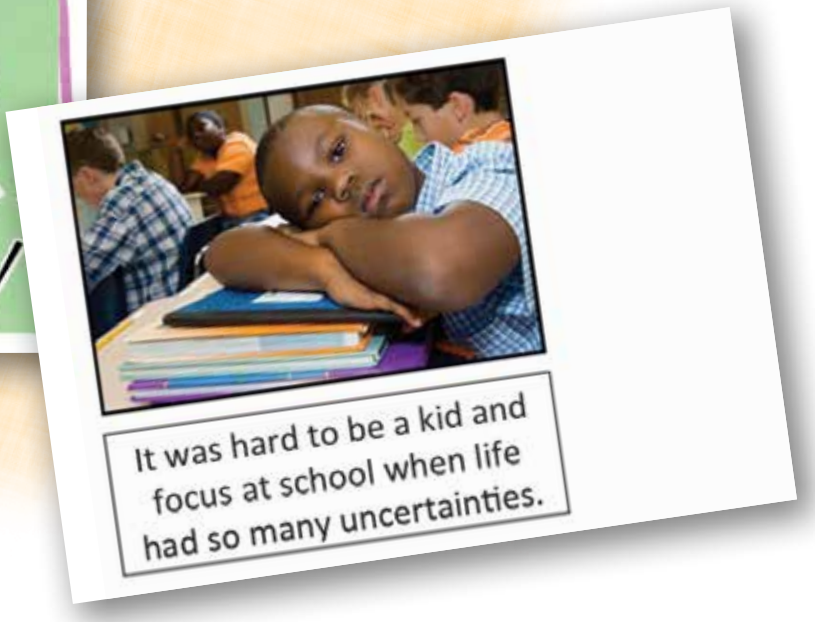
CASA volunteers serve as guardians ad litem (GALs) or volunteer advocates to represent the best interests of children in foster care. The CASA may contact the school in order to gather information, review school records, or interview school personnel in order to advocate for the child in court. As the child's guardian ad litem, a CASA is entitled to access relevant medical, psychological, educational and other information regarding the child.[37] In some instances, the student's CASA volunteer may play an active role in enrolling the child and advocating for his or her education needs. A CASA volunteer may be appointed to act as the surrogate parent for the child, unless a foster parent of the child is acting as the child's surrogate parent.[38] *Current and former educators make excellent CASA volunteers!* Local CASA nonprofit organizations recruit, train, and support CASA volunteers in most areas of the state. Consider becoming a CASA volunteer to advocate for the best interests of a child in court. Visit: www.texascasa.org.

WORKING WITH KEY PEOPLE IN A CPS CASE IN THE SCHOOL SETTING:

- School personnel may be subpoenaed or requested to attend a court hearing regarding the CPS case.
- Attorneys and guardians ad litem should be able to show a court order appointing them to represent the child in the CPS case. Most of these orders include language allowing the attorneys and guardians ad litem to have access to the child and to information regarding the child, including school records. These attorneys may attend "ARD" committee meetings (if invited by the person acting as the special education decision maker) or other school meetings for the child.

  "ARD" stands for "admission, review, and dismissal." The student's ARD committee is responsible for developing, reviewing, and revising an individualized education program (IEP) for a child with a disability. The IEP details the special education services that the child is to receive.

- Depending on the most recent court order in the CPS case, the birth parent may or may not have access to the student or to educational records. Check with the DFPS caseworker to find out who is responsible for education decisions and what access a birth parent may have to the child or the child's records. Consult with the school's attorney to determine the school district's local policy for identifying who may have access to the student or to educational records (*see Chapter 9 for more information on Education Decision Making, FERPA & Information sharing).*
- CASAs are sometimes appointed as surrogate parents for children who are receiving special education services (*see page 98).*
- To help ensure the safety of people working on the student's case, please do not make a copy for the student file of the caseworker, attorney ad litem, or CASA's driver's license. These may later be accessed by the student's biological parent or other persons. It is acceptable to run information through the ISD Raptor system, but no photocopy should be made. The person working the case can also provide the school with contact information and an identification badge from the organization they represent.



CHAPTER 5

DISTRICT FOSTER CARE LIAISONS: RESPONSIBILITIES & EXPECTATIONS

- LIAISON INTRODUCTION AND OVERVIEW
- WHERE TO GET STARTED?
- 12 KEY ACTIVITIES FOR DISTRICT FOSTER CARE LIAISONS

CHAPTER 5

District Foster Care Liaisons: Responsibilities and Expectations

Each school district and open-enrollment charter school is statutorily required to appoint *at least one* employee to act as a liaison to facilitate the *enrollment* and *transfer of records* of students in the legal custody of DFPS when enrolling in or changing schools. The information in this section provides suggestions on practices for liaisons based on statutory requirements, and feedback from current foster care liaisons, as well as partners across education, child welfare, and the courts.

LIAISON INTRODUCTION AND OVERVIEW:

LAW: Each school district and open enrollment charter school shall appoint at least one employee to act as a liaison to facilitate the *enrollment in* or *transfer* to a public school of a child in the district who is in the conservatorship of the state.[39]

What type of school staff would make an ideal district foster care liaison?

While there are no formal requirements about who should serve in the district foster care liaison role, certain education professionals may be a natural fit considering their skills or existing job responsibilities. Specifically, those who:

- Have the authority to champion new district efforts;
- Work with mobile student populations;
- Are familiar with enrollment, records transfer, existing community services, and student supports;
- Understand the unique challenges of students who are in foster care;
- Serve as a high-level administrator;
- Are directors and leaders in student support services;
- Are principals and campus leaders; and/or
- Are counselors or counselor administrators.

These liaisons will build capacity and infrastructure within their district to support students in foster care. Ideally, they will also coordinate with individual campuses, community services agencies, caregivers, local colleges, and advocates involved with the child welfare system.

The term "**liaison**" or "**district liaison**" refers to the school district foster care liaison unless otherwise indicated.

To see the list of district liaisons who are registered with TEA, visit: www.tea.state.tx.usFosterCareStudentSuccess/liaisons/

WHERE TO GET STARTED?

1. Notify TEA of district liaison:

- All districts and open-enrollment charters must register their liaison(s) with TEA.[40] Please send an email with the name, position, and contact information of the designated liaison(s) to: fostercareliaison@tea.state.tx.us
- Please complete the *Foster Care Liaison Introductory Survey* at: www.surveymonkey.com/s/Fostercareliaisons
- To make sure the district has access to the most current information in Texas, join the Foster Care Education Listserv at: ritter.tea.state.tx.us/list/ and select *Foster Care Education*.

2. Notify campus and district leaders of liaison appointment:

Distributing an informational letter to leaders within the district and at individual campuses is an important first step to ensuring that people are aware of the liaison position and appointment within the district. To increase awareness and promote effective practices within the district, include information about the responsibilities of the liaison, the importance of school stability, and the statutory provisions that support students in foster care. In August 2012, TEA disseminated a *To The Administrator Addressed (TAA) letter* informing districts of the need for a liaison and the importance of school stability for students in foster care.[41] Additionally, a *TAA letter* for *Foster Care Awareness Month* promoting understanding of foster care and education was distributed in May 2013. These letters may be attached to district and campus communications to increase awareness and strengthen support.

3. Visit the TEA *Foster Care & Student Success* website and listen to webinar trainings:

TEA will provide training and continued guidance for district foster care liaisons.[42] To view archived trainings, visit: www.tea.state.tx.us/FosterCareStudentSuccess/liaisons/

4. Develop and coordinate individual "campus champions" for students in foster care:

Best practices suggest identifying individual campus champions to share the work of the district liaison and to ensure students are served appropriately and effectively at each campus within the district. Having a point person at each campus may help to facilitate effective enrollment and withdrawal, to ease student transitions, to coordinate across departments, and to organize individualized and enhanced campus level support. The district liaison can coordinate with designated campus champions to provide trainings and streamline communication processes to ensure campuses work in a uniform and coordinated manner. Overall, the district liaison can play an important role in coordinating and working with campus champions to establish district practices that fulfill responsibilities for students in foster care.

12 KEY ACTIVITIES FOR DISTRICT FOSTER CARE LIAISONS

1. Streamline enrollment processes for students in foster care:

The district liaison can provide expertise to the school district and its campuses about enrollment for students in foster care. Specifically, the liaison should be aware of the special challenges of and legal requirements for students in foster care. They can assist campuses in establishing mechanisms to identify students and implement strategies for tracking student progress. Liaisons can also develop processes that streamline enrollment with school registrars and front office staff and provide overall ease of enrollment in a new school. For example, it is important to ensure that school records from the previous school are received, students are placed in the appropriate grade level classes and receive books, and special education services are secured, if appropriate. As the point person for enrollment, the liaison can serve as the district's designated contact person to address school-related questions and concerns regarding foster students (*see Chapter 6 and Chapter 7 for more information on enrollment).*

2. Implement student data tracking and monitoring mechanisms:

TEA is developing a PEIMS indicator code for students in foster care based on legislation passed by the 83rd Texas Legislature.[43] This information will support districts with identifying students, and with providing assistance to students in foster care. It will provide TEA with information to track, monitor and report aggregate student data and educational outcomes at the state level. TEA will provide districts and charters with guidance on tracking students in PEIMS after the new indicator code is developed.

Connected to the PEIMS Indicator code that is required to upload foster care student data to TEA, is the important role for districts to provide statutorily required academic supports for students who are identified and coded as in foster care. In order to implement statutory requirements to provide students with assistance in school, districts should implement local data tracking mechanisms. Local systems should have the capacity to identify student needs, plan interventions, and monitor student progress regarding academic services that are provided. In addition, the PEIMS code should help schools to support students during critical transitions, and also to support school stability *(see page 84 for information on transitions)*.

3. Ensure that students in foster care receive school nutrition and meal programs without further application:

A student in foster care is categorically eligible for U.S.D.A. child nutrition programs without further application.[44] This includes the National School Lunch Program/School Breakfast Program (NSLP/SBP), Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), Summer Food Service Program (SFSP), and the Child and Adult Care Food Program (CACFP). Establish a coordinated process within one's district to ensure students are able to receive meals immediately. A student's DFPS *Placement Authorization Form 2085* addresses meal eligibility and is the only proof the school district needs to confirm eligibility (*see page 74)*. This is an important training element for district food coordinators and campus champions. Foster care liaisons can ensure that students are enrolled in all food and nutrition programs offered by the district.

4. Help coordinate withdrawal, records transfer, and credit recovery:

The liaison can work with school staff to develop and implement processes to ensure that students' credits are accurately calculated and that school records and credits are transferred through the electronic Texas student Records Exchange (TREx) system. Liaisons may coordinate with teachers to see that the students' education records are complete, especially when students move in the middle of a grading period. Liaisons should also provide information for students in acquiring credits for partial work completed[45] and when necessary link students to credit recovery opportunities and compensatory education services.

5. Become a foster care expert and promote practices that align with Texas law:

It is important that district liaisons become familiar with the foster care system and the impact that the foster care experience has on a student's education. It is also important that liaisons are familiar with the laws and policies that support students in foster care and that they promote awareness, policies, and practices that align with state and federal law throughout their districts.

A comprehensive paper, "Education Issues for Students in Foster Care," written by Joy Baskin, Director of Legal Services at the Texas Association of School Boards (TASB) in February 2013, *provides beneficial guidance on the federal and state laws that frame foster care education in Texas:* http://www.yourhonor.com/myprofile/assets/Education_Issues_for_Students_in_Foster_Care.pdf

More information about foster care and education law may be found at: *TEA's Laws & Guidance for Students in Substitute Care,* www.tea.state.tx.us/FosterCareStudentSuccess/laws/; and

The Children's Commission, *Transforming Education Outcomes For Children and Youth in Foster Care Law,* education.texaschildrenscommission.gov/resources/law.aspx.

6. Coordinate with child welfare partners:

The liaison can coordinate with child welfare partners to identify barriers and improve cross-system practices. This includes, but is not limited to, trouble-shooting problems that arise, being a point person in the district, providing information and insight into the school system and processes, conducting cross-system trainings, and facilitating enrollment, records transfers, and improved transitions for students in care. DFPS Education Specialists, Youth Specialists, and Preparation for Adult Living (PAL) Specialists are important regional partners who may provide valuable insights that strengthen district efforts.

TIP: The DFPS Regional Youth Specialist is a former foster youth (foster care alumni) that works for DFPS and is available to provide understanding and strengthen awareness about the experience of students in foster care.

It's important to involve people who experienced foster care in trainings and to establish effective supports and practices. To identify the DFPS Youth Specialists who work within one's region, visit: www.dfps.state.tx.us/txyouth/contacts/youth_specialists.asp.

7. Provide foster care-related information and training to the district:

Liaisons can provide trainings and resources about foster care to their district and local campuses and can coordinate with child welfare and community partners to increase cross-system awareness. Trainings may include:

- Child Welfare System 101
- Confidentiality/Sensitivity
- Enrollment/Withdrawal
- Foster Care Education Laws
- McKinney-Vento Homeless Education Act
- Mandatory Child Abuse Reporting
- Credit Retrieval and Recovery
- Culture of Foster Care
- The Impact of Trauma on Learning
- Transition Supports and Post-Secondary Opportunities

A map of the DFPS regions is found on page 23. Also, see Chapter 3 for more information on building cross-system partnerships.

8. Work with DFPS to help students maintain their school placement, when appropriate:

Liaisons should be familiar with the federal, state and local laws and policies associated with attendance and enrollment. For example, students are entitled to complete the highest grade level offered at the school in which the student was enrolled at the time of placement in foster care without payment of tuition.[46] When specialized programs or courses are offered in one school or school district and not in another, consider special accommodations — such as providing transportation — may be beneficial for promoting credit completion, stability, academic achievement, and student success. Liaisons can bring together campuses, districts, and caregivers regarding transportation and may participate, if requested by CPS, in school-related best interest decision making. Liaisons can also ensure that local district policies align with state and federal laws.

9. Review student schedules to ensure they are on track to graduate:

The liaison can review students' class schedules and course credits to make sure that students are on track for graduation and to make sure that students receive supports that align with their future goals. Students in foster care are disproportionally placed on minimum high school graduation programs and sometimes placed in classes they have already taken.

10. Encourage successful transition into adulthood and post-secondary opportunities:

Liaisons can help high school students access the free lifetime college tuition and fee waiver, available to qualifying Texas students currently or formerly in foster care, by facilitating enrollment in dual-credit or any college course at a public two-year college during high school. Schools should ensure that all students in foster care in grades 11 or 12 are given information about the tuition and fee waiver and dual credit opportunities.[47] Enrollment in *any* college

coursework triggers this lifetime benefit. Liaisons can also promote successful transitions and college access by connecting students with local colleges and existing campus-based student support programs. Additionally, liaisons can promote successful transitions into adulthood by linking with DFPS programs and services that support youth in preparing for adulthood. Lastly, encouraging students seeking post-secondary education opportunities to get a Bacterial Meningitis vaccine — which is necessary for college enrollment in Texas[48] while they have access to medical coverage, can also support students in college preparedness and successful transition into post-secondary education *(see Chapter 13 for more information).*

11. Encourage involvement in extracurricular activities:

It is helpful when liaisons are familiar with the extracurricular activities that are available within the district and communicate those to students in foster care and their caregivers. School staff can make the students and caregivers aware of the activities and provide transportation options. The district may have bus passes, carpools, and other creative methods to assist student participation in extracurricular activities *(see page 87–88 for more information on extracurricular involvement).*

12. Know which supports are available within the district and community for students in care:

Liaisons should be familiar with student support resources. Within the school and district, these may include federal School Nutrition Programs, tutoring, and counseling services. It is also helpful when liaisons are informed of free resources and opportunities for students in foster care available in the community at large, such as backpack drives, sporting event tickets, holiday gifts, and other resources. Awareness of available resources and opportunities and communication of them to caregivers and students is an additional way to show meaningful support to students in foster care.

CHAPTER 6

INDENTIFYING STUDENTS & MAINTAINING CONFIDENTIALITY: KEY CONSIDERATIONS

- WHY DO SCHOOLS NEED TO IDENTIFY STUDENTS IN FOSTER CARE?
- WHAT ARE ACCEPTABLE DOCUMENTS FOR IDENTIFICATION OF STUDENTS?
- MCKINNEY-VENTO HOMELESS EDUCATION SERVICES: CONSIDERATION WHEN STUDENTS ARE INVOLVED WITH CPS BUT *NOT* IN CONSERVATORSHIP OR SUBSTITUTE CARE
- PRACTICES TO IDENTIFY STUDENTS AND ENSURE CONFIDENTIALITY
- CONFIDENTIALITY & INFORMATION SHARING – COMMUNICATING "NEED-TO-KNOW" INFORMATION WITHIN A SCHOOL DISTRICT

CHAPTER 6

Identifying Students & Maintaining Confidentiality: Key Considerations

WHY DO SCHOOLS NEED TO IDENTIFY STUDENTS IN FOSTER CARE?

Identifying which students are in foster care may be challenging in the school setting but is important to improving educational outcomes for this student population.

Identification is necessary:

- For proof of legal authority of the caregiver during enrollment
- To implement many supportive educational provisions regarding students in foster care
- To identify students who are eligible for supplemental instructional services, such as state compensatory education and funding (*see page 82)*
- To facilitate successful transitions for students (*see page 84*)
- To facilitate high school completion and overall student success in school (*see page 92)*
- To facilitate planning and transitioning into post-secondary education (*see page 104)*

TIP: Identifying students in a way that maintains confidentiality and provides the utmost sensitivity is highly important!

WHAT ARE ACCEPTABLE DOCUMENTS FOR IDENTIFICATION OF STUDENTS?

There are two primary documents that a school can request from a caregiver to confirm that the child or youth is in foster care and that the caregiver has the education decision-making authority for the child: 1.) The DFPS *Placement Authorization Form 2085* and 2.) a court order *(see below for details)*. Regardless of which of these documents is provided to the school, **documents containing information regarding the student's status as a youth in foster care are confidential.** They should be kept in a secure area, such as a locked file cabinet, and only shared with other school personnel on a "need-to-know" basis (see *page 53).*

1. Placement Authorization Form: DFPS uses *Placement Authorization Form 2085* to delegate its court-ordered authority to make day-to-day decisions regarding a child to an individual, usually a caregiver such as a foster parent or residential facility staff. The Form 2085 is proof of the agency's legal authority and is preferred by DFPS as evidence of DFPS conservatorship because it is more likely an individual foster parent or facility staff member will have a copy of the form rather than the court order.

Depending on where a student lives, the placement type identified on the form will be different. The subtitle on the second line might say "Foster Care/Residential Care," "Kinship or Other Non-Foster Caregiver," "Home and Community Based Services" or "Legal Risk", depending on the type of living placement. *All forms in the 2085 series designate the student is in DFPS conservatorship* (*see Appendix F for a sample of the 2085).*

When a caregiver reports to a school official that a student is in the care and custody of DFPS, the school official may ask for a copy of the *Placement Authorization Form 2085* to confirm that the person presenting the form has the authority to make education decisions regarding the child (*see Chapter 9 for more information on education decision making).*

2. Court Order: A school official may request a copy of the *court order* naming DFPS as the Temporary Managing Conservator (TMC) or Permanent Managing Conservator (PMC) of the child to confirm that DFPS or its appointed caregiver has the authority to make education decisions for the child.

Note: If the school has questions or concerns about a child's identity, the school official may request the Placement Authorization Form 2085 or the court order, or may call the DFPS caseworker listed on the paperwork for clarification.

Can the *Placement Authorization Form 2085* be used as evidence of legal responsibility when enrolling a student in school?
Yes, schools may allow a person to show evidence of legal responsibility for the child other than a court order, such as the DFPS *Placement Authorization Form 2085,* to enroll a child in school. Schools are encouraged to accept this proof of DFPS conservatorship in order to prevent any delays in enrollment or education decision making as caregivers may not have court orders in their possession.

CPS Court Orders and Confidentiality:
CPS court orders have private and confidential information related to a student's family and the reasons for his or her placement in foster care. Sometimes schools request court orders or other documents related to the CPS case unaware these may contain very personal details related to a student's abuse or neglect history. Information may be redacted from the court order before a copy is given to the school, if it is not related to identifying DFPS as the managing conservator or not needed to meet a child's educational needs or for the safety of other students.

Compensatory Education and Funding:
A student who is in the custody or care of DFPS is a student considered at-risk of dropping out of school for the purposes of Texas Education Code § 29.081. Because of this status, there is a code in TEA's education management database (PEIMS) which should be entered to indicate that the student is eligible to receive compensatory instructional services to assist with high school completion. This is PEIMS at-risk indicator code #11. Therefore, each student enrolled with the *Placement Authorization Form 2085* or a court order should be coded with **at-risk indicator code #11** in PEIMS and be eligible for state compensatory education services.

Other forms at enrollment: Schools may be given other forms at the time of enrollment. These forms authorize nonparent caregivers to enroll a child in school and make education-related decisions. A school may see a DFPS form 2298 *Agreement for a Parental Child Safety Placement (PCSP),* or a State of Texas form entitled *Authorization Agreement for Nonparent Relative or Voluntary Caregiver* but it **is only the *Placement Authorization Form 2085* and/or a *court order* that confirms a student is in the state's custody and eligible for the foster care related resources discussed in this the guide.**

TIP: Students enrolling with forms other than a *Placement Authorization Form 2085* may be eligible for services under the McKinney-Vento Act. To ensure students receive all eligible supports, please contact your district's homeless liaison.

MCKINNEY-VENTO HOMELESS EDUCATION SERVICES

Consideration when students are involved with CPS but *not* in conservatorship or substitute care:

In order to promote student achievement, schools are encouraged to provide individual interventions and supports for all students according to their educational needs. There are situations where students are involved with DFPS and may be receiving services from the child welfare system, but are not in substitute care/conservatorship (*see "Stages of Service," page 37*). In some circumstances, such as a child or youth living in an emergency shelter, awaiting a foster care placement, or placed voluntarily with a relative, a child or youth may qualify for assistance under the McKinney-Vento Homeless Education Act. For more information, contact the district McKinney-Vento Homeless Liaison. Additional resources and beneficial information on understanding the relationship between McKinney-Vento and foster care are found on the following page.

RESOURCES: McKinney-Vento and Foster Care

The Texas Homeless Education Office's "Homeless Assistance Act Foster Care & Substitute Care Brief" — *a helpful tool for educators on this topic. A checklist with a number of CPS scenarios to assist with determining eligibility:* www.utdanacenter.org/theo/downloads/factsheets/RP44_Substitue_and_FosterCare.pdf

Legal Center for Foster Care and Education, "How Fostering Connections and McKinney-Vento Can Support School Success for all Children in Out-of-Home-Care": www.americanbar.org/content/dam/aba/migrated/child/education/publications/qa_fc_and_mv_overlap_final.authcheckdam.pdf

Legal Center for Foster Care & Education and National Center for Homeless Education, Best Practices in Homeless Education, "When Working Together Works: Academic Success for Students in Out-of-Home Care": center.serve.org/nche/downloads/briefs/wwtw.pdf

Texas Homeless Education Office website: www.utdanacenter.org/theo/resources/factsheets.php

Legal Center for Foster Care & Education and National Center for Homeless Education, Best Practices in Homeless Education, "Clearing the Path to School Success for Students in Out-of-Home Care": center.serve.org/nche/downloads/briefs/ctp.pdf

PRACTICES TO IDENTIFY STUDENTS AND ENSURE CONFIDENTIALITY:

Identifying students in a way that maintains confidentiality and provides the utmost sensitivity is critical and an important first step in implementing provisions identified in the Education Code. Once foster students are properly identified, districts can implement systems and processes to identify, track, and ensure beneficial supports to students.

While each district will develop its own system to identify, enroll, and support students in foster care, always be mindful of the need for confidentiality. Remember, it could be harmful to a student if peers learn of a student's foster care status. Also, foster care alumni and students in foster care have reported feeling negatively perceived by school staff. It is important for adults to be aware of students' rights to privacy and understand the potential negative impact of revealing students' personal information. Thoughtfully file all forms, tracking logs, notebooks, and data safely out of view of other students. Keep records secure from individuals who do not need to know the student is in foster care. All written information with student names should be behind password protection, in locked file cabinets, or in locked bookshelves or drawers in order to avoid confidentiality violations, as well as to avoid potential harm to a student. Likewise, consider that confidentiality and protecting a student's privacy applies to oral and written communication.

Each of the examples below provides an opportunity to think through how and why one would promote or maintain confidentiality as described above, while still identifying students.

- Develop training and increase awareness with school registrars and front office staff on how to effectively identify and enroll students and communicate identified students to the school district foster care liaison. Training should include sensitivity and awareness; confidentiality; safe and secure storing of records; and effective practices that streamline enrollment.
- Add a question to the district's existing Student Residency Questionnaire (SRQ) asking if the student is in foster care. Have the person enrolling the student verify their response by providing a DFPS *Placement Authorization Form 2085*. This leverages an existing form and process already used by many districts. If implemented, processing and handling of this form must be confidential and sensitive, including all written and oral communication about the student.

- Add a question to the school enrollment form that discreetly identifies students, similar to using the SRQ as described above, but use language other than "foster care" to maintain student privacy. For example, ask on the form if a student has a Form 2085, but do not ask if the student is in "foster care" as the enrollment form may be seen by others in a school office. Once again, it is important that identifying information on this form be kept confidential and secure *(see Appendix G for a sample enrollment form).*
- In addition to the student's caregiver information, document the caseworker's name and contact information in the student's records in case further information or follow-up is needed.
- Develop an identification code in the district data base system for tracking and monitoring student progress for each campus and across the district.
- Streamline the process with the district food coordinator to ensure students are immediately enrolled in and receive free school meal programs without further application[49] *(see page 74).*

TEA is collecting examples of how districts are identifying students and promoting confidentiality so they can be shared with other districts. Please email fostercareliaison@tea.state.tx.us to share new practices and supports that are established.

CONFIDENTIALITY & INFORMATION SHARING – COMMUNICATING "NEED-TO-KNOW" INFORMATION WITHIN A SCHOOL DISTRICT:

Federal and state laws and policies require that a child's status of being in DFPS conservatorship must generally be kept confidential. However, there will be times when information related to a student must be communicated to a teacher or school staff member who works with the student. According to the American Bar Association (ABA) Legal Center for Foster Care and Education report, *"Mythbusting Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care,"* "if important information related to the student is not communicated to the staff working directly with the student, information sharing does not achieve the intended benefit." The guide also states that, when "sharing information among school staff who have a legitimate interest in working with a student, schools must be careful not to violate the privacy of students by sharing information with others who do not have a need to know."[50] Exercising professionalism and sensitivity when addressing confidentiality issues is critical to developing an educational environment that both protects and benefits students in foster care.

Information presented by CPS in *"Connecting Child Welfare and Education Law"* at the 2013 statewide *Foster Care and Education Summit* provides important guidance for educators on sharing information in the school setting.[51] School personnel who might have a need to know related to non-academic information about a student in foster care include:

- Superintendent, Principal, or administrative staff — if necessary for enrollment, administrative or educational purposes;
- Teacher(s) — if necessary for education or other relevant classroom purposes;
- School Counselor, School Nurse — if necessary for educational or health/mental health purposes;
- Special Education personnel — if student is or may be eligible for special education services;
- Coaches — if necessary or relevant to some aspect of the activity;
- Bus Driver — may need to know a child's address for transportation purposes, but may not need to know the student is in foster care;
- Front office staff and volunteers — may need to know who will pick the student up from school, but may not necessarily need to know the student is in foster care;
- Cafeteria staff — may need to know a student is eligible for school meal programs, but does not need to know on what eligibility grounds; or
- Others.

Decisions to share confidential information must be made on a case-by-case basis, sharing only the minimum information necessary and only to individuals who "need-to-know" the information to support the child's education and well-being.

It is generally appropriate for CPS to share the following types of information with relevant school personnel:

- Current address for child;
- Identity of individual with authority to enroll child in school;
- Caseworker contact information;
- Birth certificate or other identification;
- Certain sections of the Education Portfolio or Passport;
- Previous schools attended;
- Transcripts, report cards;
- Special Education or 504 eligibility, including any ARD/IEP reports or Behavior Intervention Plans;
- Immunizations;
- Vision or hearing evaluations; and
- Medicaid eligibility or number, if necessary for services.

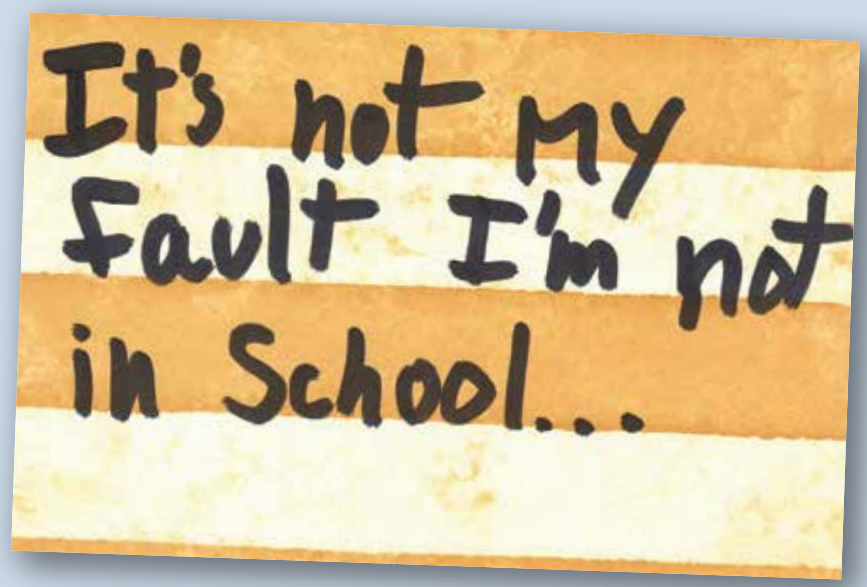
Based on a case-by-case determination by the DFPS caseworker or caregiver, it may be appropriate to share:

- Relevant court orders;
- Contact information for the biological family;
- Fact that child is in a relative or kinship placement;
- Child's relevant medical, disability, or health history;
- Mental or behavioral health issues;
- Medications, including psychotropic medications;
- Alcohol or substance abuse history and/or treatment (generally only with consent of all parties, including the youth);
- Social history; and
- History with law enforcement or juvenile justice.

To view the presentation in its entirety, visit: www.yourhonor.com/myprofile/assets/Connection_between_Education_and_CPS_Law.pdf

It is NEVER appropriate to share:

- Abuse/neglect history;
- Fact that child was adopted;
- Name of the person who reported the abuse or neglect, if known;
- CPS investigation details; and
- Biological or foster family income in order to determine services for the child in foster care.



CHAPTER 7

ENROLLMENT 101

- SCHOOL ENROLLMENT FOR STUDENTS IN FOSTER CARE – WHY PROMPT ENROLLMENT IS IMPORTANT
- WHAT IS THE TIMEFRAME FOR ENROLLMENT AT A NEW SCHOOL?
- WHAT RECORDS ARE NEEDED TO ENROLL A STUDENT IN SCHOOL?
- INFORMATION NECESSARY FOR ENROLLMENT DESCRIBED
- HELPFUL INFORMATION – CPS & ENROLLMENT

CHAPTER 7

Enrollment 101

SCHOOL ENROLLMENT FOR STUDENTS IN FOSTER CARE – WHY PROMPT ENROLLMENT IS IMPORTANT:

Delays and challenges with enrollment significantly impact the educational experience and outcomes of students in foster care. Despite the laws and practices established in the education and child welfare systems to prevent them, enrollment delays are common. Challenges to enrollment exist including:

- Partial and missing records;
- Lack of knowledge of the enrollment process and mandatory provisions for students in care;
- Lack of clarity about who may enroll a student in care;
- Unclear directions as to who is responsible for transfer of records; and
- Misinformation about foster care generally.

This section provides practical information on enrollment of students in foster care to help educators, caseworkers, caregivers, and others work together to see that students enroll and enter school in a timely and efficient manner.

TIP: Maintain confidentiality and sensitivity in the front office when enrolling a student.

It can be challenging to keep students' foster status confidential when enrollment is taking place in school offices. It is helpful when school staff remain aware of who is within hearing distance and work with caregivers and students to enroll students in a way that is both sensitive and respectful (i.e. without highlighting their foster care status). Some former foster youth report that school enrollment can sometimes be very humiliating and lead to negative labeling and stigmatization by school staff and peers when starting in a new school (*see Chapter 6 for more information on identifying students and maintaining confidentiality).*

WHAT IS THE TIMEFRAME FOR ENROLLMENT AT A NEW SCHOOL?

DO NOT DELAY—IMMEDIATELY ENROLL students in foster care!!!

Under Texas law, students in foster care are entitled to immediate enrollment when arriving at a new school or district — regardless of whether they have the necessary documentation and paperwork.[52] CPS caseworkers are required to enroll a child in school within **three (3)** school days of the child either: a) being placed in CPS custody; or b) moving to a new school or placement.[53] The caseworker then has up to **30 days** to provide all necessary enrollment paperwork to the new school.[54] Follow up to ensure a student:

- Has his or her records requested and received;
- Is placed in the appropriate grade level and classes;
- Receives his or her books; and
- Receives special education services, if appropriate.

TIP: District liaisons play an important role in ensuring successful enrollment and transfers for students in foster care.

School district foster care liaisons may act as the point persons for local campus staff, caregivers, and caseworkers to troubleshoot and resolve enrollment challenges *(see Chapter 5 for more information on district liaison responsibilities).*

WHAT RECORDS ARE NEEDED TO ENROLL A STUDENT IN SCHOOL?

Information for enrollment

1. Identity of parent or legal guardian/legal authority;[55]
2. Proof of residence;[56]
3. Proof of the child's identity (child's birth certificate or another acceptable document);[57]
4. Immunization records;[58]
5. School records from last school attended;[59] and
6. For children under age 11, records from ALL the student's previously attended schools.[60]

INFORMATION NECESSARY FOR ENROLLMENT DESCRIBED:

1. Identity of parent or legal guardian/legal authority:

Who may enroll a student living in foster care in school?

If a child is in a foster care placement, DFPS has legal authority to enroll the child in school. DFPS may delegate that authority to another person, usually the person who will be responsible for day-to-day care of the child, such as the:

- **Foster parent or designated caregiver;**
- **CPS caseworker or other staff;**
- **CASA or student's guardian ad litem;**
- **Residential facility staff;**
- **Child Placing Agency staff, including case manager, or**
- **Biological parent, in some cases.**

When a student is in foster care, the person enrolling the student may provide one of these documents to show they have legal authority to do so *(see page 50)*:

- **DFPS *Placement Authorization Form 2085*, which is given to caregivers by DFPS and indicates who has the authority to make education decisions for the child**

  OR

- **A Court Order naming DFPS as Temporary Managing Conservator (TMC) or Permanent Managing Conservator (PMC) of the child.**

LAW: If a parent or other person with legal responsibility for a child under a court order enrolls the child in a public school, the parent or other person attempting to enroll the child, or the school district in which the child most recently attended school, shall furnish to the school district:

- Child's birth certificate or other proof of identity;
- Records from the school most recently attended; and
- Immunization records.[61]

2. Proof of residence:

A parent or caregiver must provide appropriate documentation of residency in the school district.

LAW: A child placed in foster care can attend the public schools in the district in which the foster parents live, free of any charge to the foster parents or the agency.[62]

Examples of documentation that may be used to establish residency include:

- **Utility bill receipts**
- **Lease information[63]**
- **Other documents allowed by one's local school and district that confirm residence.**

TIP: There are *exceptions* that allow students in foster care to remain enrolled in the school they were attending at the time of placement in foster care, even when placed out of the school or district's attendance zone[64] ***(see page 62).***

3. Proof of child's identity:

A birth certificate or **other proof** of the child's identity is necessary.[65] However, schools should be aware that DFPS may not have access to a student's original birth certificate.[66] The process of acquiring an official birth certificate sometimes takes longer than 30 days and presents a challenge to school enrollment. Fortunately, alternative methods to prove identity may be accepted, such as the court order or *Placement Authorization Form 2085*.

According to the *Texas Education Agency Student Attendance Accounting Handbook, Section 3,* other alternative proof of identity includes:[67]

- **Driver's license;**
- **Passport;**
- **School ID card, records, or report card;**
- **Military ID;**
- **Hospital birth record;**
- **Adoption records;**
- **Church baptismal record; or**
- **Any other legal documents that establish identity.**

TIP: The previous school might have a copy of the child's birth certificate in the school file. Contact the previous school to request a copy if the person enrolling the child does not have a birth certificate at the time of enrollment.

4. Immunization records:

Students need their shot records and proof of immunizations to enroll in school.[68] If a student does not have the appropriate immunization records, the CPS caseworker must:[69]

1. Ensure that the child visits the doctor/health clinic to begin immunizations;
2. Notify the school that immunizations have begun; and
3. Make sure that immunizations are completed and that the immunization records are submitted to the school.

LAW: A person may be provisionally admitted to an elementary or secondary school if the person has begun the required immunizations and if the person continues to receive the necessary immunizations as rapidly as is medically feasible.[70]

TIP: It is important that schools cooperate in transferring a student's immunization records to other schools when requested.[71] Approval from the student's legal guardian is not required before transferring immunization records.[72]

5. School records from last school attended:

Upon a student's enrollment in a district, the district should make a bona fide effort to secure all records and required documentation pertaining to the student from the previous district and/or the parent or other person with legal control of the student under a court order.[73]

LAW: All eligible students who desire to enroll in a Texas public school are allowed to enroll, even if the new school has not received the academic records from the previous school. Additionally, credit earned toward state graduation requirements by a student in an accredited school district shall be transferable and must be accepted by any other school district in the state.[74]

Therefore, previous school records are not a requirement for enrollment in a new school for students in foster care. However, having a student's previous records helps tremendously in placing the child in appropriate classes and obtaining the appropriate services in the new school *(see Chapter 8 for more information on promoting effective records transfers).*

6. For students age 11 and under — ALL records from the student's previously attended schools:

If the student is age 11 and under, Texas law requires that the person enrolling the child provide to the new school the name of each previous school attended by the child. The school then must request the school records for the child from each identified school, unless the person enrolling the child has provided these records. If the records are provided to the school by the enrolling person, the school must verify the child's name, address, birth date, grades, and dates attended at the previous schools.[75]

HELPFUL INFORMATION – CPS & ENROLLMENT:

Child welfare partners may provide academic information from the previous school setting:

Foster parents, caseworkers and other advocates may facilitate the enrollment process by providing information from the student's previous school at the time of enrollment, such as school transcripts, report cards, class schedules, ARD committee reports, and other documents. School staff are directed by TEA to use TREx and traditional records transfer processes (*see Appendix H for more information on TREx and what information belongs in the student's record).*

Use the student's DFPS *Education Portfolio* to find academic information that can help with enrollment:

All students in foster care should have an *Education Portfolio* provided by DFPS in a (currently) green binder; it contains education information and moves with the student from placement to placement. The *Education Portfolio* is not to be given to the school in its entirety, but copies of relevant documents, such as the student's birth certificate or transcripts contained in the binder, may be shared with the new school to assist with immediate enrollment and appropriate class assignment. Caregivers and caseworkers are responsible for updating the binder. School leaders can work with caregivers to provide copies of updated education records and information that should be placed in the Education Portfolio[76] *(see Appendix I for a list of education documents that are included in the Education Portfolio).*

Familiarity with CPS enrollment expectations is beneficial:

The caseworker must ensure the child is enrolled in school no later than the **third school day** after a court order is issued removing the child from the home and placing him or her in DFPS custody or the third school day following school withdrawal and movement to a new placement. If the child cannot attend school due to a temporary physical or mental condition, the caseworker must give the school **written notice** that the child cannot attend but will return as soon as possible. The caseworker has **30 days** to obtain and provide records to the new school. If the child is transferring from another school district, the caseworker provides the new school with the name and address of the original school to facilitate prompt transfer of school records.[77]

DFPS Regional Education Specialists are available to help with enrollment:

Regional Education Specialists are designated education advocates within each DFPS region and a helpful resource and contact if there are challenges when enrolling a student (*see page 39).*

LAW: If the school does not receive the student's necessary enrollment paperwork from DFPS within 30 days, the school district is obligated to notify law enforcement to determine if the student has been reported missing.[78]

CHAPTER

8

SCHOOL STABILITY & PROMOTING EFFECTIVE TRANSFERS: COMMON QUESTIONS

- CAN SPECIAL ACCOMMODATIONS BE MADE TO LET A STUDENT STAY IN A PARTICULAR SCHOOL OR DISTRICT EVEN WHEN PLACED OUTSIDE OF THE ATTENDANCE ZONE?
- WHO IS RESPONSIBLE FOR PROVIDING TRANSPORTATION WHEN STUDENTS ARE TRAVELING FROM ANOTHER ATTENDANCE ZONE?
- WHAT SHOULD BE DONE WHEN A STUDENT IN FOSTER CARE WITHDRAWS OR CHANGES SCHOOLS?
- WHO IS RESPONSIBLE FOR WITHDRAWING STUDENTS?
- HOW CAN SCHOOL PERSONNEL PROMOTE EFFECTIVE RECORDS TRANSFERS?
- WHAT IS THE TEXAS STUDENT RECORDS EXCHANGE – TREX?
- WHAT IS THE IMPORTANCE OF WITHDRAWAL AND THE TEN-DAY RECORDS TRANSFER TIMEFRAME?
- WHY DO STUDENTS SOMETIMES HAVE MISSING RECORDS?
- WHAT HAPPENS IF A STUDENT'S WHEREABOUTS ARE UNKNOWN?

CHAPTER 8

School Stability & Promoting Effective Transfers: Common Questions

Can special accommodations be made to let a student stay in a particular school or district even when placed outside of the attendance zone?

Yes, federal law requires a child moving to a new residential placement to remain in the school in which he or she was enrolled at the time of entering foster care, unless it is not in the child's best interest.[79] The educational provisions of the federal *Fostering Connections to Success and Increasing Adoptions Act* promote school stability. Some local board policies regarding enrollment may be contrary to the intent behind *Fostering Connections*, which allows ALL students to stay in the school in which they were enrolled at the time of placement in foster care. Local districts should analyze policies and make sure that they are consistent with the *Fostering Connections Act.* Caseworkers should consult with the school, student, caregiver, district liaison, and others to determine a plan that promotes school stability.

LAW: A student enrolled in public school may remain in the school they were enrolled in at the time of placement in foster care, even when moved outside the schools' district and attendance zones. Texas law now allows students in primary and secondary school who are placed in conservatorship by DFPS to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition.[80] This is in accordance with the *Fostering Connections Act* that promotes school stability for students in foster care.

Teamwork is necessary!

School stability is an important component of educational success and linked to increased graduation of students in foster care.[81] Individual schools and districts are essential partners; in teaming with child welfare agencies and caregivers, they can help implement federal and state legislation that makes it possible for students to stay in their home schools even after changes in residence take place.

Who is responsible for providing transportation when students are traveling from another attendance zone?

To take advantage of laws related to remaining in school, the caregiver is ultimately responsible for arranging daily transportation to the school. However, if a student is receiving special education services, transportation may be written into the student's IEP; if so, transportation is the school's responsibility. Schools' willingness to assist with transportation can alleviate barriers and help students remain in their school, receive appropriate credits, and stay on track for graduation.

TIP: Local education agencies help by partnering with caseworkers and caregivers to coordinate transportation and develop creative solutions that keep students at their home schools.

In some instances, districts may coordinate across neighboring school and district attendance zones. Partnerships and creative solutions, such as the use of city bus routes, bus passes, and carpooling, are necessary to promote student success and maintain school stability.

For more information on school stability and the importance of transportation, see the Legal Center on Foster Care and Education, "When School Stability Requires Transportation," *which contains examples of child welfare and education professionals working together to address transportation needs:* www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/transportation_brief_final_revised.authcheckdam.pdf

What should be done when a student in foster care withdraws or changes schools?

District liaisons and school personnel can assist in the coordination of proper withdrawal by ensuring that the person withdrawing the child knows the process and by confirming that all records are gathered and forwarded in a timely manner. Making certain all educational records follow the child during school moves is critical and impacts education outcomes. Once the school is notified of the need to withdraw a child, whether it is advance or emergency notice, then the school personnel should immediately begin gathering records.

TIP: Inform caregivers of the school and district withdrawal processes.

Additionally, withdrawal information like report cards and check-out sheets may be given to the caregiver and placed in the student's Education Portfolio for possible use by the new school *(see Appendix I for a list of what education information is included in the Education Portfolio).*

Who is responsible for withdrawing students?

Generally, the caregiver or the CPS worker is responsible for withdrawing students.

LAW: Because of a Family Educational Rights and Privacy Act (FERPA) exception, even if a caregiver or foster parent did not formally withdraw the student from the previous school, enrollment by a student in another school district provides authority for the original school district to release the education records of that student to the new (receiving) school, regardless of whether parental consent has been received.[82]

TIP: The person who withdraws the student may be different from the person who enrolled the student.

In some instances and for numerous reasons, the caregiver or caseworker who enrolled the student may not be the same person who is withdrawing the student. Communication between school staff, caregivers, and caseworkers can aid in clarifying roles and responsibilities.

How can school personnel promote effective records transfer?

Local child welfare and education agencies are encouraged to coordinate and establish collaborative practices to improve overall records transfer and communication. A delay in records transfer may result in a student repeating a course or not receiving appropriate educational services.

TIP: District liaisons should follow up with the previous school to ensure withdrawal and with the current school to ensure enrollment.

Facilitating smooth transfers is a key responsibility for newly-appointed foster care liaisons. District liaisons or a designated staff member on each campus, such as a campus champion, can follow up to make sure that students receive their grades and are awarded credit and partial credit for work completed previously.[83] They can also see that credits earned are properly entered in the TREx system and transferred through TREx to the new school and district. Following up within the schools will help facilitate effective withdrawal and records transfers. Liaisons also provide an important point of contact within the education system for those in the child welfare community — CPS, caregivers, court-appointed advocates — to follow up and coordinate regarding school moves, records transfers, enrollment, and other issues.

To see the list of district foster care liaisons who are registered with TEA, visit: www.tea.state.tx.us/FosterCareStudentSuccess/liaisons/

For more information on credits transfer and school completion for students in foster care, read the ABA Legal Center for Foster Care and Education Fact Brief, "Credit Transfer and School Completion": www.hunter.cuny.edu/socwork/nrcfcpp/info_services/Q&A/Q&A%20Credit%20Transfer%20FINAL.pdf

What is the Texas Student Records Exchange — TREx?

TREx is the system that facilitates records exchange of all student records across Texas. When a student moves from one Texas public school district or charter school to another, the student record must be transferred via TREx within 10 working days of receiving a written request.[84] All Texas schools have access to the TREx system. For purposes of transferring records through TREx, a working day does not include a day that the campus receiving the records request is closed or a day that the district's administrative office is closed.[85]

Information must be entered in the TREx system in a timely and efficient manner to facilitate smooth records transfers and immediate and appropriate enrollment of students in the new school *(see Appendix H for a list of records to be included in TREx).*

LAW: Enrollment in another school district gives the previous district authority to release the education records of a student, regardless of written parental consent.[86]

What is the importance of withdrawal and the ten-day records transfer timeframe?

Notification of withdrawal and formal exit provides the sending school with the opportunity to prepare the student's records for transfer via TREx to the new school. This may include calculating grades, recording credits on the transcript, and gathering assessments and special education documents.

Advance notice of withdrawal can assist a sending district with planning, provide the caregiver with some immediate information for the student's *Education Portfolio*, and be helpful for a successful student transition. The former school district is responsible for providing records upon written request. A timely and accurate records transfer is important so that students receive an appropriate program of instruction and class schedule in their new school.

LAW: Once an official written request for records is made by the caregiver, DFPS representative, or person with legal authority for the child, school district staff must transfer student records to the new district within 10 working days.[87]

Other Withdrawal Information:

- Once the sending school is notified of a student's withdrawal, the student is no longer a student of the previous district.[88]
- Proof of enrollment in a different district or campus permits retroactive withdrawal to the date a student enrolled in the new school. That is, the date of enrollment in the new school can be considered the date of withdrawal from the previous school. This is important for the 10-day timeline and ensuring that student records are transferred in a timely manner.[89]
- The official date of withdrawal depends on the time of day the student withdraws. If a student withdraws from school before attendance is taken, the withdrawal date is that day. If a student withdraws after attendance is taken, the withdrawal date is the next school day.[90]
- The requirement to transfer records to a new school within 10 working days of a request stands *regardless of whether a student has returned or paid for his or her textbooks or other school property*.[91]

TIP: Districts failing to provide the required information within 10 calendar days of a written request by the receiving school district should be reported to TREx Help Desk: (512) 463-7246 or email TREx@tea.state.tx.us

Why do students sometimes have missing records?

When students come into foster care, the change can be abrupt and immediate, which may not allow the caregivers the opportunity to *formally withdraw* the student from the previous district.

- The child may have experienced inconsistency and significant lapses in education and school attendance or may have moved schools prior to entering the foster care system.
- The previous district may not be informed of the child's departure or the receiving district may not know where the child was previously enrolled.
- Transitions in foster care rarely occur at semester breaks, so the receiving districts may be asking for current records before grades are available.
- In the TREx user's manual, TEA indicates that if a school receives a request and the student attended the institution, but the most current semester's grades have not yet been posted, the request can be placed on "hold." These types of holds result in the receiving school lacking the information it needs to award credits and place students appropriately. Liaisons can work with schools to make sure that holds do not hinder a student's records from being transferred.[92]
- When a child comes into foster care, the school staff may be confused about who is legally allowed to have the child's records as well as who has the legal authority to make education-related decisions. Some school officials may be hesitant to release education records without the consent of a parent or guardian. However, if DFPS has been appointed as the conservator of the child, either through TMC or PMC, DFPS staff have the legal authority to view and to receive those records in addition to the caregiver (*see Chapter 9 for information on education decision making and FERPA).*

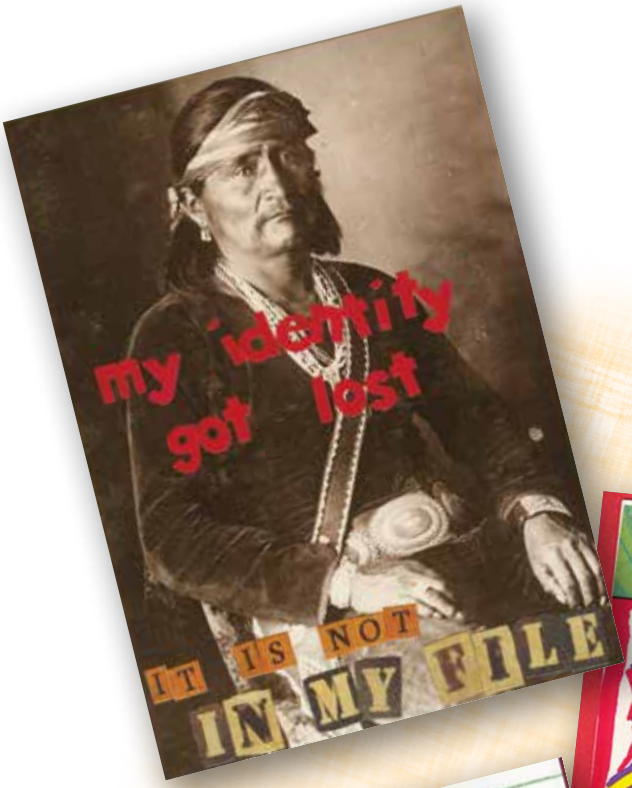
What happens if a student's whereabouts are unknown?

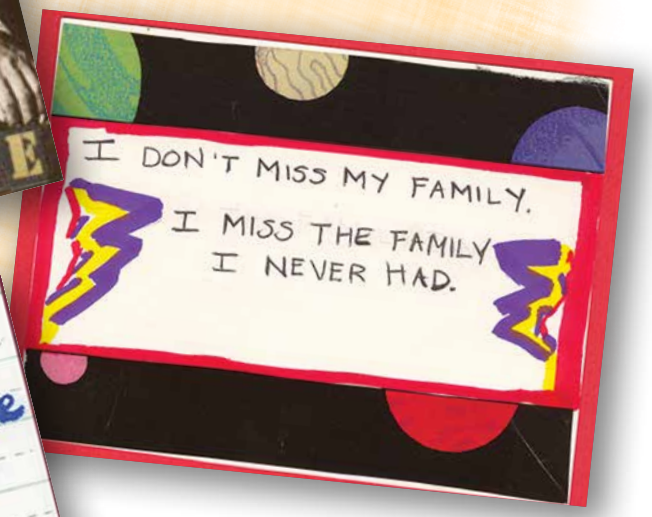
TIP: Liaisons and school staff should follow up with the caregiver, the DFPS caseworker, or DFPS Regional Education Specialist when a student's whereabouts are unknown.

Following up with these individuals to determine a student's whereabouts is an important step before withdrawing the student and treating his or her whereabouts as unknown.

In the event that a student is not found, his or her whereabouts remain unknown, and he or she has not officially withdrawn from school, the district should decide the withdrawal date for the student according to applicable local policies.[93]

In addition to promoting effective transfers, see page 84 for additional information on how to implement effective transitions for students in foster care in accordance with Texas Education Code § 25.007.





CHAPTER 9

EDUCATION DECISION MAKING, FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA), & SHARING EDUCATION INFORMATION WITH CHILD WELFARE STAKEHOLDERS

- WHO IS RESPONSIBLE FOR EDUCATION DECISIONS?
- CAREGIVER & CASEWORKER GENERAL EDUCATION DECISION MAKING RESPONSIBILITIES
- WHO DECIDES WHERE A STUDENT ATTENDS SCHOOL?
- ARE BIOLOGICAL PARENTS STILL INVOLVED WHEN A CHILD IS IN FOSTER CARE? WHAT IS THE NATURE OF THEIR INVOLVEMENT? ARE THEY INVOLVED WITH THE CHILD'S SCHOOL?
- WHAT IMPACT DOES THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) HAVE ON MY ABILITY TO SHARE EDUCATION INFORMATION ABOUT STUDENTS IN FOSTER CARE?

CHAPTER 9

Education Decision Making, Family Educational Rights and Privacy Act (FERPA), & Sharing Education Information with Child Welfare Stakeholders

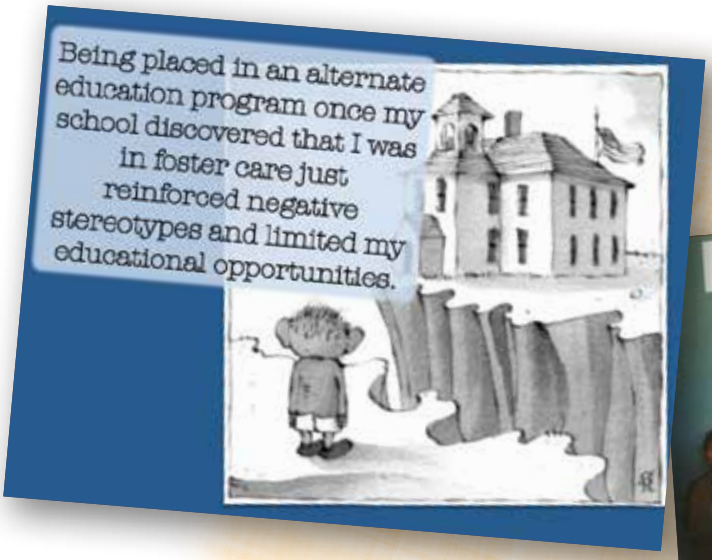
WHO IS RESPONSIBLE FOR EDUCATION DECISIONS?

When a court order places a child in DFPS conservatorship, state law provides that DFPS is authorized to assume roles usually assumed by parents, including the responsibility to make educational decisions on the child's behalf.[94] DFPS generally delegates certain day-to-day education decision making responsibilities to the child's caregiver.

DFPS uses *Placement Authorization Form 2085* as its primary way of designating to whom it has delegated education decision making authority. An individual holding a *Form 2085* naming him or her as primary caregiver for the child is operating under the authority of DFPS to make education decisions or to take actions to carry out DFPS decisions about the child's education. This person does not need to show any further proof to the school that he or she has that authority. A court order may also be submitted to the school *(see page 50–51)*.

LAW: As result of the 83rd Texas Legislature, DFPS is required to notify the school (along with the court and other individuals, such as a CASA volunteer) as soon as possible after the child is taken into the state's care regarding who is designated to be the child's education decision maker.[95]

Note: As discussed in Chapter 12, children who are eligible for special education services have additional legal protections to ensure the person making special education decisions is knowledgeable about those services and has no conflicts of interest. While federal law prohibits a CPS or facility caseworker from being the special education decision maker of a student in foster care, they may be authorized to make other, non-special education-related decisions, and should work in collaboration with the special education decision maker or surrogate parent to ensure the child's special education needs are being met.



CAREGIVER & CASEWORKER GENERAL EDUCATION DECISION MAKING RESPONSIBILITIES:

Caregiver Responsibilities — Unless the DFPS caseworker indicates otherwise, the caregiver or foster parent may make the following education-related decisions, take the following types of actions, or be contacted for the following purposes:

- Enroll a child in school, including providing identity or immunization information needed for enrollment.
- Determine, in conjunction with the child if appropriate, course selection and participation in extra-curricular activities.
- Attend routine school activities such as "Parent's Night," parent-teacher conferences, PTA meetings, and similar activities that involve parents.
- Approve the child's participation in routine or non-routine school activities such as dances, field trips, sporting events, etc.
- Be notified of injury or illness on school grounds or at a school activity on or off school grounds.
- Sign agreement with the Student Code of Conduct, and, as applicable, assist the youth with understanding the Code of Conduct.
- Receive report cards, permission slips, and other routine school correspondence, including receiving homework assignments on behalf of the child if necessary.
- Have access to education records and the Education Portfolio. (DFPS is responsible to ensure that the education-decision maker has access to the child's Education Portfolio[96])
- Be notified of and take action regarding disciplinary or attendance matters, as required by Texas Education Code § 25.007.
- Determine whether the child should participate in special programs such as compensatory education, bilingual education, Gifted and Talented, and after-school tutoring.
- Determine when a referral for a special education evaluation is necessary or make a referral for an evaluation.

Note: The education decision maker may be instructed by the CPS caseworker to notify or consult with the caseworker or supervisor on these matters before communicating a decision to the school.

Caseworker Responsibilities — Unless otherwise indicated, the CPS caseworker makes the following education-related decisions, takes the following types of actions, or is contacted for the following purposes:

- Selects the school placement.
- Receives notification regarding truancy, suspension, expulsion, or removal to a Disciplinary Alternative Education Program (DAEP) or Juvenile Justice Alternative Education Program (JJAEP) as required by Texas Education Code § 25.007.
- Signs and submits the form prohibiting on using corporal punishment on the child or ensures the caregiver signs and submits the form.
- Ensures records transfer from previously-attended schools.
- Consults with the education decision maker, regarding retaining a child in a grade.

Note: See also Notice to Court Regarding Education Decision Making under Texas Family Code § 263.004.[97]

TIP: In many circumstances, the child's parent may also participate in school-related activities and may be able to see his or her child's records. Check with the DFPS caseworker about how much involvement a parent may have in school-related activities and decisions.

WHO DECIDES WHERE A STUDENT ATTENDS SCHOOL?

DFPS is responsible for deciding where a student will attend school. Federal law and CPS policy require DFPS to consider the appropriateness of the current education setting and the proximity to the school in which the child is enrolled at the time of removal when making foster care placement decisions.[98] DFPS is also responsible to ensure that every child in foster care has an educational stability plan.[99] Federal law requires DFPS to coordinate with the local education agency to ensure that the child remains enrolled in the school the child attended at the time of placement into foster care, unless remaining in that school is not in the child's best interests. The law further requires that DFPS coordinate with the local education agency to maintain the child in his or her most recent school if there is a subsequent change in placement.[100] Therefore, in many cases, students should continue to attend the same school they were attending at the time they were removed from their home, even if the caregiver with whom they are now living does not reside in that school district's attendance zone (*see page 62*).

When a child does have to be transferred to a new school due to safety or best interest concerns, the student will generally attend the school that is in the attendance zone of the caregiver's residence.

For a checklist and information on best interest decision making, read: Legal Center for Foster Care and Education & National Center for Homeless Education, "Best Practices in Homeless Education, School Selection for Students in Out-of-Home Care": center.serve.org/nche/downloads/briefs/school_sel_in_care.pdf

ARE BIOLOGICAL PARENTS STILL INVOLVED WHEN A CHILD IS IN FOSTER CARE? WHAT IS THE NATURE OF THEIR INVOLVEMENT? ARE THEY INVOLVED WITH THE CHILD'S SCHOOL?

The short answer is — it depends. Each case has different dynamics and decisions are made on a case-by-case basis. When a child is in the managing conservatorship of DFPS, DFPS is authorized to make education and other important decisions for the child unless the court order indicates the biological family retains or another individual is given those rights. If educators are contacted by a parent and are unsure about discussing scholastic issues and/or allowing contact with the student, they should contact the caseworker for more information.

WHAT IMPACT DOES THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) HAVE ON MY ABILITY TO SHARE EDUCATION INFORMATION ABOUT STUDENTS IN FOSTER CARE?

Information sharing between child welfare and education is an important element in supporting the academic success of students in foster care. FERPA requires schools to protect the confidentiality of a student's education records. FERPA is sometimes identified as a barrier to information sharing between child welfare and education agencies. However, FERPA's confidentiality protections should not be an obstacle to providing records and information for students in foster care.[101]

- Recent amendments to FERPA further clarify information sharing for students in foster care. The federal *Uninterrupted Scholars Act* allows education agencies to release education records to child welfare case workers or other representatives of a state or local child welfare agency.[102]
- According to FERPA, the caregiver or other person authorized by the child's legal guardian should have access to education records.[103]
- FERPA regulations define a parent to include natural parent, guardian, or an individual acting as a parent in the absence of a natural parent or guardian.[104]
- FERPA permits school districts to release records in compliance with a court order or subpoena.[105]
- FERPA exceptions allow student records to be released by a school district to another school district where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, even if parental consent was not received.[106]

LAW: In addition to federal provisions that promote information sharing between education and child welfare, state law also supports it. Amendments to Texas law, passed by the 83rd Texas Legislature, require school districts to notify the child's educational decision-maker and caseworker regarding events that may significantly impact the education of a child ***(see page 91 for a comprehensive list of events where notification is required)*****.**[107]

So what is the school's responsibility when individuals call the school wanting information about a student?

It depends on who is calling. School staff should follow FERPA regulations when releasing school-related information. DFPS staff, the child's caregiver, attorney ad litem, CASA, and others identified in the court order may access education information according to FERPA. **When in doubt, one can always ask to see either the court order or the DFPS *Placement Authorization Form 2085*.**

RESOURCES: FERPA and Information Sharing

The Uninterrupted Scholars Act:

Read a Joint Letter from the U.S. Department of Education and the Department of Health and Human Services addressing the *Uninterrupted Scholars Act*: ptac.ed.gov/sites/default/files/Joint_FERPA_Letter_with_ED_OESE__HHS_ACF_4_24_2013.pdf

View a Legal Center for Foster Care and Education video about the *Uninterrupted Scholars Act*: www.youtube.com/watch?v=4IkflR_Xx6Y&feature=player_embedded#

Read "*The Uninterrupted Scholars Act:* How do Recent Changes to FERPA Help Child Welfare Agencies Get Access to School Records?": www.fostercareandeducation.org/portals/0/dmx/2013/02/file_20130211_145758_xjnFqt_0.pdf

The Legal Center for Foster Care and Education has additional guidance addressing FERPA and information sharing:

"Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care": www.americanbar.org/content/dam/aba/migrated/child/education/publications/mythbusting2.authcheckdam.pdf

"Solving the Data Puzzle — A How-to Guide on Collecting and Sharing Information": www.americanbar.org/content/dam/aba/migrated/child/education/publications/solvingthedatapuzzle.authcheckdam.pdf

CHAPTER 10

ADDITIONAL SCHOOL PROVISIONS & PROCEDURES

- ARE CHILDREN AND YOUTH IN FOSTER CARE CATEGORICALLY ELIGIBLE FOR SCHOOL MEAL PROGRAMS?
- ARE CHILDREN AGES THREE, FOUR, AND FIVE ELIGIBLE FOR *FREE* PRE-KINDERGARTEN PROGRAMS IN PUBLIC SCHOOLS?
- WHAT ARE THE EXPECTATIONS OF DAILY ATTENDANCE?
- WHAT ARE ACCEPTABLE EXCUSED ABSENCES?
- ARE THERE ANY ADDITIONAL CONSIDERATIONS IF A STUDENT IS TRUANT?
- DISCIPLINE AND SPECIAL CONSIDERATIONS
- UTILIZING RESPONSE TO INTERVENTION (RTI) AND POSITIVE BEHAVIOR SUPPORTS (PBS)

CHAPTER 10

Additional School Provisions & Procedures

ARE CHILDREN AND YOUTH IN FOSTER CARE CATEGORICALLY ELIGIBLE FOR SCHOOL MEAL PROGRAMS?

Yes, children and youth in foster care are categorically eligible for U.S.D.A. child nutrition programs, including free meals/milk in the National School Lunch Program (NSLP)/School Breakfast Program (SBP), Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), Summer Food Service Program (SFSP) and the Child and Adult Care Food Program (CACFP). Caregivers for children and youth in foster care do not have to complete a separate application for these programs. The DFPS *Placement Authorization Form 2085* provides for immediate authorization of the named child or youth to participate in the programs offered through the U.S.D.A.. District liaisons can verify students' eligibility with food service departments and local campuses to make sure students receive immediate meal assistance.

RESOURCES: Nutrition Assistance

U.S.D.A., "USDA Announces Expansion of Nutrition Assistance for Foster Children, Provision Expands Safety Net against Childhood Hunger and Promotes Healthy Lifestyles," February 3, 2011: www.fns.usda.gov/es/node/879

U.S.D.A. Child Nutrition Programs Food and Nutrition Service, "Eligibility Manual for School Meals, Determining and Verifying Eligibility": www.fns.usda.gov/cnd/guidance/EliMan.pdf (see page 10 & 46).

ARE CHILDREN AGES THREE, FOUR, AND FIVE ELIGIBLE FOR *FREE* PRE-KINDERGARTEN PROGRAMS IN PUBLIC SCHOOLS?

Yes, children currently in foster care or children who have ever been in foster care in Texas as a result of an adversary court hearing are eligible for enrollment in the local public school pre-kindergarten program.[108] Texas schools are required to offer a free pre-kindergarten program if the district identifies 15 or more eligible students.[109]

Once a program for four-year-olds has been established, children that meet the eligibility requirements for pre-kindergarten must be served and cannot be placed on a waiting list. Many districts offer a program for three-year-olds and, if they do, the eligibility is the same as long as the child is three years old by September 1st of the school year.

In some smaller districts, Head Start may be the sole provider of pre-kindergarten programs. Head Start programs may reach enrollment capacity and foster children, even though categorically eligible, may be placed on a waiting list.

Transportation is not required for the public school pre-kindergarten program, but if the school provides transportation for pre-kindergarten children, those costs can be included for funding purposes as part of the regular transportation system.

How do I know that a child currently or formerly in foster care is eligible for pre-kindergarten?
ALL children three, four, and five years of age who are currently in or were ever in foster care as a result of an adversary hearing receive a *Letter of Verification* to enroll in a public school's pre-kindergarten program from their Regional DFPS Education Specialist. School districts are directed by TEA to accept the DFPS letter as proof of eligibility to enroll these children in free pre-kindergarten.

Are children who turn five after September 1st eligible for kindergarten?
No, children who turn five after September 1st of the school year are not eligible for kindergarten enrollment but are still eligible for pre-kindergarten enrollment.

RESOURCES: Early Childhood Education

TEA, "Top 10 Frequently Asked Questions on Early Childhood in Texas": www.tea.state.tx.us/index2.aspx?id=2147495517&menu_id=2147483718

For more information on pre-kindergarten eligibility and enrollment, see *Section 7* of the TEA *Student Attendance Accounting Handbook*.

WHAT ARE THE EXPECTATIONS OF DAILY ATTENDANCE?

School attendance is mandatory for students in foster care, as it is for all other six-to-18-year-old Texas students.[110] Due to the nature of foster care, students may have various appointments that are mandated through court orders or their case plans that may interfere with school attendance. Caregivers try to schedule student appointments before and after school and on the weekends; however, sometimes this is not possible. Caregivers and school staff should work together to secure missed assignments and to ensure students complete them. See *Section 3* of the TEA, *Student Attendance Accounting Handbook*, for more information on attendance.

WHAT ARE ACCEPTABLE EXCUSED ABSENCES?

Students in foster care are expected to attend school regularly. Absences related to court-ordered activities such as medical appointments, including mental health or therapy, family visitation, and college visits (two per year during the junior and senior years of high school) are excusable, according to Texas law.[111] The principal may determine that other absences are "excused." See *Section 3* of the TEA, *Student Attendance Accounting Handbook* for a list of excusable absences.

TIP: To reduce the negative impact of missed school, communicate and coordinate with the caregivers if students are absent. Additionally, to ensure that students are not mistakenly given unexcused absences, it is important that caregivers communicate to schools in writing about appointments, court dates, and other activities causing students to miss school.

ARE THERE ANY ADDITIONAL CONSIDERATIONS IF A STUDENT IS TRUANT?

Truancy for students in foster care should be handled as it is for all other students. If truancy is an issue, contact the caregiver immediately. If the caregiver is not responsive and/or a student continues to miss school, please contact the CPS caseworker as soon as possible. This is applicable to all students, including those living in a group home, RTC, or emergency shelter. To prevent further student disciplinary action, provide early notification to the student's caseworker.

DISCIPLINE AND SPECIAL CONSIDERATIONS:

Some schools in Texas utilize corporal punishment as a form of discipline. **It is important that caregivers provide a written signed statement *"opting out"* students in foster care from receiving any form of corporal punishment**. This opt out statement should be signed annually and always completed when a student arrives at a new school district.[112] CPS policy states that children and youth in DPFS conservatorship may **NOT** receive physical discipline, including corporal punishment. Children and youth who have been abused and/or neglected and who are in DFPS conservatorship are learning to trust adults again as well as learning to recover from their abusive past. Physical discipline undermines the strides children and youth make in overcoming those experiences. It could also trigger other emotional responses for the child or youth.

TIP: School officials and district liaisons can assist to guarantee that corporal punishment is not used against any students in foster care. They can also remind caregivers during the enrollment process to sign the designated waiver exempting students from corporal punishment.

Students in foster care may have a history of neglect and physical or emotional abuse, as well as school disruptions. Taken together, these traumatic experiences may impact a student's response to stimuli and result in challenging behavior. Therefore, learning more about trauma and trauma-informed care strategies is recommended.

TIP: Supporting trauma-informed training for teachers, resource officers, and other school staff (see page 82), as well as increasing awareness of positive behavioral supports and interventions, has been found to have a positive impact on student behaviors and on school climate *(see below)*.

Some School Disciplinary Actions May have Unintended Negative Impacts:

Student Ticketing — In some school districts, school-based law enforcement officers issue citations for unlawful conduct committed on campus.[113] These citations can be problematic for students in foster care. DFPS lacks funding to pay for school tickets and fines, leaving this responsibility to the caregiver, who may or may not pay the ticket. Fines sometimes could go unpaid and older youth, once they have aged-out of foster care, could have warrants issued for their arrest due to unpaid tickets. School districts should be aware of these consequences from the issuance of citations on students in foster care, students who are homeless, and other students who do not have resources to pay a fine. Authorities may want to consider in-school disciplinary actions, rather than school ticketing, for some student offenses.

TIP: Schools may consider non-financial penalties, including community service and in-school disciplinary actions, for students in care due to the additional challenges financial penalties create.

Suspension and Expulsion — Multiple school suspensions and disciplinary actions have a negative impact on a student's education. Students in foster care are much more likely to be disciplined in school for fighting and "serious behavior" and are more likely to receive out-of-school suspension in comparison to the general student population.[114] School suspensions and expulsions contribute to education gaps and learning delays and seriously increase a student's likelihood of dropping out of school. The 2011–2012 TEA PEIMS data reveals foster students received in-school suspension disciplinary actions at nearly twice the rate of students statewide (21.3% compared to 11.3% statewide). Foster students received out of school suspensions at more than three times the rate of all students who received out-of-school suspensions (15.3% compared to 5.1% statewide).[115] Click here to view the full report: www.yourhonor.com/myprofile/assets/WhatDoesTheDataTellUs.pdf

LAW: School districts must notify the child's educational decision maker and caseworker regarding events that may significantly impact the education of a child, including the following school disciplinary actions:[116]

- Any disciplinary actions under Chapter 37 for which parental notice is required;
- Citations issued for Class C misdemeanor offenses on school property or at the school-sponsored activities;
- Reports of restraint and seclusion required by section 37.0021; and
- Use of corporal punishment as provided by Section 37.0011, is not permitted for students in foster care.

For a comprehensive list of school events where the education decision maker and caseworker must be notified, see page 91.

UTILIZING RESPONSE TO INTERVENTION (RTI) AND POSITIVE BEHAVIOR SUPPORT (PBS):

In order to keep youth engaged in school and on track to graduation, schools are encouraged to use trauma-informed approaches with Response to Intervention (RTI) and Positive Behavior Support (PBS) strategies to work with behavior issues whenever possible.

The Texas Education Agency has developed resources to support students and schools by collaborating with Regional Education Service Centers (ESCs) and universities in Texas. TEA and ESCs provide school districts with research-based strategies and professional development regarding how to personalize the instructional environment for each student.

RESOURCES: Strengthening Supports & Impacts of Discipline

Some valuable resources to assist districts and schools with providing school-wide and targeted supports for students and schools can be found at these links:

The Meadows Center for Preventing Educational Risk, "Building RTI Capacity": buildingrti.utexas.org/

Texas Behavior Support: www.txbehaviorsupport.org/

Response to Intervention: www.tea.state.tx.us/index2.aspx?id=2147500224

Texas Collaborative For Emotional Development in Schools (TxCEDS): www.txceds.org/

Council of State Governments (CSG) Justice Center and Public Policy Research Institute at Texas A&M, "Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement" (July, 2011) csgjusticecenter.org/jc/category/youth/

Center for Public Policy Priorities, "Texas School Disciplinary System and Foster Care Children": www.cppp.org/files/4/392_education.pdf

CHAPTER 11

THE SCHOOL EXPERIENCE: PROVIDING STUDENT SUPPORT, IMPLEMENTING ACADEMIC SUPPORTS AND INTERVENTIONS, & PROMOTING HIGH SCHOOL COMPLETION

- CREATE A SCHOOL ENVIRONMENT THAT IS SENSITIVE TO THE EXPERIENCE OF STUDENTS IN FOSTER CARE
- HOW DO TRAUMATIC CHILDHOOD EXPERIENCES IMPACT EDUCATION?
- WHAT STATE FUNDING SOURCES CAN SCHOOLS USE TO PROVIDE ACADEMIC SUPPORT?
- IMPLEMENTING ACADEMIC SUPPORTS AND INTERVENTION ACCORDING TO STATE LAW – POLICY AND PRACTICE GUIDANCE FROM THE EDUCATION CODE
- PROMOTING HIGH SCHOOL COMPLETION
- WHAT GRADUATION PROGRAM IS RIGHT FOR A STUDENT?
- HOW DOES STATE STANDARDIZED TESTING IMPACT GRADUATION REQUIREMENTS?
- WHEN ARE STUDENTS IN FOSTER CARE ELIGIBLE TO EARN A GED?

CHAPTER 11

The School Experience: Providing Student Support, Implementing Academic Supports and Interventions, & Promoting High School Completion

CREATE A SCHOOL ENVIRONMENT THAT IS SENSITIVE TO THE EXPERIENCE OF STUDENTS IN FOSTER CARE:

Students come into foster care through no fault of their own, but their status as "foster children" can be a source of deep shame and stigma. School personnel play an important role in being sensitive and creating a school environment that is emotionally safe and supportive of students who experience foster care.

☛ Maintain confidentiality:

- It is important that a student is not publicly labeled as a foster child nor attention brought to the fact that the student is in the foster care system.
- Avoid discussing private student matters in public places, such as a break room, where confidential information may be overheard by school staff or students.
- Do not use the loud speaker, class announcements, or other public means to notify students of appointments and visitors related to their CPS cases.
- Refrain from asking students personal questions related to *why* they are in foster care. If a student shares this very personal information, it should be completely up to him or her and not because school personnel initiated the discussion.

☛ Be mindful of the impact that family-based school assignments and activities have on students:

No matter the reasons for entering foster care, school assignments and activities that assume all children live with their birth family or know their family history may be difficult and present challenges for students in foster care. Assignments such as creating a family tree or a Mother's Day card or giving a presentation about a memorable family vacation can be very difficult. Alternative activities for these types of school assignments should be explored.

☛ Avoid negative stigmatization and assumptions:

- Students in foster care can be negatively labeled and stigmatized in school and in other community settings. Stigmatization can be detrimental to a student's well-being and educational success.
- Stigmas in school create challenges such as:
  - Delays in enrollment because assumptions are made that students in care will only be enrolled in the new school for a short period of time.
  - Trauma and post-traumatic stress symptoms may be misdiagnosed. Misdiagnosis leads to students not receiving proper educational supports.
  - Placement in "minimum graduation programs." Texas data reveals that students in foster care are disproportionally placed in the minimum graduation program.[117]
  - Assumptions are sometimes made that youth in care do not have post-secondary education goals. This myth negatively impacts students. On the contrary, research demonstrates that 70%

of teens in foster care desire to attend college.[118] If students and education decision makers are not consulted about the student's graduation program, they may be unaware of the impact of the minimum program on future college access and entrance.

TIP: Promote pro-college messaging and use asset and strength-based approaches to encourage the academic aspirations of middle and high school students in foster care *(see Chapter 13 for more information on post-secondary opportunities for students in foster care).*

Confronting Stereotypes of Youth in Foster Care is a great video that can be shared to increase awareness about the stereotypes and stigmas students often face: www.youtube.com/watch?v=rheuqlV7ebs&feature=youtu.be

Be aware of the reasons why a student in foster care may miss school and how it might impact coursework:

Students in foster care may miss school due to parent and sibling visits, court dates, therapy, and other appointments. These absences are excused if the activity was ordered by the court.[119] Work with the student to make sure he or she is able to make up coursework missed due to these activities.

Note: Caseworkers do their best to ensure school is not interrupted for visits or other appointments.

TIP: District liaisons may consider providing information regarding testing dates to the DFPS Regional Education Specialists and other child welfare stakeholders to make them aware of important testing dates. School attendance is especially important around state-mandated testing periods.

Take time to build relationships and establish trust and rapport with students in care:

- Students may have a difficult time trusting adults and developing relationships. Youth in care have had adults disappoint them and may be reluctant to interact.
- Take the opportunity to celebrate birthdays, personal accomplishments, and student successes! Encouragement and support is an essential element of building rapport and trust.
- Research demonstrates the importance of a trusted, caring, supportive adult as a critical factor for children and youth in foster care.[120]
- Discuss a student's *positive attributes* with him or her and communicate these to caregivers, caseworkers, and other adults involved in the student's life.

Provide youth with choices and include them in decision making:

Children and youth in foster care may experience a sense of loss and powerlessness. Educators and supportive adults can use positive youth development practices that provide choices and include youth in decision making processes.

TIP: A great way to be a part of a high school student's success is by participating in a DFPS-sponsored meeting called a *Circle of Support*, if invited by the student *(see page 102)*.

Promote information related to foster care and activities, supports, resources, and scholarships available in school counseling centers and public places:

Students may not be identified publicly as being in foster care. However, providing information about resources available for students in foster care at counseling centers or similar settings makes the resources available without invading the students' privacy. It also lets the students know they are supported and valued on their school's campus.

HOW DO TRAUMATIC CHILDHOOD EXPERIENCES IMPACT EDUCATION?

According to the *National Child Traumatic Stress Network*, "child traumatic stress occurs when children and adolescents are exposed to traumatic events and traumatic situations, and when this exposure overwhelms their ability to cope with what they have experienced."[121] Although the experiences and responses to trauma and loss differ among students, it is important that educators and other advocates are sensitive and aware of the impact that trauma may have on learning, student behavior, student response to adults, and interaction with peers. Implementing trauma-informed practices in the classroom and raising the level of awareness about the impact of adverse life experiences on a student's learning process, classroom behaviors, and cognitive development will help educators, school personnel, and other advocates respond in a way that is the most sensitive and adaptive to a student's needs.

RESOURCES: Trauma-Informed Schools

Tools such as these are helpful for promoting sensitivity and increasing awareness about the impact of trauma on a student's learning and school experience.

National Child Traumatic Stress Network, "Child Trauma Toolkit for Educators" — *an excellent guide on trauma and learning, available in both English and Spanish; this is a must-read for educators and school personnel in supporting the academic success of students who've experienced trauma:* nctsn.org/resources/audiences/school-personnel/trauma-toolkit

National Child Traumatic Stress Network, Resources for School Personnel website — *provides a variety of excellent tools on trauma-informed practices, training tools, and information to help educators understand and respond to the specific needs of traumatized students:* www.nctsn.org/resources/audiences/school-personnel

Washington State Superintendent of Public Instruction, *Compassionate Schools Initiative,* "The Heart of Learning: Compassion, Resiliency, and Academic Success" — *this book provides innovative approaches, practical tools, and applicable resources to equip educators in working with students whose learning has been adversely impacted by trauma. This valuable resource is free and available online:* www.k12.wa.us/CompassionateSchools/HeartofLearning.aspx

National Center for Mental Health Promotion and Youth Violence Prevention, Safe Schools Healthy Students — National Center Brief, "Childhood Trauma and its Effect on Healthy Development": edn.ne.gov/pdf/social-emotional/Childhood%20Trauma%20&%20Its%20Effect%20on%20Healthy%20Development.pdf

WHAT STATE FUNDING SOURCES CAN SCHOOLS USE TO PROVIDE ACADEMIC SUPPORT?

Students in foster care are eligible for the regular instructional program through the Texas Foundation School Program. Students may be eligible for several other special programs and services through initiatives such as No Child Left Behind (NCLB), special education, English as a Second Language (ESL), Career and Technical Education (CTE), or other state grant initiatives. Schools will find additional information on these specific programs and eligibility on the TEA website at: www.tea.state.tx.us

Foster students are also eligible for supplemental, compensatory instructional services with the state compensatory education program. Compensatory education is defined as programs and/or services designed to supplement the regular education program for students identified as at risk of dropping out of school.[122] Students in foster care fall within the definition of "at risk" of dropping out of school,[123] therefore supportive services provided with state compensatory education funds must be supplemental to the regular educational program. The school district may use state compensatory education funds to provide supplemental instructional services to accelerate learning and academic performance for children in foster care; these services may help to eliminate any disparity in performance on the State of Texas Assessment of Academic Readiness (STAAR) or disparity in the rates of high school completion. While

districts have considerable flexibility with these funds for service provision, the funds may only be used to incorporate instructional strategies that have been shown by scientifically-based research to be effective with teaching low-achieving students. This may include interventions such as:

- tutoring;
- supplemental reading or math programs;
- school social work services (including home visitation) to engage parents or caregivers in improving academic achievement;
- consultation with instructional staff;
- coordinating community resources such as mentors and advocates; and
- providing direct individual, group, and crisis counseling.

Compensatory education services available for students must be described in the district or campus improvement plan. School staff may specifically connect foster youth with these supplemental programs.

If a district has Title I funding to support a school-wide program for low-achieving students under the *Elementary and Secondary Education Act of 1965,* the district may coordinate its state compensatory education services with the federal Title I services.[124]

Regardless of the funding source used for supportive services, all programs and supports should be based on evidence that the strategies used help improve student achievement and keep the student advancing toward high school completion. These strategies are discussed more fully in the following section.

RESOURCES: Additional Supports

The Texas State Compensatory Education program:
www.tea.state.tx.us/index4.aspx?id=4082

The Elementary and Secondary Education Act, No Child Left Behind:
www.tea.state.tx.us/index4.aspx?id=4261&menu_id=2147483742

Bilingual Education:
www.tea.state.tx.us/index2.aspx?id=4098

TEA state grant opportunities:
www.tea.state.tx.us/index2.aspx?id=2147487920&menu_id=951

IMPLEMENTING ACADEMIC SUPPORTS AND INTERVENTION ACCORDING TO STATE LAW – POLICY AND PRACTICE GUIDANCE FROM THE EDUCATION CODE:

This next section uses language from the Texas Education Code (TEC). Because the term "substitute care" is used in addition to the term "foster care" in the Texas Education Code, it is also used within this section when describing these provisions.

Reminder: The term "foster care" is being used throughout this guide to refer to all children and youth in CPS conservatorship/substitute care.

The Texas Legislature has found that students in foster care are faced with numerous transitions during their formative years. According to Texas Education Code Section 25.007, students in foster care who move from one school to another are faced with special challenges in learning and future achievement. Given this recognition, the Texas Legislature has charged the Texas Education Agency to work with school districts in order to support learning and achievement for children in foster care, particularly when the students transition to new schools.

TEC § 25.007

Select policy and practice guidance based on the Texas Education Code — Transition Assistance for Students in Foster Care:

1. **Ensure that school records for a student in substitute care are transferred to the student's new school not later than the 10th day[125] after the date the student begins enrollment at the school** *(see Chapter 7 for more information on enrollment and Chapter 8 for more information on records transfers for students in foster care).*

2. **Develop systems to ease transition of a student in substitute care during the first two weeks of enrollment at a new school.**
   Transitioning to a new school is challenging for all students, especially students who have experienced numerous school transitions. Schools are encouraged to develop specific supports and systems to ease the transition. Schools are encouraged to create or adopt an "enrollment checklist" to help guide the activities of transferring a student into a new school.

   Additional considerations to ease school transitions:

   - Provide the student and caregiver with a welcome packet that includes information about enrolling in extracurricular activities, clubs, and tutoring opportunities.
   - Facilitate introductions of the student to faculty, other students, and to the school environment.
   - Convene an *enrollment conference* with the student in the first two weeks.

   An *enrollment conference* is a school support strategy that was recommend in the "*Texas Blueprint: Transforming Educational Outcomes For Children & Youth in Foster Care*." The enrollment conference would occur upon/after enrollment in a new school, to be attended by the youth, caregiver, and all relevant school personnel, and may also include the caseworker (in person or by conference call), the education decision maker, CASA, and the attorney and/or guardian ad litem.[126] This could be an opportunity to personally provide a welcome packet, check on how the student is adjusting, identify whether the student was receiving special education services at the previous school, and share important resources with the family. Districts may have similar processes, called something other than an "enrollment conference," that can be adapted and implemented, to achieve same goals are achieved.

   - During an *enrollment conference* the school could also:
     - Review credits;
     - Identify academic and extracurricular interests;
     - Identify career interests and goals;
     - Discuss students' strengths;
     - Review assessment data;
     - Develop course and instructional strategies; or
     - Share information about the Online College Portfolio for secondary students or the Student Success Initiative supplemental home instructional reading and math resources for students in grades 3–8.

   The *enrollment conference* also provides an opportunity to communicate in a confidential manner about court dates, behavior interventions, CPS supports, and other information that may impact a student's academic success and progress.

Note: School staff should remember that decisions about a student's special education eligibility or services may only be made by a properly constituted Admission, Renew, Dismissal (ARD) committee.

TEC § 25.007

- Schools can also engage the caregiver and the student to develop the Personal Graduation Plan (PGP) required by the Texas Education Code.[127] A PGP is required for each student enrolled in a middle, junior, or high school who does not perform satisfactorily on the state assessment or is not likely to receive a high school diploma in four years.

To ease the transition into a new school, the PGP could be developed in the first two weeks in conjunction with an *enrollment conference.* This meeting could help build communication between the school, the caregiver, and student that will set the student up for success in the new school. For students with disabilities, the ARD committee would meet to develop the Individual Education Plan (IEP), which can meet the requirements for the PGP for students with disabilities.[128] Additionally, a student in substitute care who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine as determined by the district must have the student's course credit accrual and PGP reviewed.[129]

When developing the PGP, the school has the opportunity to communicate with the caregiver and student to:

- Identify educational goals for the student;
- Review diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
- Discuss and plan for the instructional program, including courses needed to meet graduation requirements under the distinguished, recommended, or minimum graduation plan;[130]
- Address participation of the student's parent or guardian, including consideration of the parent's expectations of the student;
- Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other strategies that have been scientifically validated to improve learning and cognitive ability. Contact the student's caregiver and DFPS caseworker for the student's approval process; and
- For high school students, promote college and workforce readiness and career placement and advancement. The plan should also facilitate the student's transition from secondary to post-secondary education. Additional foster care-specific supports and resources may also be discussed (*see Chapter 13).*

Texas Education Code PGP statute:
www.statutes.legis.state.tx.us/Docs/ED/htm/ED.28.htm#28.0212

See a PGP Resource Guide developed by ESC 13:
ritter.tea.state.tx.us/taa/stanprog102303a1.doc

Texas Success.org — The state has funded and developed *free* online resources to help students to improve their knowledge and skills in mathematics and reading. These mathematics and reading tutorial programs are aligned with the Texas Essential Knowledge and Skills (TEKS). They are used as supplemental materials in many classrooms and can be accessed on any home computer. Browse these materials and provide this information for caregivers to help youth in foster care improve academic achievement: texassuccess.org/

TEC § 25.007

3. Develop procedures for awarding course credit — including partial credit, if appropriate, and electives — for work completed by a student in foster care while enrolled at another school.
DFPS staff considers educational needs when making any placement changes that will require a school disruption. Occasionally, students may be required to move to a new home and a new school during the middle of a grading period. The most likely time this could occur is when a student first comes into care of DFPS on an emergency basis. In that scenario, DFPS will work with caregivers and the school staff to the extent possible to keep the student in the home school, unless it is not in the student's best interest to remain there.

In the event that a school move is required, students may unfortunately lose credit for work completed in a prior school if the emergency happened mid-semester. This is when coordination between child welfare and education systems can be very powerful to facilitate student success. The loss of course work and credits earned may be mitigated through a local policy to transition the balance of the credit that was earned prior to a transfer to a new school for a core or an elective course.

TEC Section 25.007 requires the education system to consider special procedures for lessening the consequences of course disruption when awarding partial or full credit and the completion of coursework.[131] Education and child welfare officials should work together to assist students when school moves are required. Each school district should examine local policies for awarding credit and course placement, such as how credit is awarded based on mastery of content and student performance in a course prior to a transfer to a new district or based on a course assessment when a student in foster care enrolls in a new district or school.

Districts also have flexibility with implementing credit recovery programs, designing optional flexible school days, and implementing other strategies for awarding credit for coursework completed and content mastered. Districts and schools may use online credit recovery programs, the Texas Virtual School Network (TxVSN), and other TEA-approved educational technology to assist in the transition process (*see Appendix H for more information on the TxVSN).* Alternative programs for course completion may need the approval of the DFPS Regional Director or DFPS Assistant Commissioner for CPS.

State resources may provide additional guidance on the local flexibility that is available to schools regarding course credits for students in foster care:

The TEA Curriculum Division:
www.tea.state.tx.us/index2.aspx?id=2147486096

Back on Track in Texas – Ready for Post-Secondary Success:
backontracktx.org/

TEC § 25.007

Additionally, the TEA website is dedicated to providing information on dropout prevention, best practices, and research-based interventions that also support credit recovery and course completion for struggling students.

Resources are available to schools to search for and to identify research-based strategies that can facilitate academic achievement for youth in foster care. The U.S. Department of Education has identified six key strategies for dropout prevention that apply to students in foster care:

- Use diagnostic data and data systems to identify student needs
- Assign adult advocates to at-risk students
- Provide academic supports and enrichment to improve academic performance
- Implement programs to improve students' classroom behavior and social skills
- Personalize the learning environment and instructional process
- Provide rigorous and relevant instruction that better engages students in learning, provides the skills needed to graduate, and serves students after they leave school.

RESOURCES: Dropout Prevention

Select Texas Dropout Prevention Policies:
www.tea.state.tx.us/index4.aspx?id=8327&menu_id=2147483659

TEA Dropout Information:
www.tea.state.tx.us/index4.aspx?id=3527&menu_id=2147483659

Response to Intervention (RTI) and Special Education FAQ: www.tea.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=2147500735&libID=2147500730

National Dropout Prevention Center Network and National Dropout Prevention Center — provides resources for researchers, practitioners, policymakers and families to increase opportunities for youth in at-risk situations to receive the quality education and services necessary to successfully graduate from high school: www.dropoutprevention.org/

The center also maintains a database of programs that have been found to be effective in improving academic achievement for youth in at-risk situations: www.dropoutprevention.org/modelprograms

Institute of Education Sciences (IES) Practice Guide - Dropout Prevention — provides specific recommendations for program design, development and implementation. A checklist is included that schools can use to design academic supports for students in foster care: ies.ed.gov/ncee/wwc/PracticeGuide.aspx?sid=9

4. Promote practices that facilitate access by a student in substitute care to extracurricular programs, summer programs, credit transfer services, online courses, and after-school tutoring programs at nominal or no cost (a fee waiver may also be provided).

According to the TEC, students in foster care should be afforded opportunities to participate in summer programs, credit transfers, electronic courses provided through the Texas Virtual School Network, and after-school tutoring programs at nominal or no cost.[132] Each school district is encouraged to examine what services are available and how it can meet this goal. For example, if the school has a 21st Century Community Learning Center before- or after-school program, a foster youth may participate at no charge. Many schools have other after-school tutoring programs in which students may be encouraged to participate. Schools may have a Communities In Schools (CIS) program that provides tutoring, mentoring, and summer programs.

TEC § 25.007

Extracurricular fee waivers for athletics or clubs could help youth engage in positive youth development opportunities. Whenever possible, schools should consider strategies to work with caregivers to link foster youth with these types of programs that support learning. Schools can reach out to invite students to participate and to obtain caregiver permission for student involvement in supportive services such as these.

Are there any special considerations for students in foster care related to participation in extracurricular activities?

School districts may not impose durational residency requirements for students in foster care for any activity sponsored by the school district.[133] Although the University Interscholastic League (UIL) imposes durational residence requirements on students generally, the Office of the Texas Attorney General has found that *NO* durational residential requirement in the UIL rules may be applied to a child placed by DFPS or a court into a foster home located in a receiving school district.[134] This is true regardless of whether it is the student's first time to be placed in a foster home or the child has been moved to a new foster home; if the placement is by DFPS or a court, no durational requirement can be imposed if the reason for the student's relocation is placement in care.[135]

RESOURCES: Extracurricular Programs

National Center For Youth Law, "Beyond the Basics — How Extracurricular Activities Can Benefit Foster Youth," October–December 2010:
www.youthlaw.org/publications/yln/2010/oct_dec_2010/beyond_the_basics_how_extracurricular_activities_can_benefit_foster_youth/

21st Century Community Learning Centers:
www.tea.state.tx.us/index2.aspx?id=3546&menu_id=814

Communities In Schools:
www.tea.state.tx.us/index3.aspx?id=4639&menu_id=720

University Interscholastic League, Constitution & Contest Rules (2010–11):
www.uiltexas.org/policy/eligibility.

National Resource Center for Permanency and Family Connections:
www.hunter.cuny.edu/socwork/nrcfcpp/info_services/education-and-child-welfare.html

5. Establish procedures to lessen the adverse impact of moving a student in "substitute care" to a new school:

School staff are encouraged to use the flexibility available to local school districts to establish supports for a student in foster care moving to a new school. Previous sections discussed local opportunities to examine and develop policies and procedures to ease the transition for youth in foster care. Another strategy suggested to reduce the negative and unintended consequences of student transitions is to implement the concept of a *Care Team*.

- A *Care Team* is a school support strategy that was recommended in the "*Texas Blueprint: Transforming Educational Outcomes For Children & Youth in Foster Care*" (*see page 20*). This team could be a group of professional staff members who provide and meet the educational needs and challenges of students who are not eligible for or receiving special education services.[136]

TEC § 25.007

Specifically the *Care Team* could discuss information helpful for school success, including: credit completion, enrollment, transfers, withdrawals, college readiness, communication with caregivers, behavior, discipline, and previous student successes. The *Care Team* may also help facilitate the *enrollment conference.*

Care Team members may include people such as a school administrator, foster care liaison, social worker, teacher, counselor, or other adults such as the Communities In Schools (CIS) coordinator, caregiver, caseworker, group home staff, or other supportive people in a student's life. This team would be accessible to the students in foster care. The role of a Care Team might be addressed by an existing team such as a school Response to Intervention Team (RTI) or a Student Support Team. Or, a new team could be created to focus specifically on the needs and challenges of foster youth. The Team could convene on a regular schedule (e.g., every six weeks) to review the roster of students in care, or the team could be convened only when there is a crisis situation or a specific student need is identified.

Student Support Teams: txcc.sedl.org/resources/sst/sst_brochure.pdf

6. Become familiar with the Memorandums of Understandings (MOUs) between TEA and DFPS regarding the exchange of information as appropriate to facilitate the transition of students in substitute care from one school to another.

TEA and DFPS have an MOU for aggregate data sharing on the state level to examine educational outcomes of students in foster care. TEA and DFPS are using this state-level information to assist with policy development, planning training, and technical assistance for district liaisons and other stakeholders. It is not practical at this time for DFPS and each ISD to enter into local agreements. School districts may benefit from state-level information and also from case-level coordination as is allowable under FERPA, and, local school district, and CPS policies. Schools must follow the laws for sharing information that are required under FERPA (*see page 70–71*).

At this time, Texas school districts can identify students who are in foster care when they are enrolled in school with a *DFPS Placement Authorization Form 2085* or a court order. They can facilitate the transition of students on a case-by-case basis as needed. Schools can use the *Placement Authorization Form 2085* to document that the student is in foster care and as supportive documentation for the at-risk checklist item #11.[137] These forms must be kept confidential, in a secured area such as a locked file cabinet. It is important that ANY records identifying a child as being involved in foster care or involved with CPS should be stored securely to protect confidentiality (*see page 52*).

The school or district can use data from this form to create a roster of students in foster care. Each school can flag and track students in foster care in the local data system in order to analyze student progress and outcomes. Districts are encouraged to use early warning data to facilitate a successful educational experience for all students, including students in foster care. Using a system that reports early warning data is a research-based strategy to identify student needs and to plan for student interventions. In order to help the school plan for interventions and supportive services, as well as to track outcomes, early warning data that schools should track and analyze for foster students includes attendance, grades, assessment, and behavior.

Where can I go for more information on student tracking and data sharing tools?

Many school districts have local databases that are capable of tracking academic progress, attendance, behavior, and achievement. Students needing additional support can be flagged, interventions can be provided, and progress can be tracked. For more information on a free early warning data system tool that schools can use, visit the Texas Comprehensive Center: txcc.sedl.org/resources/ewst/

TEC § 25.007

7. Encourage school districts and open-enrollment charter schools to provide services to support students in transition (from high school and foster care) when applying for admission to post-secondary study and when seeking sources of funding for post-secondary study.

School districts and charter schools are encouraged to provide information to students in substitute care about college programs and opportunities to pursue post-secondary studies, including junior and community colleges, four-year colleges and universities, and vocational, technical, and certificate programs. Promoting college access by linking with local college programs is encouraged to support successful transitions into post-secondary education. Many specific financial resources and supports for students in substitute care exist. Districts should be informed of these resources, provide information, and connect students. For example: individuals formerly in Texas' foster care system are eligible for a lifetime tuition and fee waiver at any Texas state-supported institution of higher education, as long as the student enrolls in at least one college course before turning 25 years old.[138] School personnel can assist students in foster care by facilitating enrollment in at least one dual-credit or college course while in high school, automatically qualifying students for the lifetime tuition and fee waiver. Any college course, including developmental courses and many continuing education classes, will initiate the tuition and fee waiver. Connecting students to these opportunities is a positive strategy schools can implement to support successful transitions and college and career readiness (*see Chapter 13).*

8. Require districts, campuses, and open-enrollment charter schools to accept a referral for special education services made for a student in substitute care by a previously-attended school.

By law, a receiving school must accept a referral for special education from a previous district in order to speed the process for special education and ensure students receive proper academic supports and interventions once in their new school. The Texas Education Agency *Student Attendance Accounting Handbook* requires that records be transferred from one school to the next via TREx. Records that must be transferred include assessment instrument results, receipt of special education services, and individualized education plans, if applicable. Schools should review the list of required records to transfer in order to facilitate continuity and educational stability for students in foster care (*see Chapter 8 for more information on TREx and effective records transfer; see Chapter 12 for more information on special education).*

9. Provide other assistance as identified by TEA.

TEA looks forward to learning from each school district as they engage in this work. In addition to distributing knowledge, research, best practices, and statutory requirements, TEA plans to share results and feedback with school district officials who are working with students in foster care. TEA will continue coordinating with DFPS, the Children's Commission, and other stakeholders to provide resources to assist schools. The agency plans to disseminate additional foster care and education assistance to schools through the following avenues:

- The TEA *Foster Care & Student Success* website: www.tea.state.tx.us/FosterCareStudentSuccess/;
- The TEA *Foster Care Education* listserv;
- Webinar training;
- "To The Administrator Addressed" letters issued by TEA; and
- A Project Share group designed to support district foster care liaisons.

TEC § 25.007

To register one's district liaisons with TEA, please send an email with the name, position, and contact information of the designated *School District Foster Care Liaison(s)* to fostercareeliaison@tea.state.tx.us. Also, please complete the *Foster Care Liaison Introductory Survey* at *https://www.surveymonkey.com/s/Fostercareliaisons*.

Make sure that the district has access to the most current information in Texas!
Join the Foster Care Education Listserv — visit: ritter.tea.state.tx.us/list/ and select *Foster Care Education.*

The 83rd Texas Legislature added new requirements to TEC § 25.007 that strengthen transition supports for students in substitute care.[139] Information to support districts in understanding and implementing these provisions will be made available in the future. See below for new provisions that have been added:

- **Requiring school districts to provide notice to the child's educational decision maker and caseworker regarding events that may significantly impact the education of a child, including:**
  - (A) requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003;
  - (B) admission, review, and dismissal committee meetings;
  - (C) manifestation determination review required by Section 37.004 (b)
  - (D) any disciplinary actions under Chapter 37 for which parental notice is required;
  - (E) citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
  - (F) reports of restraint and seclusion required by Section 37.0011.
  - (G) Use of corporal punishment as provided by Section 37.0011, is not permitted for students in foster care.

- **Developing procedures for allowing a student in substitute care who was previously enrolled in a course required for graduation the opportunity, to the extent practicable, to complete the course at no cost to the student before the beginning of the next school year.**

- **Ensuring that a student in substitute care who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine as determined by the district has the students course credit accrual and personal graduation plan reviewed.**

- **Ensuring that a student in substitute care who is in grade 11 or 12 be provided information regarding tuition and fee exemptions under section 54.366 for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.**

PROMOTING HIGH SCHOOL COMPLETION:

Promoting high school completion is important and necessary! Students in foster care are entitled to all education services generally available to other students. Additionally, students may benefit from additional attention in the school setting to make certain they remain on track for high school completion and graduation.[140] School staff can help by reviewing students' class schedules and coursework as an important element to properly advising students and ensuring progress towards timely high school completion and graduation. Communicating with the student and caregiver about academic progress, standardized testing, and future goals is also important.

TIP: School staff can support and encourage graduating seniors in many ways.

Helping to ensure students have their caps and gowns, senior pictures, and yearbooks and are able to participate in school-related graduation activities is important! Additionally, being present at a student's high school graduation and taking the time to celebrate and congratulate his or her success is a meaningful way to provide support to students. Students may not have other adults to celebrate with them.

Texas Law supports high school completion for students in foster care!

In some instances, students may not be on track for graduation. To this end, the TEC has some important provisions in place to encourage high school completion for students in foster care:

LAW: If an 11th or 12th grade student in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred.[141]

LAW: A student in substitute care who was previously enrolled in a course required for graduation must be allowed the opportunity, to the extent practicable, to complete the course at no cost to the student before the beginning of the next school year.[142]

It is important that school staff work with students to identify high school completion and credit recovery supports that help students in making progress towards high school completion. Alternative mechanisms to complete coursework and re-cover credits may be pursued. In some cases alternative high school programs and environments with fewer students and more individualized attention are also beneficial. Staff should work with students, caregivers, and the student's caseworker to determine a school setting that promotes a student's individual success and high school completion.

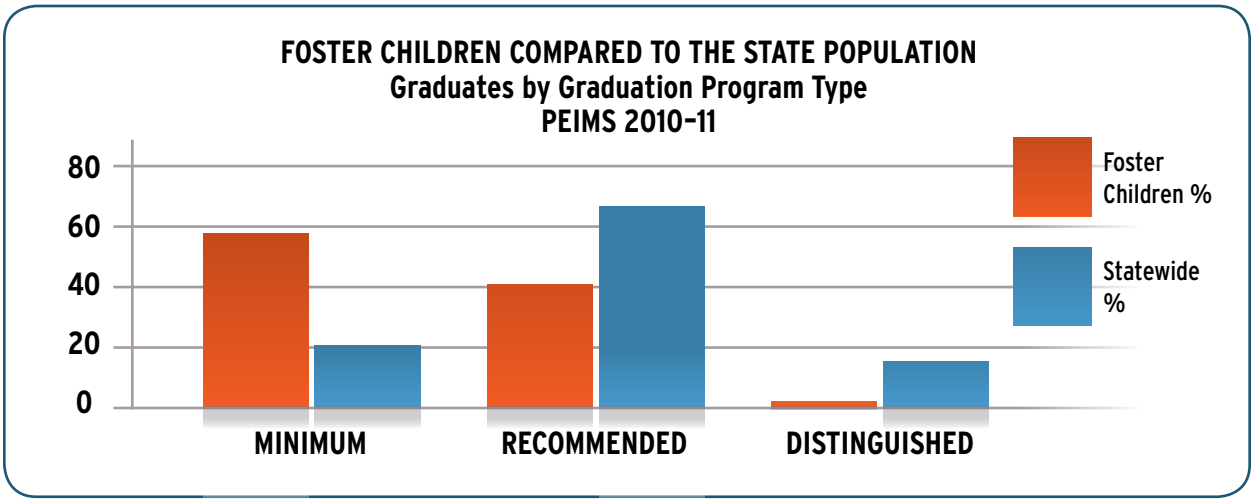
TIP: Remind students they can attend school and receive their high school diploma after turning 18.

Information about high school diplomas for older adults and other opportunities to earn a high school diploma should be considered and discussed with students when appropriate. Like all other Texas students, foster care alumni may enroll in and attend school to receive their high school diploma until age 21, and up to age 26 in some districts.[143] School advisors and counselors should connect older students and young adults in foster care with opportunities to complete their high school diploma.

For more information on TEA graduation requirements, visit:
www.tea.state.tx.us/graduation.aspx

WHAT GRADUATION PROGRAM IS RIGHT FOR A STUDENT?

Far too often, students in foster care are placed on the minimum high school graduation program.



According to TEA PEIMS data 2010–2011, significantly more students in foster care graduated with the minimum graduation program than students in the general population (57.1% compared to 19%). Conversely, substantially more students in the general population graduated with the recommended graduation program than students in foster care (67% compared to 41%). Only 1.3% of foster students graduated under the Distinguished Achievement Program, compared to 12.4% of students statewide. These outcomes highlight the achievement gap that exists between students in foster care and the general student population.[144] Click on this link to view *Data Use and Reporting of Texas Foster Students* in its entirety: www.yourhonor.com/myprofile/assets/WhatDoesTheDataTellUs.pdf

Pursuant to H.B. 5 passed by the 83rd Rcv_q Jcegqj_rspc the minimum graduation program no longer exists; however, encouraging or settling for minimal requirements for high school graduation may have unintended consequences. It is important that school staff work with students and caregivers to determine the appropriate high school diploma plan and to ensure that students in foster care are provided with challenging, engaging coursework that will help them to become college ready. Please refer students and caregivers to the appropriate school guidance and counseling services for information on the impact of the different graduation programs on future goals and planning.

TIP: It is always important to involve youth in planning and discussion about their long-term goals and future aspirations when determining their high school graduation program.

RESOURCES: High School Graduation

More information on the *Recommended High School Graduation Program* requirements which are encouraged for all students may be found at: www.tea.state.tx.us/graduation.aspx

More information on the minimum high school graduation program may be found at: www.tea.state.tx.us/index2.aspx?id=2147484563

HOW DOES STATE STANDARDIZED TESTING IMPACT GRADUATION REQUIREMENTS?

Beginning in spring 2012, the State of Texas Assessments of Academic Readiness (STAAR) replaced the Texas Assessment of Knowledge and Skills (TAKS). Communication with students and their caregivers about STAAR, the five end-of-course assessments, and the relationship of the state assessment program to high school graduation is critical.[145] TEA maintains a website with current information and resources for STAAR that are helpful to school officials.

Access STAAR specific resources on the TEA website: www.tea.state.tx.us/student.assessment/staar/

TIP: It is important to provide information to child welfare partners about standardized testing dates and work to ensure students participate in testing, even if a school move occurs near testing dates.

WHEN ARE STUDENTS IN FOSTER CARE ELIGIBLE TO EARN A GED?

There may be special circumstances where a student younger than 18 may be working toward a GED; however, in most circumstances DFPS elects for students to complete a high school diploma. Contact the student's caregiver and caseworker for more information.

In situations where students and young adults are 18 and older and desire to earn a GED, schools should provide information and link students to GED resources and opportunities. Local colleges, Job Corps, and other programs may offer opportunities for students to earn a GED and/or additional skills training. Assisting students in transition by helping them link with GED and additional training opportunities can be another avenue to support students.

CHAPTER 12

STUDENTS ELIGIBLE FOR OR RECEIVING SPECIAL EDUCATION SERVICES

- WHO IS ELIGIBLE FOR SPECIAL EDUCATION?
- WHO SERVES AS THE "PARENT" REGARDING SPECIAL EDUCATION DECISIONS?
- WHAT IS NEEDED IN ORDER FOR A FOSTER PARENT TO BE ELIGIBLE TO SERVE AS "PARENT" UNDER IDEA?
- WHAT IS THE ROLE OF A STUDENT'S CAREGIVER FOR A STUDENT IN SPECIAL EDUCATION?
- WHAT HAPPENS WHEN A STUDENT MOVES IN THE MIDDLE OF BEING EVALUATED FOR SPECIAL EDUCATION?
- WHAT IS A SURROGATE PARENT?
- WHAT ARE THE RESPONSIBILITIES OF A SURROGATE PARENT?
- WHAT IS THE "CHILD FIND" RESPONSIBILITY AND HOW DOES IT IMPACT STUDENTS IN FOSTER CARE?
- WHAT DO I DO IF A STUDENT'S SPECIAL EDUCATION NEEDS ARE NOT BEING MET?
- WHAT SHOULD SCHOOL PERSONNEL CONSIDER BEFORE REQUESTING A PSYCHOLOGICAL OR EDUCATION ASSESSMENT OF A STUDENT?
- WHAT IS A SECTION 504 PLAN AND HOW CAN IT BENEFIT MY STUDENT?

CHAPTER 12

Students Eligible for or Receiving Special Education Services

Students in foster care are more likely to be identified as needing special education services, as compared to their peers not in foster care. In the 2011–2012 school year, students in foster care in Texas were almost three times more likely to receive special education services compared to students in the general population (24.5% compared to 8.8%).[146] There are many factors that contribute to a child's identification and need for special education services, including multiple academic delays, trauma, early childhood experiences, learning disabilities, and emotional and behavioral needs. It is critical that students in care receive appropriate and timely evaluations for special education and 504 services when deemed necessary and that educators provide assessments with a "trauma-informed" lens. Students may not be identified as eligible for special education solely based on lack of academic opportunities or because they are in the foster care system.

WHO IS ELIGIBLE FOR SPECIAL EDUCATION?

A student in foster care has access to special education services just like any other student. If a child is evaluated and determined to be a child with a disability and has an educational need,[147] local education agencies are required to provide students with disabilities a "free appropriate public education" (FAPE)[148] in accordance with the federal Individuals with Disabilities Education Act (IDEA).

For a list of special education-eligible disabilities, visit: nichcy.org/wp-content/uploads/docs/gr3.pdf

TIP: If someone has a young child in foster care and believes he or she is exhibiting early signs of a disability, the caregiver should be told to contact the local school district Director of Special Education to learn more about having the child evaluated to determine eligibility for special education services. A child aged three, four, or five who has been evaluated and determined to be a child with a disability may be eligible to participate in the school's Pre-school Program for Children with Disabilities (PPCD).

Information Jelated to Free Appropriate Public Education (FAPE):

- Federal law guarantees that all students with disabilities aged three through 21 have the right to a free appropriate public education, also known as FAPE.
- As long as a student is age 21 at the beginning of the school year, she or he is eligible to receive special education services throughout that school year even after turning 22.
- IDEA emphasizes that special education and related services are designed to meet a student's unique needs and prepare him or her for further education, employment, and independent living.
- FAPE is available to any individual student with a disability who needs special education and related services, *even if the student is advancing in school and has not failed or been retained in a course or grade.*
- Regardless of where a student moves or what type of facility he or she lives in, the student who is eligible for special education services must be allowed to attend school and receive those services that are specified in the student's Individualized Education Plan (IEP).
- The right to a FAPE ends when a student *graduates with a regular high school diploma or ages out of special education services in accordance with 19 TAC 89.1035.* A certificate of attendance or a certificate of coursework completion is *not* a regular high school diploma.

TIP: It is helpful when caregivers and other advocates working with the child are informed about the child's IEP.

Generally, there is a person who works in the school who is responsible for overseeing the implementation of the IEP and aware of the details related to the student's progress. This person may be called the folder teacher or case manager. Caseworkers, advocates, and caregivers are encouraged to contact this person for more information about the student's IEP.

For a quick overview and helpful chart describing the special education process: nichcy.org/wp-content/uploads/docs/10steps.pdf

Additionally, TEA's "A Guide to the Admission, Review and Dismissal Process," is a great resource: ritter.tea.state.tx.us/special.ed/ardguide/pdf/e-ardguide.pdf

WHO SERVES AS THE "PARENT" REGARDING SPECIAL EDUCATION DECISIONS?

A parent for the purposes of IDEA is defined as:[149]

- Biological or adoptive parent
- Foster parent unless prohibited by state law
- Guardian generally authorized to act as the child's parent or to make educational decisions for the child
- Person acting in place of a parent and with whom the child lives, including other relatives
- Person legally responsible for child
- Surrogate parent

WHAT IS NEEDED IN ORDER FOR A FOSTER PARENT TO BE ELIGIBLE TO SERVE AS "PARENT" UNDER IDEA?[150]

1. DFPS must be appointed as the temporary or permanent managing conservator of the student;
2. Child must be placed with the foster parent for at least 60 days;
3. Foster parent agrees to participate in making educational decisions on the child's behalf;
4. Foster parent has no interest that conflicts with the student's interests; and
5. Foster parent agrees to complete a training program for surrogate parents that comply with the training program requirements.

WHAT IS THE ROLE OF A STUDENT'S CAREGIVER FOR A STUDENT IN SPECIAL EDUCATION?

If viewed as a "parent" for special education purposes, foster parents or caregivers may request an independent educational evaluation if they disagree with the findings of the evaluation conducted by the school. Additionally, they are to be included in the ARD process and should be included in the development of the IEP.[151]

WHAT HAPPENS WHEN A STUDENT MOVES IN THE MIDDLE OF BEING EVALUATED FOR SPECIAL EDUCATION?

When a student moves to another school in the middle of the special education evaluation process, IDEA requires that the sending and receiving school must coordinate to ensure a prompt completion of the evaluation.[152] Texas law requires the receiving school district to accept a special education referral made by the student's previous school.[153] If a student was in the process of being evaluated for special education eligibility at the sending school, the evaluation must be completed by the 60th calendar day following the date on which the new school district receives written consent for evaluation.

Helpful information addressing when a student moves to a new school and the impacts of a move on special education can be found here: www.americanbar.org/content/dam/aba/migrated/child/education/publications/qa_mobility_final.authcheckdam.pdf

WHAT IS A "SURROGATE PARENT"?

IDEA requires that state and local education agencies involve parents in decisions about their child's needs. In situations where the child is a ward of the state, has no parents, or no parents can be located, a surrogate parent must be appointed to represent the child and protect the child's rights in matters relating to identification, evaluation, and educational placements in special education.[154]

Who is not eligible to be a surrogate parent?[155]

- A school district employee or any agency involved in care or education of the child, such as DFPS, the Texas Juvenile Justice Department, a school, or a Residential Treatment Center.
- Any person with personal or professional interests that conflict with the interests of the student.

LAW: Reasonable efforts to ensure the assignment of a surrogate parent must be made not more than 30 days after it is determined that the child needs a surrogate parent, unless, alternatively, the judge overseeing the child's care appoints the surrogate.[156]

A school district shall give "preferential consideration" to a foster parent of a child with a disability when appointing a surrogate parent.[157]

WHAT ARE THE RESPONSIBILITIES OF A SURROGATE PARENT?

1. Complete a **training program within 90 calendar days** after being initially assigned as a surrogate.[158]

2. Visit the child and the child's school.[159]

3. Consult with persons involved in the child's education, including teachers, caseworkers, court-appointed volunteers, guardians ad litem, attorneys ad litem, foster parents and caretakers.[160]

4. Review the child's educational records.

5. Attend the student's Admission, Review, Dismissal (ARD) committee meetings.[161] A parent or adult student is required to sign the ARD report but is no longer required to indicate agreement with the IEP. The local education agency, however, must allow the parent or the adult student to write a statement of disagreement into the IEP, if the parent or adult student disagrees with the IEP.[162]

6. Exercise independent judgment in pursuing the child's interests[163]

RESOURCES: Surrogate Parents

Surrogate Parent Training and Eligibility:
framework.esc18.net/display/Webforms/ESC18-FW-Summary.aspx?FID=123&DT=G&LID=en

Surrogate Parent Training & What it Means to Be a Surrogate Parent:
www.esc9.net/vnews/display.v/ART/4ed7a03fba2ca?in_archive=1
www.esc9.net/pages/uploaded_files/What%20is%20a%20Surrogate%20Parent%20%28English%29.pdf

See TEA ARD FAQ for more information: ritter.tea.state.tx.us/special.ed/guidance/ardfaq.pdf

WHAT IS THE "CHILD FIND" RESPONSIBILITY AND HOW DOES IT IMPACT STUDENTS IN FOSTER CARE?

All children with disabilities residing in the state who are in need of special education and related services, including children with disabilities attending private schools, must be identified, located, and evaluated. This process is called *Child Find*.[164] IDEA specifically includes "wards of the state" and "highly mobile children" as groups of students for whom school districts have a *Child Find* responsibility.[165]

TIP: School district foster care liaisons should work with district special education directors to determine avenues for collaboration among child welfare providers and schools to better identify children in need of special education services.

WHAT DO I DO IF A STUDENT'S SPECIAL EDUCATION NEEDS ARE NOT BEING MET?

Concerns related to a student's special education program can be addressed locally with the student's teachers, campus principal, special education director, and the superintendent. Additionally, these concerns can be addressed locally through the ARD process. Please also contact the student's caregiver, caseworker, and the DFPS Regional Education Specialist.

If local resolution is not possible, there are state-level dispute resolution functions available. Please see www.tea.state.tx.us/index2.aspx?id=2147497560. The dispute resolution handbook, which provides detailed information related to special education mediation, complaints, and due process hearings, can be accessed through that same website.

WHAT SHOULD SCHOOL PERSONNEL CONSIDER BEFORE REQUESTING A PSYCHOLOGICAL OR EDUCATION EVALUATION OF A STUDENT?[166]

Students in foster care may have completed other related education and psychological evaluations. If a school psychologist or diagnostician recommends a child in foster care undergo psychological or educational assessment, or both, she or he must obtain consent from the student's caregiver. Additionally, schools should work with the student's caseworker to:

- Request a copy of the child's most recent psychological evaluation to assist in or alleviate the need for further testing; and
- Continue coordinating with other child welfare workers and stakeholders about any recommendations that are identified through the evaluation.

WHAT IS A SECTION 504 PLAN AND HOW CAN IT BENEFIT MY STUDENT?

A Section 504 plan may be an option for students who do not qualify for special education services under IDEA. Section 504 of the Rehabilitation Act is a civil rights law that prohibits discrimination against individuals with disabilities. Section 504 ensures that the child with a disability has equal access to an education. Section 504 plans provide education accommodations that level the playing field, without changing what the student is expected to master. Adjustments necessary for trauma-related and learning gaps can be provided through a Section 504 plan. Unlike the IDEA, Section 504 does not require the school to provide an IEP.

RESOURCES: Special Education and Section 504 Information

An overview of Section 504 with helpful resources and links:
www.texasprojectfirst.org/Sect504.html

A helpful tool describing modifications and accommodations available in a Section 504 plan:
www.texasprojectfirst.org/ModificationAccommodation.html

Key Words and Helpful Terms:
nichcy.org/schoolage/keyterms
framework.esc18.net/display/Webforms/ESC18-FW-Glossaries.aspx?FID=177&DT=G&LID=en

ADHD and Hyperactivity Information:
nichcy.org/wp-content/uploads/docs/fs19.pdf

Special Education 101:
www.texasprojectfirst.org/SpecialEd101.html

Behavior at School: nichcy.org/schoolage/behavior/atschool

Region 4 Behavior Guidance: www.esc4.net/default.aspx?name=ses.behavior

Advocacy Groups:
Disability Rights Texas Website:
www.disabilityrightstx.org/

Parent Resources:
Texas Project First: Families, Information, Resources, Support & Training
— a helpful tool written for Parents by Parents: www.texasprojectfirst.org/

Parent Resource Network — Empowering Parents through Education: www.partnerstx.org/

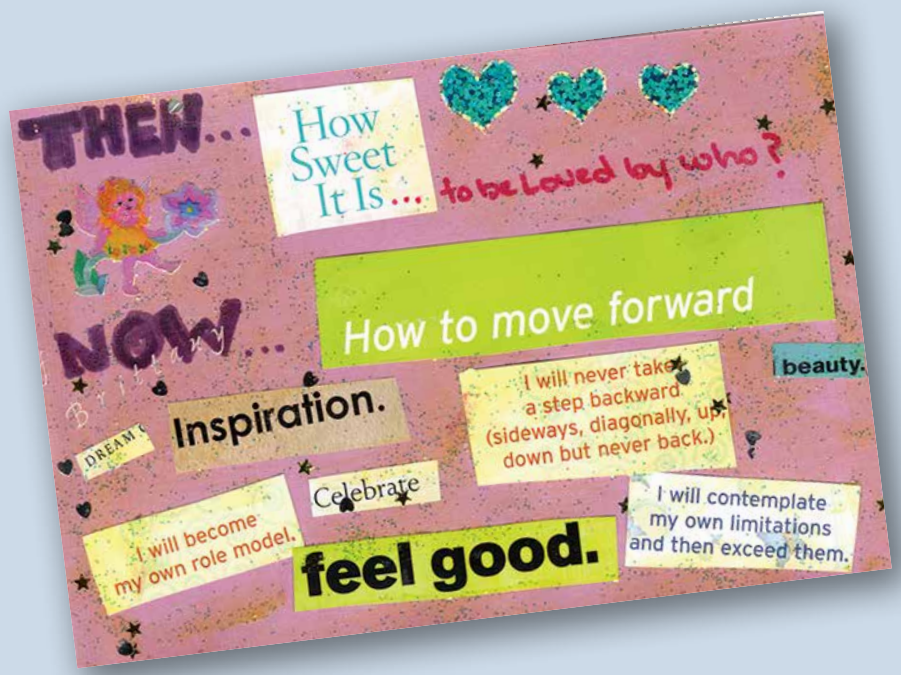
Texas Parent to Parent: www.txp2p.org/resources/specialed.html

TEA:
Special Education Dispute Resolution Process:
www.tea.state.tx.us/index2.aspx?id=2147497560

Special Education in Texas A-Z:
www.tea.state.tx.us/index2.aspx?id=2147491399

TEA Accommodations Manual — click on the "2010–2011" manual:
www.tea.state.tx.us/student.assessment/taks/accommodations/

ARD Guide:
framework.esc18.net/Documents/ARD%20Guide%20March2012.pdf



CHAPTER 13

TRANSITIONING OUT OF FOSTER CARE & POST-SECONDARY EDUCATION OPPORTUNITIES

- **TRANSITIONING OUT OF FOSTER CARE**
- TRANSITIONAL SERVICES DESCRIBED
- HOW CAN SCHOOL PERSONNEL ASSIST STUDENTS IN PREPARING FOR ADULTHOOD AND TRANSITIONING OUT OF FOSTER CARE?
- **POST-SECONDARY EDUCATION OPPORTUNITIES**
- WHAT FINANCIAL SUPPORTS ARE AVAILABLE TO HELP STUDENTS FROM FOSTER CARE PAY FOR COLLEGE?
- CONSIDERATIONS TO HELP STUDENTS ACTIVATE COLLEGE LIFETIME TUITION & FEES WAIVER WHILE IN HIGH SCHOOL
- WHAT COLLEGE SUPPORT NETWORKS AND COLLEGE CAMPUS PROGRAMS EXIST IN TEXAS FOR STUDENTS FORMERLY IN FOSTER CARE?
- DO STUDENTS NEED A BACTERIAL MENINGITIS VACCINATION IN ORDER TO ENTER COLLEGE?

CHAPTER 13

Transitioning Out of Foster Care & Post-Secondary Education Opportunities

Transitioning Out of Foster Care:

There are supports and services available to help students in foster care prepare for adulthood and transition out of foster care. Linking students with these resources, although not a requirement, is beneficial to ensure students and caregivers are informed and able to take advantage of these opportunities. This section provides a high-level overview and brief description of programs and services available. Contact DFPS regional offices and local service providers for more information.

To learn more about the experience of students in foster care and the impact of transition from a youth's perspective, see these audio and video links:

- **Aging Out: What happens when you've grown up in foster care and suddenly you're on your own?** www.elocallink.tv/vp2/vp3_show.php?cid=703&movie=jimcasey1
- **For more audio and videos go to the DFPS *Texas Youth Connection* website:** www.dfps.state.tx.us/txyouth/fun_stuff/stories.asp

TRANSITIONAL SERVICES DESCRIBED:

Preparation for Adult Living (PAL) Services: Help youth ages 16 and older prepare for adulthood and exit foster care. Independent living skills and case management services are provided to eligible youth up to age 21. Youth should be referred to regional DFPS PAL staff for more information. www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Preparation_For_Adult_Living/default.asp

Transition Centers: Are "one-stop shops" and a central place for youth from 15 ½ to 25 years to access resources, services, and information. They are located throughout Texas. Visit www.dfps.state.tx.us/txyouth/resources/local/default.asp#center for a current list of Transition Centers.

Circles of Support (COS): Begins when a student is 16 years old in preparation for adulthood and life after foster care. COS meetings allow youth to meet with supportive and caring adults to discuss the youth's goals and future plans. The youth may invite teachers, school counselors, parents, siblings, foster care providers, and mentors to attend the Circle of Support meeting. Education-related supports and resources are an important element for discussion in preparation for exiting foster care. www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Transitional_Living/circles_of_support.asp

Extended Foster Care: Allows students enrolled in an education or career training program (who are eligible) to extend their stay in foster care (up to the age of 22 to complete high school, or up to age 21 to complete college or vocational/technical training). www.dfps.state.tx.us/Child_Protection/Fostering_Connections/extended_fostercare.asp

DFPS Transitional Living Services:
www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Transitional_Living/default.asp

HOW CAN SCHOOL PERSONNEL ASSIST STUDENTS PREPARING FOR ADULTHOOD AND TRANSITIONING OUT OF FOSTER CARE?

Listed below are important documents for students to have as they prepare for independence. School personnel who work with students on independent living and post-high school planning can specifically encourage students in foster care by being informed of the following provisions:

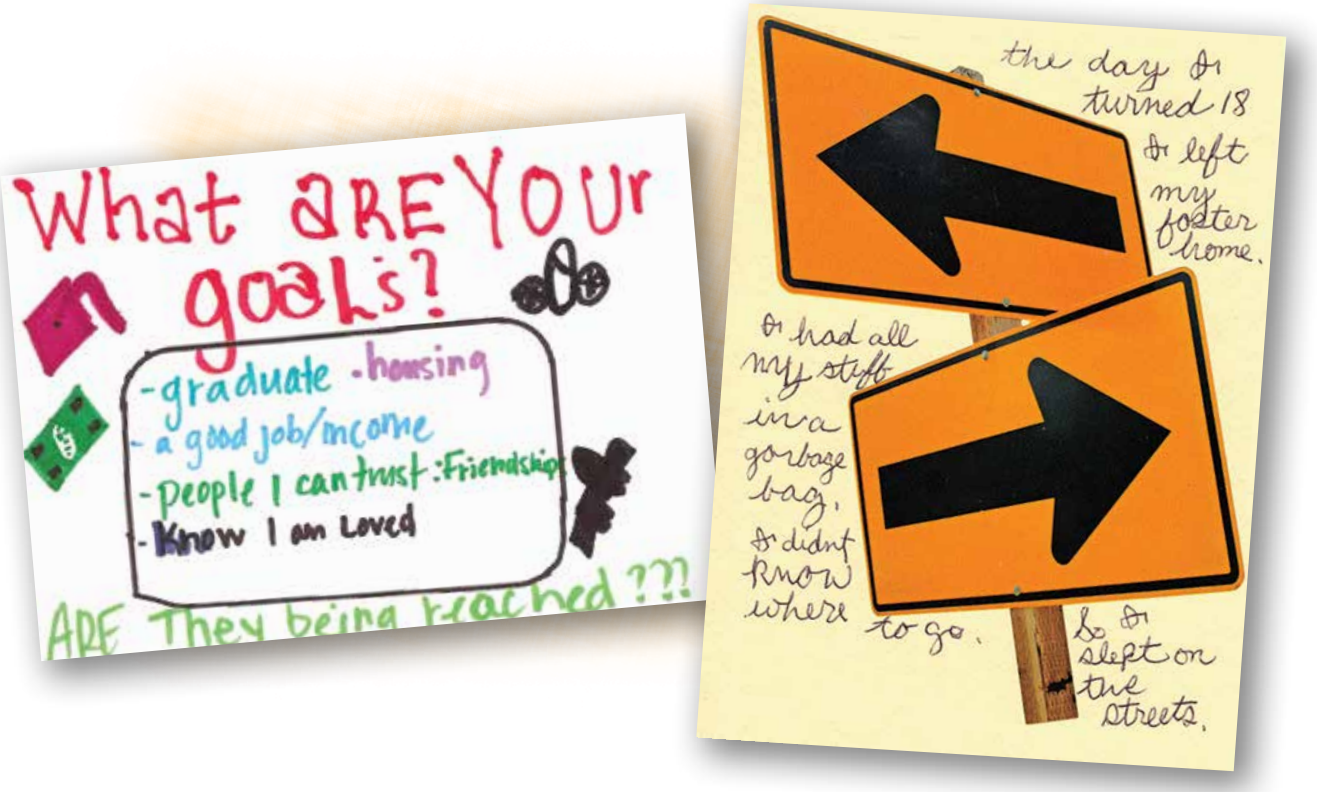
Insurance: All children and youth in the conservatorship of DFPS are enrolled in STAR Health, a Medicaid program. This program provides continuous medical coverage to youth ages 18 to 21 who have aged out of traditional foster care at age 18 and remain in extended foster care to complete high school requirements, pursue post-secondary education or vocational and technical training opportunities, or remain in foster care due to medical reasons. Remind students to update their STAR Health coverage with address changes upon leaving foster care for continuing benefits. For more information, visit www.dfps.state.tx.us/txyouth/health/default.asp#consent.

Driver's License: As of May 2012, students in temporary or permanent conservatorship, and those 18–20 living in a DFPS paid foster care placement, are eligible for waived driver's license fees. Encourage students to contact their primary caseworker or Preparation for Adult Living (PAL) worker to take advantage of this opportunity. www.dfps.state.tx.us/documents/Child_Protection/DPS_License_Facts.pdf

Make Sure Youth Have Obtained Certified Copies of Birth Certificate, Social Security Card, and a Personal I.D. Card: On or before turning 16, youth should receive certified copies of these documents. School personnel can follow up with students to make sure they have received copies of this important paperwork.

Documents students should receive or have no later than 30 days before exiting foster care: School personnel who work with older youth can follow up with students to make sure they have received copies (or the original, if appropriate) of:

- Birth certificate;
- Social security card;
- Personal identification (ID) card;
- Immunization records;
- Information contained in youth's Health Passport;
- Proof of enrollment in Medicaid, if appropriate; and
- Any existing Medical Power of Attorney regarding the youth.



RESOURCES: Preparing for Adulthood & Transitioning Out of Foster Care

DFPS, "Access Granted — Texas Foster Care Handbook for Youth" — *is a youth-friendly guide that provides a general overview of the foster care system and guidance on resources and supports for youth available in Texas. Making this type of information available in school counseling centers is important for increasing awareness and supporting the unique needs of students in foster care.*
https://www.dfps.state.tx.us/Documents/Child_Protection/pdf/foster-care-handbook.pdf
(English version)
www.dfps.state.tx.us/documents/Child_Protection/pdf/foster-care-handbook-sp.pdf
(Spanish version).

DFPS, Texas Youth Connection website: www.dfps.state.tx.us/txyouth/default.asp

"*Like*" the DFPS Youth Connection Facebook page to receive updates and information:
www.facebook.com/texasyouthconnection

DFPS Transitional Living Services website:
www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Transitional_Living/default.asp

Texas Foster Youth Justice Project, "A Guide for Those "Aging Out" of Foster Care in Texas":
www.texasfosteryouth.org/downloads/agingout2012.pdf

Texas Foster Youth Justice Project website: www.texasfosteryouth.org/

Post-Secondary Education Opportunities

There are many financial resources and college campus supports available to help young people from foster care access and succeed in higher education. Some college campuses in Texas have specific support programs for alumni of the foster care system. School personnel play an important role in informing students of these resources and linking them to higher education and post-secondary opportunities. Connecting students with opportunities and helping to facilitate successful transitions from high school to college is an important step school personnel can take in assisting students.

LAW: State law requires that all students in grades 11 or 12 in substitute care are provided information about the tuition and fee waiver, dual credit, or other courses where a student may earn joint high school and college credit.[167]

TIP: District liaisons are encouraged to link with local colleges and campus-based support programs to develop connections and facilitate effective transitions into post-secondary for students in foster care.

WHAT FINANCIAL SUPPORTS ARE AVAILABLE TO HELP STUDENTS FROM FOSTER CARE PAY FOR COLLEGE?

College Tuition and Fee Waiver:[168] Some individuals formerly in Texas' foster care system qualify for a lifetime tuition and fees waiver at any Texas state-supported institution of higher education, as long as a student enrolls in at least one college credit before turning 25.

Youth are eligible to have college tuition and fees waived at Texas state-supported colleges or universities, public medical schools, public dental schools, public junior colleges, and public technical institutes (as defined by Texas Education Code §61.003, §54.001, and §54.002). This refers to a youth who:

- Was in the conservatorship of DFPS the day before his or her 18th birthday;
- Was in the conservatorship of DFPS on the day he or she graduated from high school or received his or her GED;
- Is in the conservatorship of DFPS and in high school and who takes a dual credit course, or other course for which a high school student may earn joint high school and college credit;
- Was in the conservatorship of DFPS on or after his or her 14th birthday, if the youth was also eligible for adoption on or after that day;
- Was in the conservatorship of DFPS the day before he or she was adopted, if the adoption occurred on or after September 1, 2009;
- Was in the conservatorship of DFPS the day before permanent managing conservatorship was given to an individual who is not the child's parent, if permanent managing conservatorship (PMC) was given to the individual on or after September 1, 2009; or
- Has an adoption assistance agreement with DFPS that provided both monthly payments and medical assistance.

A youth or child must have been in DFPS conservatorship before an adoption or PMC was granted to be eligible for the college tuition and fee waiver.

Note: The tuition and fee waiver is verified in the form of a letter from the Texas Department of Family and Protective Services.

Education & Training Voucher (ETV) Program: A federally funded and state administered program for youth in foster care or those adopted from DFPS after turning age 16, it is available to youth starting at age 16 up to the age of 23. Expenses like books, transportation, and other school-related costs are covered through ETV. Students may be eligible to receive up to $5,000 in financial assistance per year to support them in reaching their post-secondary education goals. Visit the link provided for more information and eligibility requirements:

www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Post_Secondary_Education/default.asp

Free Application for Federal Student Aid (FAFSA): It is important that students applying for college fill out their FAFSA accurately to qualify for the maximum number of scholarships and financial resources available. There are specific questions which ask prospective students to identify themselves as having been in foster care. Former foster youth qualify for the greatest amount of need-based financial aid available. School staff, district liaisons, and other partners can help students receive these benefits by assisting students as they complete their FAFSA applications. It is also important for the student to be aware of his or her responsibility to maintain the required Grade Point Average (GPA) and course completion rate in order to maintain financial aid. There are financial penalties for students who do not complete their courses within the semester.

CONSIDERATIONS TO HELP STUDENTS ACTIVATE COLLEGE LIFETIME TUITION AND FEES WAIVER WHILE IN HIGH SCHOOL

Best practices include coordination among high school personnel, college support services, and college faculty to ensure students receive the support necessary for a positive academic experience and a successful college experience. **School personnel can play a key role in linking students with college campus supports and services and encouraging students to believe college is possible!**

Building success and confidence is important for all students in their initial college experience. It is especially helpful for school personnel to assist students in activating their tuition and fees waivers while they are attending high school. Regardless of a student's current academic achievement, access to opportunities to activate the tuition and fees waiver and participate in college-related coursework and activities impacts college readiness and future college access. Linking students to college course opportunities, including developmental courses, gives students the benefit of engaging in the college environment with the emotional and academic supports provided through the high school and child welfare system (school counselor, stable placement, CASA, PAL, etc).

Additionally, students from foster care may return to college in later years and Texas' *lifetime* tuition and fees waiver is the only foster youth-specific financial resource that does not expire once it is activated. When in the student's best interest, helping students to activate the college tuition and fees waiver is encouraged. District foster care liaisons and school personnel can advance coordination with local college campuses to support post-secondary transitions for students in foster care.

TIPS: Texas Lifetime Tuition and Fees Waiver

- The tuition and fees waiver is activated regardless of whether a student completes a course.
- Contact the student's caseworker to make sure that the tuition and fee waiver is generated.
- The tuition and fees waiver is generated in hard-copy form by a letter from the Texas Department of Family and Protective Services. Requesting multiple copies of the letter, and storing a copy for a student in the event the waiver becomes lost or stolen, may help expedite college enrollment.
- In the event a new copy of the tuition fees waiver is needed, contact the Regional DFPS office, Preparation for Adult Living (PAL) program, where the youth is from or the state DFPS office.
- Students must present a hard-copy of the tuition fees waiver letter when enrolling at a public Texas higher education institution. Colleges and universities vary in how they process the waiver. Communicate with each college individually to determine their methods for applying the waiver and which department will accept and store the document.
- Even when dual credit courses are available at no cost to students, high schools can help the youth access the waiver and have the DFPS verification letter ready to submit to colleges. This is important so that the tuition and fees waiver can be set up, activated, and ready for the student to use following high school graduation.

WHAT COLLEGE SUPPORT NETWORKS AND COLLEGE CAMPUS PROGRAMS EXIST IN TEXAS FOR STUDENTS FORMERLY IN FOSTER CARE?

Texas Reach is a statewide network focused on increasing college access and retention for foster care alumni. Texas Reach works with colleges and universities statewide in establishing and promoting best-practices in higher education for students formerly in foster care. College campus-based supports for foster care alumni are continuously expanding throughout Texas.

Visit the Texas Reach website to learn more about their annual conference, college access, and other resources available for students in foster care. Join the Texas Reach Google Group listserv to stay informed of new resources, conference updates, and information related to college readiness: www.texasreach.org/

Many college campus programs exist:

Visit Texas Reach for a comprehensive list of college programs and more information: www.texasreach.org/colleges--universities.html

Some of Texas' longest running programs are listed:

Austin Community College — Austin Foster Care Alumni Program:
www.austincc.edu/fca/

Texas State University (TSU) — San Marcos — (FACES) Foster Care Alumni Creating Educational Success:
www.vpsa.txstate.edu/programs-and-services/Foster-Care-Alumni.html

Sam Houston State University — Houston Forward Program — Moving Foster Youth Forward:
www.shsu.edu/~forward/

Texas Tech University (TTU) — Lubbock: Pegasus Program — First Generation Program & "Hope Chest" for foster youth who are graduating seniors within the Lubbock area.
www.depts.ttu.edu/diversity/pegasus/PEGASUS_service_projects.php

DO STUDENTS NEED A BACTERIAL MENINGITIS VACCINATION IN ORDER TO ENTER COLLEGE?

Yes. This is also called the meningococcal vaccine. All Texas college or university students cannot start classes until they show documentation that their vaccination or booster dose is current. Vaccinations are good for five years and must be done, at the latest, 10 days before the start of classes. It is helpful to communicate this information to students and caregivers and help connect them with the appropriate resources to satisfy this college entrance requirement. Students in foster care receive free medical coverage through STAR Health. Visit www.dfps.state.tx.us/txyouth/health/default.asp#consent for more information.

More information about the law can be found at the Texas Higher Education Coordinating Board website:
www.thecb.state.tx.us/index.cfm?objectid=A641CD0D-E56A-A36A-1BCB39FF80781178

RESOURCES: Planning for Post-Secondary Education

"DFPS Higher Education Services/Information for Current and Former Foster Youth, Adopted Youth, and youth in PCA/PMC" — *an informative DFPS brief describing college financial resources available for Texas students in foster care:* www.utdanacenter.org/theo/downloads/factsheets/FosterCareEdChart.pdf

For more information about financial resources available for students in foster care, visit the DFPS Youth Connection website: www.dfps.state.tx.us/txyouth/education/financial.asp

Legal Center for Foster Care and Education, "Post-Secondary Education Resources for Youth in and Transitioning Out of the Child Welfare System" — *provides information on filing the FAFSA and a step-by-step checklist for accessing financial resources available for students in foster care:* www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/q_a_higher_ed.authcheckdam.pdf

Casey Family Programs, "It's My Life: Post-Secondary Education and Training" — *a resource guide that may be downloaded or ordered, in hard copy, for free on Casey Family Programs website, including beneficial education information, academic checklists, resources, and tools to support students in foster care into post-secondary education:* www.casey.org/Resources/Publications/pdf/ItsMyLife_PostsecondaryEducation.pdf

Casey Family Programs, "It's My Life: Financial Aid" — *helpful information and practice tips to help students access financial aid for college*: www.casey.org/Resources/Publications/pdf/ItsMyLife_PostsecondaryEducation_FinancialAid.pdf

Casey Family Programs, "Providing Effective Financial Aid Assistance to Students from Foster Care and Unaccompanied Homeless Youth: A Key to Higher Education Access and Success"— *for more information on assisting students in foster care on how to accurately file their FAFSA*: casey.org/Resources/Publications/pdf/ProvidingEffectiveFinancialAid.pdf

Dual Credit FAQ: www.tea.state.tx.us/index2.aspx?id=4697&menu_id=814

College for All Texans: www.collegeforalltexans.com/apps/financialaid/tofa2.cfm?ID=429

Own Your Own Future: www.ownyourownfuture.com/

Texas Gear Up: www.texasgearup.com/

Educational Resources — Build Your Toolkit: www.texasgearup.com/byot/category/

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[33] Tex. Fam. Code § 107.011.

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[107] H.B. No. 2619, Acts of the Texas Legislature, 83rd Regular Session, 2013, amends Tex. Educ. Code § 25.001(g).

[108] Tex. Fam. Code § 262.201.

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[110] Tex. Educ. Code § 25.085(b).

[111] H.B. No. 2619, Acts of the Texas Legislature, 83rd Regular Session, 2013, amends Tex. Educ. Code § 25.087.

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[128] Students of a certain age who receive special education services are also required to have an individual Transition Plan, Tex. Educ. Code § 29.011. Note: School staff should remember that decisions about a student's special education eligibility or services must only be made by a properly constituted ARD committee.

[129] S.B. No. 1404, Acts of the Texas Legislature, 83rd Regular Session, 2013, amends Tex. Educ. Code § 25.007.

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[131] S.B. No. 1404, Acts of the Texas Legislature, 83rd Regular Session, 2013, amends Tex. Educ. Code § 25.007.

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[135] Baskin, "Educational Needs of Children in Foster Care," p. 11.

[136] Note: School staff should remember that decisions about a student's special education eligibility or services must only be made by a properly constituted ARD committee.

[137] Tex. Educ. Code § 29.081.

[138] Tex. Educ. Code § 54.366.

[139] S.B. No. 1404, Acts of the Texas Legislature, 83rd Regular Session, 2013, amends Tex. Educ. Code § 25.007.

[140] A student in substitute care who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine as determined by the district, must have the student's course credit accrual and PGP reviewed, (S.B. No. 1404, Acts of the Texas Legislature, 83rd Regular Session, 2013, amends Tex. Educ. Code § 25.007).

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[152] 34 C.F.R. §300.304.

[153] Tex. Educ. Code § 25.007(b)(8).

[154] 20 U.S.C. § 1415 (b)(2) & 34 C.F.R. § 300.519.

[155] 34 C.F.R. § 300.519(d)(2).

[156] U.S.C § 1415(b)(2) & 34 C.F.R. § 300.519(h).

[157] Tex. Educ. Code § 29.015(a).

[158] 19 Tex. Admin. Code § 89.1047.

[159] Tex. Educ. Code § 29.001 (10)(B).

[160] Tex. Educ. Code § 29.001.

[161] 19 Tex. Admin. Code § 89.1050.

[162] 19 Tex. Admin. Code § 89.1050.

[163] Tex. Educ. Code § 29.001(10)(F).

[164] Texas Education Agency (2012, March), "Notice of Procedural Safeguards: Rights of Parents of Children with Disabilities." Retrieved from framework.esc18.net/Documents/Procedural%20Safeguards_March%202012.pdf

[165] 34 C.F.R. § 300.111.

[166] Adapted from CPS Handbook, Psychological Assessment of School-Age Children, Section 15500, www.dfps.state.tx.us/handbooks/CPS/Menu/MenuCPSa15000.asp

[167] S.B. No. 1404, Acts of the Texas Legislature, 83rd Regular Session, 2013, amends Tex. Educ. Code § 25.007.

[168] Adopted youth subject to an adoption assistance agreement that provides monthly payments and Medicaid benefits are also eligible for the college tuition and fee waiver. For these students there is no age limit to enroll in college in order to take advantage of the tuition and fee waiver. www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_x10300.asp#CPS_10311

APPENDICES

APPENDIX A: GLOSSARY OF TERMS

Like many other organizations, DFPS and the courts use acronyms, initials, or shortened words to identify programs and services. This table defines key words, terms, and acronyms heard when working with CPS and the courts. The glossary also contains some common terms that may be used in the school setting.

AAL	Attorney ad litem appointed to represent the legal interests of a child when DFPS asks to be made the child's legal conservator or seeks to have the parent's rights to the child terminated.
Abuse Hotline	1-800-252-5400 is the hotline number for Statewide Intake (SWI) at DFPS, which provides 24-hour intake services to report abuse, neglect, and exploitation of children, adults with disabilities, or the elderly. Statewide intake also provides referral services and can answer procedural questions on protective services investigations. State law requires school staff to immediately report all cases of suspected child abuse and neglect to SWI.
BSD	Basic Skills Development is the training program for all CPS caseworkers.
BVS	Bureau of Vital Statistics, housed in DSHS, issues birth certificates.
Caregiver	Caregiver may be a relative, guardian, or a representative, such as a foster parent, paid by a child placing agency or CPS to provide care to child or youth.
CASA	Court Appointed Special Advocates are appointed as volunteer advocates or guardians ad litem to represent the best interest of a child when DFPS asks to be made the child's legal conservator or seeks to have the parental rights to the child terminated.
Categorically eligible	People, including children, who meet federal eligibility requirements based on income, disability, or specific designations for certain programs or services. Foster children are categorically eligible for Head Start and the federal National School Lunch Program (including breakfast and summer meal programs).
CPS	Child Protective Services, a division of the Department of Family and Protective Services, is responsible for investigating allegations of child abuse and neglect, providing services to children and families, and monitoring our state foster care system. CPS also manages community-based programs that prevent delinquency, abuse, neglect, and exploitation of children.
CPS Caseworker	The CPS caseworker has multiple responsibilities to the child or youth in care. The CPS caseworker ensures children's needs are met while in foster care. The caseworker is the direct link with the child, caregiver, court system, and multiple service providers. Caseworkers and foster parents are to be notified by school staff if they have concerns about a child or youth in DFPS conservatorship.

Court Order	Official document signed by a judge that defines the legal relationship of a child or youth to DFPS or certain individuals, such as parents. The court order contains confidential information about the child's case and sometimes why they are in the foster care system. A child may not enter or remain in foster care without a court order.
CVS	An acronym for the legal term "conservatorship." This is the term used to refer to a child in the legal custody of DFPS. Sometimes, caseworkers who work with children in foster care refer to themselves as CVS workers.
DAEP	Disciplinary Alternative Education Program established in accordance with Texas Education Code (TEC) §37.008 and defined as an educational and self-discipline alternative instructional program, adopted by local policy, for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP.
ECI	Early Childhood Intervention provides special support services to children under the age of three. Children in CPS are referred to ECI through their Medicaid health provider, STAR Health.
Emergency Shelters	A shelter facility that houses youth for up to 90 days, while awaiting a longer-term foster placement. Emergency Shelters are temporary housing for children and youth until more appropriate placements and services are in place. Children and youth in emergency shelters are provided services under the *McKinney-Vento Homeless Education Act*, which includes immediate school enrollment and transportation to the student's school of origin.
ETV	Education and Training Voucher is a federally funded and state administered program, that offers qualified young adults ages 16–23 from foster care financial assistance to attend post-secondary colleges and training programs.
Ex Parte Hearing	An emergency hearing, usually held when a child first enters foster care.
FBSS	Family Based Safety Services is a division of CPS that provides in-home services to children and families. These services are short-term and designed to assist families who need assistance addressing parenting or other issues that impact child safety. Parents retain legal custody of their children during this time, although the children may voluntarily be placed with a relative.
Fictive Kin	A kinship caregiver is a biological relative or fictive kin (a person with a longstanding and significant relationship with a child) who provides care to a child.
Fostering Connections to Success and Increasing Adoptions Act	Federal law that directs child welfare agencies to ensure education stability for children and youth in foster care, including coordination among child welfare and education agencies to ensure education stability for students in foster care.

Foster Home	A home licensed by the state to provide a temporary home for children who are in foster care and given a reimbursement for providing room, board, and transportation for children living in their home. A child may also live with a relative, who goes through the process of becoming "licensed," and in doing so, becomes eligible for the same monthly reimbursement payment.
Foster Parent	An adult contracted by a Child Placing Agency (CPA) or CPS to provide daily care for children in CPS custody.
GAL	Guardian ad litem appointed to represent a child's best interests when DFPS asks to be made the child's legal parent or seeks to have the parent's rights to the child terminated.
Group Home	A group home is a place where multiple youth live that is licensed by Residential Community Care Licensing (RCCL). For the purposes of Compensatory Education, a "Foster Group Home," as defined in at-risk indicator #13, is a facility that provides care for 7–12 children 24 hours a day.
HHSC	Texas Health and Human Services Commission. It is the umbrella agency for four social services departments: Department of State Health Services (DSHS); Department of Aging and Disability Services (DADS); Department of Assistive and Rehabilitative Services (DARS); and Department of Family and Protective Services (DFPS).
IDEA	Individuals with Disabilities Education Act is federal law that directs the education and ancillary services to children and youth receiving special education services in the least restrictive environment (LRE), as appropriate.
IEP	An individualized education program is a written document developed, reviewed, and revised at least annually by the student's admission, review, and dismissal (ARD) committee that details the student's special education and related services.
JJAEP	Juvenile Justice Alternative Education Program is an alternative educational setting in which the child is supervised by the Texas Juvenile Probation Commission. Currently, only large counties with a population over 125,000 *must have* a JJAEP program; in other counties, a JJAEP program is optional.
McKinney-Vento	Refers to the McKinney-Vento Homeless Education Act, which requires a specific person within the school district to act as a liaison and identify, enroll, and facilitate services to children and youth experiencing homelessness. This includes immediate enrollment in school without records or proof of residency, and automatic eligibility for the federal Breakfast/ Lunch program. School districts are also required to provide transportation to the child or youth's school of origin to ensure school stability. Choice of school of origin or school of residency is decided by the parent or the unaccompanied youth.

PAL	Preparation for Adult Living is a program most youth in foster care start around age 16 to gain additional knowledge and skills for entry into adulthood after leaving foster care.
PMC	Permanent Managing Conservator(ship); refers to the status of a child who has been placed in the permanent conservatorship of DFPS until the child is adopted, ages out of the DFPS system at age 18, or of whom legal custody is given to an individual other than the parent. It is also referred to as long-term foster care.
Providers	Persons or organizations who are under contract with DFPS to provide certain services to children and youth in foster care and their families.
RTC	Residential Treatment Centers are regulated by DFPS to provide placements and services to youth who require specialized services.
RTB	"Reason to Believe" is a finding made after a CPS investigation confirming allegations of child abuse or neglect.
School of "origin" and "enrolled at the time of placement"	The school of "origin" is language used in McKinney-Vento law to describe the school the student attended when permanently housed, or the school in which the student was last enrolled (42 U.S.C. §11432(g)(3)(G)). For students in substitute care, federal and state law do not use school of "origin" language; but, "enrolled at the time of placement" is used when describing provisions that allow students to remain in their school, even when placed outside of the attendance area for the school or school district (Tex. Educ. Code 25.001 (g)).
SHARS	School Health and Related Services provide additional services in a school setting to children and youth in foster care through a Medicaid program available to Texas public schools for students receiving special education services. SHARS provides additional resources to schools. The caregiver and/or education decision maker may be asked during an ARD by the school to sign consent in order for the district to access these funds.
TLS	Transitional Living Services provide a systemic and integrated approach to transition planning, services, and benefits for older foster youth and those who have aged out. Services are available to youth ages 14 up to age 23.
TMC	Temporary Managing Conservatorship; refers to the status of a child who has been placed in the conservatorship of DFPS but no final orders have been entered determining the permanent legal status for the child.
Transition Centers	Transition Centers are a central clearinghouse of one-stop services for current and former foster youth, youth experiencing homelessness, and other at-risk youth. There are 16 Transition Centers throughout Texas operated by DFPS and partnerships and Texas Workforce Commission. See www.texasyouthconnection.org for more information.

APPENDIX B: RIGHTS OF CHILDREN AND YOUTH IN FOSTER CARE

As a child or youth in foster care:

1. **I have the right to** good care and treatment that meets my needs in the least restrictive setting available. This means I have the right to live in a safe, healthy, and comfortable place. And I am protected from harm, treated with respect, and have some privacy for personal needs.
2. **I have the right to** know:

   Why am I in foster care?

   What will happen to me?

   What is happening to my family (including brothers and sisters) and how CPS is planning for my future?
3. **I have the right to** speak and be spoken to in my own language when possible. This includes Braille if I am blind or sign language if I am deaf. If my foster parents do not know my language, CPS will give me a plan to meet my needs to communicate.
4. **I have the right to** be free from abuse, neglect, exploitation, and harassment from any person in the household or facility where I live.
5. **I have the right to** fair treatment, whatever my gender, gender identity, race, ethnicity, religion, national origin, disability, medical problems, or sexual orientation.
6. **I have the right to** be free of any harsh, cruel, unusual, unnecessary, demeaning, or humiliating punishment. This includes not being shaken, hit, spanked, or threatened, forced to do unproductive work, be denied food, sleep, access to a bathroom, mail, or family visits. No one will make fun of me or my family or threaten me with losing my placement or shelter.
7. **I have the right to** be disciplined in a manner that is appropriate to how mature I am, my developmental level, and my medical condition. I must be told why I was disciplined. Discipline does not include the use of restraint, seclusion, corporal punishment, or threat of corporal punishment.
8. **I have the right to** attend my choice of community, school, and religious services and activities (including extracurricular activities) to the extent that is right for me, as planned for and discussed by my caregiver and caseworker, and based on my caregiver's ability.
9. **I have the right to** go to school and get an education that fits my age and individual needs.
10. **I have the right to** be trained in personal care, hygiene, and grooming.
11. **I have the right to** comfortable clothing similar to clothing worn by other children in my community.
12. **I have the right to** clothing that does a good job of protecting me against natural elements such as rain, snow, wind, cold, sun, and insects.
13. **I have the right to** have personal possessions at my home and to get additional things within reasonable limits, as planned for and discussed by my caregiver and caseworker, and based on caregiver's ability.
14. **I have the right to** personal space in my bedroom to store my clothes and belongings.
15. **I have the right to** healthy foods in healthy portions proper for my age and activity level.
16. **I have the right to** good quality medical, dental, and vision care, and developmental and mental health services that adequately meet my needs.
17. **I have the right to** not take unnecessary or too much medication.
18. **I have the right to** be informed of emergency behavioral intervention policies in writing. I have the right to know how they will control me if I cannot control my behavior. To know how they will keep me and those around me safe.
19. **I have the right to** live with my siblings who are also in foster care. If I am not living with my siblings, I have the right to know why. If there are no safety reasons why I cannot live with my siblings, it is my caseworker's job to try to work hard to find a home where I can live with my siblings.
20. **I have the right to** visit and have regular contact with my family, including my brothers and sisters (unless a court order or case plan doesn't allow it) and to have my worker explain any restrictions to me and write them in my record.

21. **I have the right to** contact my caseworker, attorneys, ad litems, probation officer, court appointed special advocate (CASA), and Disability Rights of Texas at any time. I can communicate with my caseworker, CASA, Disability Rights of Texas, or my attorney ad litem without limits in private.
22. **I have the right to** see my caseworker at least monthly and in private if necessary.
23. **I have the right to** actively participate in creating my plan for services and permanent living arrangements and in meetings where my medical services are reviewed, as appropriate. I have a right to a copy or summary of my plan and to review it. I have the right to ask someone to act on my behalf or to support me in my participation.
24. **I have the right to** go to my court hearing and speak to the judge.
25. **I have the right to** speak to the judge at a court hearing that affects where I am living including status hearings, permanency hearings, or placement review hearings.
26. **I have the right to** expect that my records and personal information will be kept private and will be discussed only when it is about my care.
27. **I have the right to** have contact with persons outside the foster care system. These visitors can be, but are not limited to, teachers, church members, mentors, and friends.
28. **I have the right to** have privacy to keep a personal journal, to send and receive unopened mail, and to make and receive private phone calls unless an appropriate professional or a court says that restrictions are necessary for my best interests.
29. **I have the right to** be informed of search policies. I have the right to be told if certain items are forbidden (or I am not allowed to have them) and why. If my belongings are removed, it must be documented.
30. **I have the right to** get paid for any work done, except for routine chores or work assigned as fair and reasonable discipline.
31. **I have the right to** give my permission in writing before taking part in any publicity or fund raising activity for the place where I live, including the use of my photograph.
32. **I have the right to** refuse to make public statements showing my gratitude to a foster home or agency.
33. **I have the right to** receive, refuse, or request treatment for physical, emotional, mental health, or chemical dependency needs separately from adults (other than young adults) who are receiving services.
34. **I have the right to** call the Texas Abuse/Neglect Hotline at 1-800-252-5400 to report abuse, neglect, exploitation, or violation of personal rights without fear of punishment, interference, coercion, or retaliation.
35. **I have the right to** complain to the DFPS Consumer Affairs Office at 1-800-720-7777 and/or Disability Rights of Texas at 1-800-252-9108 if I feel any of my rights have been violated or ignored. I cannot be punished or threatened with punishment for making complaints, and I have the right to make an anonymous complaint if I choose.
36. **I have the right to** be told in writing of the name, address, phone number and purpose of the Texas Protection and Advocacy System for disability assistance.
37. **I have the right to** not get pressured to get an abortion, give up my child for adoption, or to parent my parent, if applicable.
38. **I have the right to** hire independent mental health professionals, medical professionals, and attorneys at my own expense.
39. **I have the right to** understand and have a copy of the rights of children and youth in foster care.

Rights of Youth 16 and Older in Foster Care

When I am age 16 year of age or older in foster care:

1. **I also have the right to** attend Preparation for Adult Living (PAL) classes and activities as appropriate to my case plan.
2. **I also have the right to** a comprehensive transition plan that includes planning for my career and help to enroll in an educational or vocational job training program.
3. **I also have the right to** be told about educational opportunities when I leave care.
4. **I also have the right to** get help in obtaining an independent residence when aging out.
5. **I also have the right to** one or more Circle of Support Conferences or Transition Planning Meetings.
6. **I also have the right to** take part in youth leadership development opportunities.

7. **I also have the right to** consent to all or some of my medical care as authorized by the court and based on my maturity level. For example, if the court authorizes, I may give consent to:
    - Diagnose and treat an infectious, contagious, or communicable disease.
    - Examine and treat drug addiction.
    - Counseling related to preventing suicide, drug addiction, or sexual, physical, or emotional abuse.
    - Hospital, medical, or surgical treatment (other than abortion) related to pregnancy if I am unmarried.
    - I consent to any medical care on my own, without the court or DFPS involved , then I am legally responsible for paying for my own medical care.
8. **I also have the right to** request a hearing from a court to determine if I have the capacity to consent to medical care (Sec 266.010).
9. **I also have the right to** help with getting my driver's license, social security number, birth certificate, and state ID card.
10. **I also have the right to** seek proper employment, keep my own money, and have my own bank account in my own name, depending on my case plan and age or level of maturity.
11. **I also have the right to** get necessary personal information within 30 days of leaving care, including my birth certificate, immunization records, and information contained in my education portfolio and health passport.

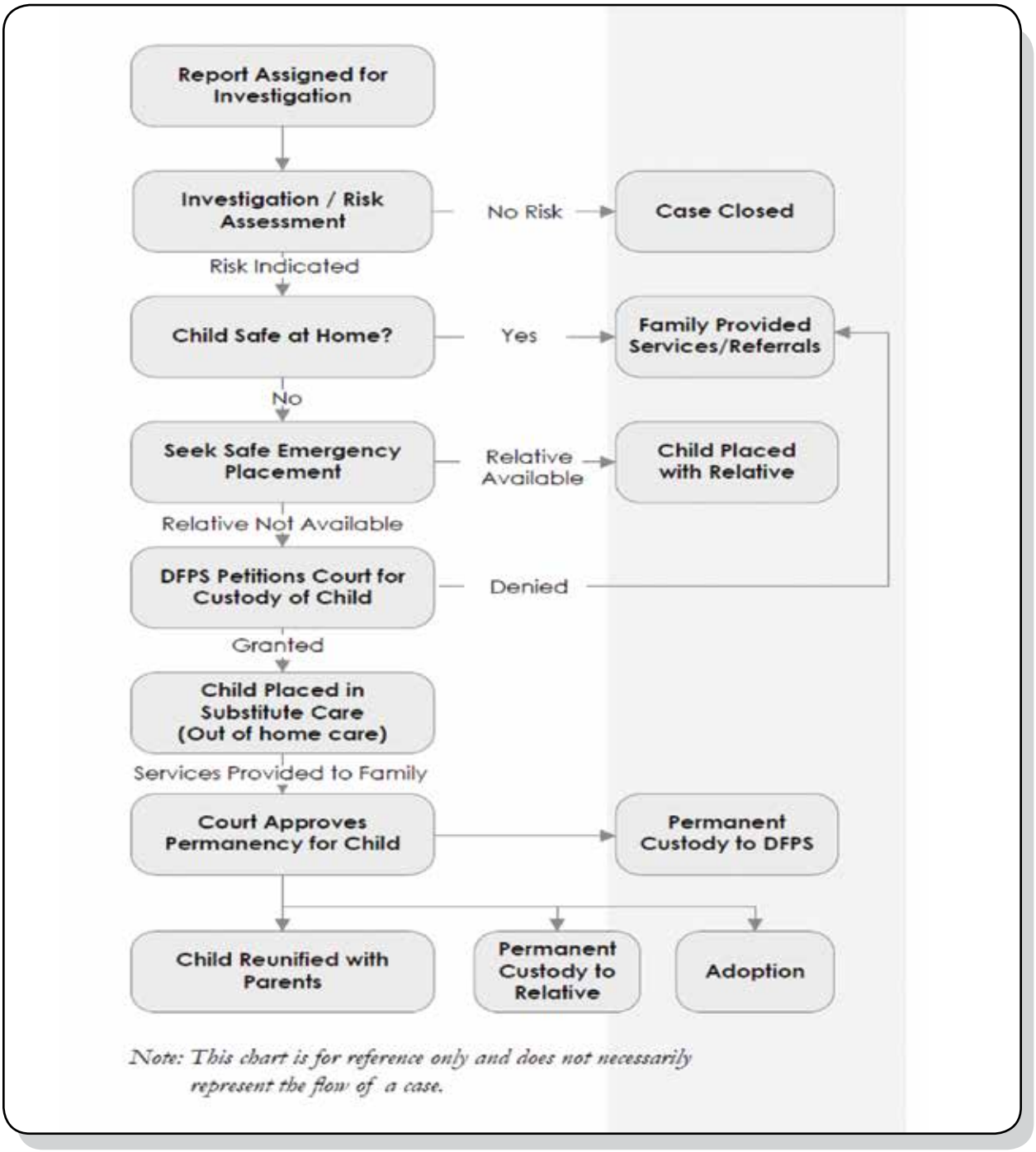
The Texas CPS Rights of Children and Youth in Foster Care may be found online at:
www.dfps.state.tx.us/Adoption_and_Foster_Care/About_Foster_Care/rights.asp

APPENDIX C: WHO ARE KEY PEOPLE INVOLVED IN THE LIFE OF A STUDENT IN FOSTER CARE?

There are many key people and systems involved in a student's life. Everyone must work together for educational success!

TIP: Working in new and coordinated ways often means making the circle bigger. Brainstorm ways to include and involve others also working with students in foster care.

APPENDIX D: CPS PROCESS – FLOW CHART



The graphic included is from the DFPS 2011 Annual Report & Data Book, p. 29.

APPENDIX E: TEXAS EDUCATION AGENCY "TO THE ADMINISTRATOR ADDRESSED"

TAA letters regarding students in foster care are included below:

Foster Care Awareness, May 17, 2013, available online (see below):
www.tea.state.tx.us/index4.aspx?id=25769804968

Child Abuse and Neglect Reporting Requirements, March 6, 2013, available online:
www.tea.state.tx.us/index4.aspx?id=25769803997

Importance of Maintaining the Education Stability for Children and Youth in the Foster Care System, August 22, 2012, available online: www.tea.state.tx.us/index4.aspx?id=2147508587

Attendance, Admission, Enrollment, Records and Tuition, August 2, 2012, available online: www.tea.state.tx.us/index4.aspx?id=2147508100

Visit: www.tea.state.tx.us/taa_letters.aspx for new letters as they become available.

TEA™
TEXAS EDUCATION AGENCY

May 17, 2013

TO THE ADMINISTRATOR ADDRESSED:

In recognition of National Foster Care Month, please join with TEA to increase awareness and contribute to improving the educational outcomes of Texas' 16,000 students in foster care. The Texas Legislature has identified school success as a positive counterbalance to the many challenges and obstacles foster youth face, and has required each school district to appoint a school district foster care liaison pursuant to the Texas Education Code (TEC) 33.904. If you have not yet notified TEA of the name of your foster care liaison, please submit the name of your district's appointment to fostercareliaison@tea.state.tx.us.

To assist schools with implementing their statutory responsibilities regarding students in foster care, TEA has compiled a list of foster care and education resources for your use.

- Visit TEA's Foster Care & Student Success webpage for TEC statutes, policy guidance and training materials. This webpage is updated frequently.
- Sign-up for TEA's Foster Care Education listserv to be added to the stakeholder distribution list.
- Learn about the importance of education: "Education is the Lifeline for Children and Youth in Foster Care" — Research Highlights on Children and Youth in Foster Care, October 2011.
- Distribute "What Teachers & Educators Can Do to Help Students in Foster Care" throughout your district — from National Foster Care Month.

Your district can contribute to the educational success of students in foster care by:

- Facilitating a smooth transition for students in foster care who must move to a new school by working collaboratively with other schools and districts to ensure that records are transferred in a timely fashion and students are re-enrolled immediately, awarded credits earned, and placed in appropriate classes and grade levels.
- Using trauma-informed practices in the classroom. See the free Child Trauma Toolkit in both English and Spanish from the National Child Traumatic Stress Network.
- Promoting postsecondary messages and opportunities. Connect students with resources.
- Strengthening collaboration with child welfare, courts, child advocacy organizations, foster parents, and others involved with children and youth in foster care.

Email your questions, comments, or concerns to fostercareliaison@tea.state.tx.us. Thank you for your commitment to students in foster care!

Sincerely,

Anita Givens
Associate Commissioner
Standards and Programs

APPENDIX F: *PLACEMENT AUTHORIZATION FORM 2085* – SAMPLE

Texas Dept of Family and Protective Services

PLACEMENT AUTHORIZATION
FOSTER CARE/RESIDENTIAL CARE

Form 2085FC
July 18, 2012

The Texas Department of Family and Protective Services (DFPS), managing conservator of

Child's Name		Person ID.	Medicaid No.
Date of Birth	County	Court No.	Cause No.

hereby authorizes to serve as this child's caregiver under the following terms and conditions:

1. Daily Care. The caregiver must provide the child's daily care, protection, control and reasonable discipline. Physical discipline, including spanking may not be used on a child that is in the conservatorship of DFPS. Reasonable discipline should be related to the child's specific misbehavior, age, developmental level, previous experiences, reactions to previous discipline, and any other relevant factors. The caregiver must comply with any applicable court orders and must provide care for the child which conforms to all applicable DFPS rules and standards and any specific instructions from DFPS. The child's placement with the caregiver is based on the caregiver's compliance with the requirements set forth in the contract with DFPS. DFPS, at its sole discretion, may transfer the child to another placement at any time.

2. Education. The caregiver must enroll the child in public school and / or other educational program(s) as directed by the child's caseworker or the caseworker's supervisor. The caregiver may sign any documents needed to enroll the child in a school or other educational program to implement DFPS's decisions about the child's education. The caregiver may also receive and review all the child's educational records. The caregiver may not consent to corporal discipline.

3. School Programs and Extracurricular Activities. The caregiver may authorize the child to participate in routine school programs and extracurricular activities that do not involve an unusual risk of injury to the child. The caregiver must inform the child's caseworker of all such activities.

4. Foster children who are the legal responsibility of the State or formally placed with a caregiver by the court are categorically eligible for free meals/milk in the National School Lunch Program/School Breakfast Program (NSLP/SBP), Special Milk Program (SMP), Summer Food Service Program (SFSP), and Child and Adult Care Food Program (CACFP). A caregiver who wants free meals/milk for their foster child/children need only present this document to the school, the summer feeding site, or their child care provider. No further application is required.

5. Travel. The caregiver may provide routine transportation for the child, including transportation for medical and dental care. The caregiver may also travel with the child within the state of Texas and remain away from the caregiver's facility for as long as 72 consecutive hours, or may arrange for the child to travel within the state of Texas and remain away from the caregiver's facility for as long as 48 consecutive hours.

   If the travel is within the state of Texas and for more than three 3 calendar days (72 consecutive hours), the caregiver must obtain prior written approval from the Department's caseworker or DFPS staff in the caseworker's chain of command. When the caregiver desires to take a child outside the state or country, the caregiver shall work with the Department's caseworker to follow policies and procedures.

   Prior to allowing any trip, activity, or visit to the home of any non-related person during which the caregiver will not be present, excluding Intermittent Alternate Care, for a period of time exceeding 48 consecutive hours, the caregiver must obtain written approval from the Department's caseworker or caseworker's chain of command.

   Written approval for travel and visits is not required when:
   - The Department's caseworker arranges for the child to visit with members of the child's own family or with relatives; or
   - The Department's caseworker authorizes the child to travel in specified circumstances (usually routine trips or visits.).

   In cases where approval is required, the caregiver must seek approval from the child's caseworker or the caseworker's supervisor at least 10 days in advance of the trip, if possible.

6. Photographs and videotapes. The caregiver may take photographs and record videotapes of the child for the child's and the caregiver's personal use and for purposes of identification. The caregiver generally may not

Texas Dept of Family and Protective Services

PLACEMENT AUTHORIZATION
FOSTER CARE/RESIDENTIAL CARE

Signature - DFPS Supervisor | Date | Tel

Important: Forms in the 2085 series are the only caregiver authorizations that the child's caseworker and the supervisor may sign. If either of them has signed any other caregiver authorization, that authorization is null a

ept of Family
tective Services

PLACEMENT AUTHORIZATION
FOSTER CARE/RESIDENTIAL CARE

Form 2085FC
July 18, 2012

release any photographs or videotapes of the child for public use without DFPS's prior written permission. Prior DFPS written permission is not necessary if the child gives permission and the use of the photograph is in the child's best interest, no reference is made to the fact that the child is in the conservatorship of DFPS, and the release is in the course of normal school or extracurricular activities or to the child's friends or the caregiver's friends and family.

Medical Care. The caregiver has been provided with current information as to who has authorization to consent to healthcare (medical, dental, vision, and behavioral healthcare) for the child. DFPS will notify the caregiver if this information changes. Healthcare for children in foster care in Texas is provided through Superior Health Plan Network (STAR Health 1-866-912-6283). For out-of-state placements, contact the child's caseworker for questions about healthcare coverage. The medical consenter for a child placed in Texas must select a STAR Health Primary Care Physician (PCP) from the STAR Health Provider Directory located at www.fostercaretx.com. Only the medical consenter can select a PCP. If the caregiver is not the medical consenter, the caregiver must coordinate with the medical consenter to select a PCP for the child. If you have any questions at any time, please contact the caseworker named below.

Confidentiality. Under penalty of law, the caregiver must not release information about the child to anyone without the prior authorization of the child's caseworker or the caseworker's supervisor, except as specified below:

- To the extent the information is needed for the child's education or medical, dental, or psychological treatment, the caregiver may provide information about the child to the child's school and other DFPS authorized educational programs; to doctors, dentists, and other medical providers; and to counselors and therapists.
- The caregiver must give DFPS unrestricted access to information about the child at all times.

Contact with the Family. The caregiver must permit the child and the child's family (as well as other individuals who are significant to the child) to maintain contact through direct visitation, telephone calls, mail, and gifts under the terms and conditions specified by DFPS and the court.

. Contact with Court Appointed Individuals.

- The caregiver must give an individual appointed by a court of competent jurisdiction (such as a Guardian ad Litem, an Attorney ad Litem, or a CASA staff or volunteer) access to the child's information. A contractor or caregiver must ensure that the individual has a valid court order and a notification letter of volunteer assignment and acceptance that clarifies the individual's appointment to the child.
- The contractor or caregiver must give an individual appointed by a court of competent jurisdiction access to the child. Parties will exercise reasonable attempts to plan and coordinate visits but unannounced visits will not be prohibited as long as it does not disrupt the child's routine, including school, therapy, family visitation, or outings.
- If the contractor or caregiver cannot readily determine the identity or authority of an individual appointed by a court of competent jurisdiction, then the contractor or caregiver must obtain approval from the Department prior to granting the individual access to the Child.

11. Reason for Placement — Briefly discuss the reason for the child's out-of-home placement below

12. Time in Care — How long is the child expected to be in care

Authority of the Department of Family and Protective Services. DFPS, at its sole discretion, may remove the child from the caregiver at any time, subject to applicable court orders.

Signature - Caregiver | Date | Telephone No.

Signature - DFPS Caseworker | Date | Telephone No.

APPENDIX G: ENROLLMENT CHECKLIST – SAMPLE

General Information Survey
(School Enrollment Form)

Student Name _____

1. Has your child ever attended an HISD school? Yes _____ No _____
   If YES, name of HISD school _____
   Grade (s) _____ School Year (s) _____

2. Has your child received the following services?
   - Bilingual program Yes _____ No _____
   - ESL program Yes _____ No _____
   - Special Education Yes _____ No _____
     A. Resources B. Speech Therapy C. Other _____
   - 504 Services Yes _____ No _____
   - Dyslexia Yes _____ No _____
   - Intervention Assistance Team Yes _____ No _____
   - Gifted and Talented Classes Yes _____ No _____
   - Social Services Yes _____ No _____
     i. 2085 Form Yes _____ No _____
     If yes, please specify the type: _____
   - Health Care Services Yes _____ No _____
   - Counseling Yes _____ No _____
   - Retained Yes _____ No _____
     If yes, what grade?_____
   - Other Services (please specify): _____
     _____
     _____

Parent/Guardian Signature _____ Date _____

APPENDIX H: LIST OF SCHOOL RECORDS TO BE TRANSFERRED THROUGH TREX SYSTEM

School districts and public charter schools are required to participate in the TREx system. According to *TEA's Student Attendance and Accounting Handbook,* Section 3.4.4 the student record at a minimum must contain: Social Security Number or state approved alternate ID last reported through Public Education Information Management System (PEIMS):

- First, middle, and last name and generation code, if applicable
- Date of birth
- Gender
- Ethnicity and race
- Current grade level
- Immunization information
- Receipt of special education services and individual education plan, if applicable
- Academic year
- Course completion
- Final grade average
- Teachers of record
- Assessment instrument results
- District and campus ID
- Campus name and phone number

For high school students transferring from one Texas public school district or charter school to another, the following additional information is required to be sent via TREx:

- Student's address, including city, state, and zip code
- District name
- Exit-level assessment and date the exit-level requirement was met
- Advanced measures completed for the distinguished graduation program, if applicable
- Texas grant indicator code required by the end of the student's junior year
- Graduation program type required by the end of the student's junior year
- College board campus code
- Certification of coursework completion date, if applicable
- Current and previous coursework, including:
- Academic year
- Session type
- Campus awarding credit
- Course category, name, number, abbreviation, semester, grades and credit
- Course grade average and/or final grade average
- Special explanation codes, if applicable
- Pass/fail credit indicator codes, if applicable

For a complete list of data elements that can be sent through TREx, see *Appendix A* of the current year TREx Data Standards, available at: www.tea.state.tx.us/index4.aspx?id=3412.

APPENDIX I: EDUCATION RECORDS COLLECTED BY CPS SYSTEM *CASE RECORD AND EDUCATION PORTFOLIO* (CPS HANDBOOK, SECTION 4330 & 4360)

School personnel may assist in maintaining accurate CPS education records by providing copies of school-related information to caregivers and caseworkers when appropriate. See below for a list of education documents maintained in the student's *Case Record and Education Portfolio:*

All Children	Children Receiving *Special Education* or *Section 504 Services*
• Report cards (current school year) • Transcripts • Birth-Certificate (copy) • Immunization records • Placement authorization forms • List of medications taken during the school day (the caseworker gives a copy to a school nurse) • Standardized testing scores • School withdrawal documentation (if applicable) • Correspondence to and from the school	• ARD meeting for the current school year • Results of the child's full and individual evaluation (FIE) or current assessments and evaluations of tests offered by the school district • Results of the child's IEP, updated annually (ARD meeting paperwork) • Documentation of services provided under Section 504 • Individual Transition Plan or Summary of Performance (9–12th grade) • All records required for all other children

APPENDIX J: TEXAS VIRTUAL SCHOOL NETWORK (TxVSN)

For students in foster care to participate, approval is required by the local Regional Director and the Assistant Commissioner for CPS.

ONLINE LEARNING OPTIONS IN TEXAS:

Texas has an online education program known as the Texas Virtual School Network (TxVSN), which offers supplemental online high school courses statewide and a full-time online school option.

WHO ARE IDEAL CANDIDATES FOR ONLINE COURSEWORK?

Motivated students are ideal candidates for these programs. Ongoing mentoring of the student by a local, responsible adult throughout the time the student is taking the online course(s) and frequent monitoring of the student's participation and performance are critical for student's success. A Texas-certified teacher will be the instructor for any TxVSN course(s), but the local mentor/monitor will also play an in important role in the student's success. TxVSN online course(s) will be rigorous and take at least as much time and effort as a course offered in a traditional classroom. It is important that students and caregivers consider the unique nature of online learning prior to signing students up for these options. Ideal candidates for the online education programs in Texas include students who would like to take a course not offered in their district or that doesn't fit into their schedule, students who need to make up credits or accelerate their coursework, and students who are in need of a different school environment and work well independently. Please have the student check with their local school counselor for information.

TEXAS VIRTUAL SCHOOL NETWORK (TxVSN) SUPPLEMENTAL ONLINE HIGH SCHOOL COURSES

Eligible Texas students in grades 8–12 may enroll in online high school courses through the Texas Virtual School Network (TxVSN) statewide course catalog. This supplemental TxVSN program works in partnership with Texas public school districts and open-enrollment charter schools. Public school students work with their home district or open-enrollment charter school to participate in the TxVSN and the district or charter school awards credits toward graduation and diplomas. Eligible students *not* enrolled full-time in a Texas public school may also enroll in TxVSN catalog courses — up to a maximum of two courses per semester. These students must obtain access to TxVSN courses through the district or open-enrollment charter school attendance zone in which the student resides and pay the course fees.

TEXAS VIRTUAL SCHOOL NETWORK (TxVSN) FULL-TIME ONLINE SCHOOLS FOR PUBLIC SCHOOL STUDENTS

As of the 2012–2013 school year, there are three schools participating in the TxVSN Online Schools (OLS) program: Houston ISD, Texarkana ISD, and Texas College Preparatory Academies. Public school students in grades 3–12 who meet the qualifications in TEC § 30A.002 are eligible to participate in the TxVSN OLS program.

More information on TxVSN can be found at: www.txvsn.org/portal/

APPENDIX K: A DESCRIPTION OF THE RESPONSIBILITIES AND DUTIES OF DFPS EDUCATION SPECIALISTS

This position coordinates and acts as a liaison between DFPS and schools/districts in each DFPS region throughout Texas. The regional education specialist provides assistance and support to DFPS staff as follows:

- Provides information and referral services regarding developmental disability or education-related resources
- Identifies educational services or resources in the region
- Helps identify resources for specialized placement that meet the child's educational needs
- Assists with case planning to identify specific educational needs and services by conferring with others through individual case staffing and attending permanency planning meetings, as needed
- Attends Admission, Review, and Dismissal (ARD) meetings, when possible, when the caseworker is unable to attend
- Acts as a liaison with the Texas Education Agency (TEA), the independent school districts (ISDs), and other program specialists with the DFPS state office
- Helps caseworkers resolve education issues with schools and ISDs, and acts as a liaison with staff from DFPS's Legal Division, as needed
- Develops training curriculum and trains CPS staff and foster parents
- Works with regional DFPS staff to ensure that children in the conservatorship of DFPS receive appropriate educational services and that each child's case record includes a copy of the necessary education records. The caseworker creates an *Education Portfolio* for each school-age child in DFPS conservatorship. The *Education Portfolio* contains the child's current academic and psychological assessments, as well as immunization records and copies of report cards. For children with special needs, the *Education Portfolio* also includes notes from Admission, Review, and Dismissal (ARD) committee meetings and the Individualized Education Program (IEP)
- Helps coordinators associated with the Preparation for Adult Living (PAL) program develop transition plans for youth who are aging out of DFPS conservatorship

The information provided is from the CPS Handbook, Section 15120.

APPENDIX L: RESOURCE SECTION

DFPS HOTLINE Numbers:

1-800-233-3405	Adoption Hotline
1-800-862-5252	Licensing Hotline
1-800-647-7418	State Supported Living Centers (SSLC)
1-800-720-7777	Ombudsman Office
1-800-252-5400	Abuse Hotline (SWI)
1-888-580-4357	Runaway Hotline

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Note: References in this section are generally in accordance with APA rules except for legal references and end notes which in most cases are cited in accordance with Texas and United States legal citation forms in the endnotes and in a more academic format for the "references" pages.

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BEYOND THE GUIDE:

We hope The Foster Care and Student Success Resource Guide proves to be an excellent resource for education officials and others interested in helping educate children and youth in the foster care system. TEA intends to update resource links and keep up-to-date information on new developments. We will also post tools and resources as they are developed on the TEA website (www.tea.state.tx.us/FosterCareStudentSuccess/) and listserv. For questions or additional assistance, school districts may contact the federal and state education policy division office at this email address: fostercareliaison@tea.state.tx.us. We encourage you to submit your ideas, suggestions, and shared experiences with us.

Thank you for reading this guide and for your commitment to supporting students in Texas' foster care system on their educational journey!

Sincerely,

Texas Education Agency
Texas Department of Family and Protective Services
Supreme Court Children's Commission